

**TOWN OF GLENWOOD  
ST. CROIX COUNTY, WISCONSIN**

**Chapter 5**

**CITATIONS**

**§ 5-1. Statutory Authority.**

The purpose of this Ordinance is to authorize the Town Board of the Town of Glenwood, or its designees, to issue citations for violations of Town ordinances, including ordinances with statutory counterparts. Pursuant to § 66.0113, Wis. Stats., the Town Board of the Town of Glenwood hereby elects to use the citation method of enforcement of the Town ordinances described herein, and including any for which a statutory counterpart exists.

**§ 5-2. Form of Citation.**

Town-issued citations shall include all of the following information:

- A. The name and address of the alleged violator.
- B. The factual allegations describing the alleged violation.
- C. The time and place of the offense.
- D. The number and section of the Town Ordinance violated.
- E. A designation of the offense in language that can readily be understood by a person making a reasonable effort to do so.
- F. The time at which the alleged violator may appear in St Croix County Court.
- G. A statement which in essence informs the alleged violator that:
  - (1) A cash deposit based on the schedule established by this Ordinance may be made, which shall be delivered or mailed to the Town Clerk a specified amount of time prior to the time of the scheduled court appearance;
  - (2) If a deposit is timely made, no appearance in court is necessary unless s/he is subsequently summoned.
  - (3) If a cash deposit is made and the alleged violator does not appear in court, s/he will be deemed to have entered a plea of no contest or, if the court does not accept the plea of no contest, a summons will be issued commanding him/her to appear in court to answer the complaint.
  - (4) If no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture.
  - (5) 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 pursuant to § 800.093, Wis. Stats.

- H. A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under Subsection G above has been read. Such statement shall be sent or brought with the cash deposit.
- I. Such other information as the Town deems necessary.

**§ 5-3. Forfeiture Amounts and Schedule of Cash Deposits.**

- A. The following scheduled of daily forfeiture amounts/cash deposits is established for use with citations issued under this Chapter. Cash deposits may be made in lieu of Court appearance.

<u>Title</u>	<u>Offense</u>	<u>Deposits and Costs</u>
Animal Control (Chapter 1)	1 <sup>st</sup> Violation	\$ 75.00, plus costs of impoundment, vaccination and licensure when applicable, and Court costs and fees
	2 <sup>nd</sup> Violation, same 12 month period, same offense	\$100.00, plus costs of impoundment, vaccination and licensure when applicable, and Court costs and fees
	3 <sup>rd</sup> Violation, same 12 month period, same offense	\$500.00, plus costs of impoundment, vaccination and licensure when applicable, and Court costs and fees

- B. In addition to the daily forfeiture amounts set forth herein, Town Ordinance violators shall also be responsible for all court costs incurred by the Town and the Town’s actual legal and professional fees and expenses incurred in prosecution of the citation.
- C. Deposits shall be made in cash, money order or certified check, payable to the Town of Glenwood and delivered to the Town Clerk, who shall provide a receipt thereof.

**§ 5-4. Issuance of Citation.**

The Ordinance(s) set forth below being directly related to the official responsibilities of the designated officials, the following officials are authorized to issue citations for alleged violations of the Ordinances specified below:

<u>Title</u>	<u>Enforcement Official</u>
Animal Control (Chapter 1)	Town Animal Control Officer, (i.e., the Town Chairperson or any Town Supervisor); any St. Croix County Sheriff’s Department officer

**§ 5-5. Procedure on Default.**

Section 66.0113(3), Wis. Stats., relating to violator's options and procedure on default, is hereby adopted

**§ 5-6. Remedies not Exclusive.**

- A. Other Ordinance. Adoption of this Ordinance does not preclude the Town Board from adopting any other Town Ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.
- B. Other Remedies. The issuance of a citation hereunder shall not preclude the Town Board or any authorized office from proceedings under any other Town Ordinance, regulation or order.

**§ 5-7. General penalty.**

Any person who shall violate any provision of any Town Ordinance for which a forfeiture is not otherwise provided shall be subject to a citation which may be issued by the Town Chairperson or any Town Supervisor.

- A. First offense. Any person who shall violate any ordinance or part of any ordinance of this Town shall, upon conviction thereof, forfeit not less than \$1 nor more than \$500, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days. Each day that such violation continues will constitute a separate offense.
- B. Second offense. Any person found guilty of violating any ordinance or part of an ordinance of this Town who shall previously have been convicted of a violation of the same ordinance shall, upon conviction thereof, forfeit not less than \$10 nor more than \$500 for each such offense, together with the costs of prosecution. Each day that such violation continues will constitute a separate offense.
- C. Execution against defendant's property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of any ordinance of the Town, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

**§ 5-8. Severability.**

If any portion of this Ordinance or its application to any person or circumstance is held invalid such a holding shall not affect any other portion application of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. Any such determination of invalidity shall not operate retroactively.

**§ 5-9. Effective Date.**

This Ordinance is effective on publication and posting. The Town Clerk shall properly publish this Ordinance as required under §60.80, Wis. Stats.

Ordinance adopted by action of the Town Board of the Town of Glenwood this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Joe Draxler, Town Chair

Attestation:

\_\_\_\_\_  
Michael Myers, Town Clerk

Published in the \_\_\_\_\_ on \_\_\_\_\_, 2014.