

TITLE 1 - GENERAL PROVISIONS

Chapter 2 - Use of Citations

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1.2.1 Authority.

The Town of Grafton hereby elects to use the citation method of enforcement of ordinances. All Town officers and other Town personnel charged with the responsibility of enforcing the provisions of this Code are hereby authorized pursuant to Sec. 66.0113(1)(a), Wis. Stats., to issue citations for violations of this Code, including ordinances for which a statutory counterpart exists.

1.2.2 Form of Citation.

The citation shall contain the following as required by Sec. 66.0113(1)(b), Wis. Stats.:

- 1.2.2.01** The name and address of the alleged violator;
- 1.2.2.02** The factual allegations describing the alleged violation;
- 1.2.2.03** The time and place of the offense;
- 1.2.2.04** The section of the ordinance violated;
- 1.2.2.05** A description of the offense in such a manner as can be readily understood by a person making a reasonable effort to do so;
- 1.2.2.06** The date, time and place at which the alleged violator may appear in court; and
- 1.2.2.07** A statement which, in essence, informs the alleged violator that:
 - (A) The alleged violator may make a cash deposit of a specified amount to be mailed or delivered to the Clerk of Circuit Court for Ozaukee County at any time prior to the scheduled court appearance;
 - (B) If the alleged violator makes a cash deposit, the alleged violator need not appear in court unless subsequently summoned;
 - (C) If the alleged violator makes a cash deposit and does not appear in court, he or she either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees, and surcharges imposed under Sec. 814, Wis. Stats., not to exceed the amount of the deposit or will be summoned into court to answer the complaint if the court does not accept the plea of no contest;
 - (D) If the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment under Sec. 66.0113(3)(d) or the municipality may commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges imposed under Sec. 814, Wis. Stats.;
 - (E) If the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to

determine if restitution shall be ordered under Sec. 800.093, Wis. Stats.; and

- (F) If the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he or she read the statement required under Sec. 66.0113(1)(b)7.c., Wis. Stats., and shall send the signed statement with the cash deposit.

1.2.3 Schedule of Cash Deposits.

The cash deposits for the various ordinances for which a citation may be issued are as established on the schedule of cash deposits adopted by the Town Board, a copy of which is on file with the Town Clerk. Section 66.0113(3), Wis. Stats., relating to the violator’s options and procedure on default is hereby adopted and incorporated herein by reference.

1.2.4 Disposition of Money Deposited.

In accordance with Sec. 66.0111(2)(a), Wis. Stats., if the person released fails to appear, personally or by an authorized attorney or agent, before the court at the time fixed for hearing the case, the bond and money deposited, or an amount that the court determines to be an adequate penalty, plus costs, including any applicable fees prescribed in Chapter 814, Wis. Stats., may be declared forfeited by the court or may be ordered applied to the payment of any penalty which is imposed after an ex parte hearing, together with the costs. In either event, any surplus shall be refunded to the person who made the deposit.

1.2.5 Procedure.

Section 66.0113(3)(c) , Wis. Stats., relating to violator's options and procedures on default is hereby adopted and incorporated in this ordinance by reference.

1.2.6 Relationship To Other Laws.

1.2.6.01 Other Ordinances

The adoption and authorization for use of citations under this ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter.

1.2.6.02 Other Remedies

Adoption of this Chapter in no way precludes the adoption of any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this Chapter in no way precludes the proceeding under any other law or ordinance relating to the same or any other matter.

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