

**TOWN OF LINCOLN
POLK COUNTY WISCONSIN**

CODE OF ORDINANCES

Chapter 9

CITATIONS

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The Town Board of the Town of Lincoln finds that it is in the interest of the public health, safety, and welfare to authorize the use of citations as one method of enforcing town ordinances; therefore, the Town Board of the Town of Lincoln hereby ordains that the citation method shall be authorized as a method of enforcing town ordinances. The Town of Lincoln hereby ordains that the Town of Lincoln Code of Ordinances, Chapter 9 regarding Citations, shall be adopted as follows:

A. Statutory authority.

Pursuant to W.S.A. s.66.119, the Town of Lincoln authorizes the use of the citation method of enforcement of ordinances, including those for which a statutory counterpart exists, and s.66.119 is hereby incorporated and made a part of this chapter.

B. Contents of citation. The citation shall contain the following:

1. Name and address of the alleged violator.
2. Factual allegations describing the alleged violator.
3. Time and place of the offense.
4. Number and section of ordinance violated.
5. A designation of the offense in such a manner as can readily be understood by a person making a reasonable effort to do so.
6. Time and date in which the alleged violator may appear in court.
7. A statement which informs the alleged violator that:
 - a. A cash deposit based on the established schedule may be delivered or mailed to a specified official within a specified time.
 - b. If a deposit is made no appearance in court is necessary unless he/she is subsequently summoned.
 - c. If the violator makes a cash deposit and does not appear in court, either he/she will be deemed to have tendered a plea of no

contest and submitted to a forfeiture [a penalty assessment imposed by W.S.A. s.165.87 and a jail assessment imposed by W.S.A. s.302.46(1) not to exceed the amount of the deposit] or he/she will be summoned into court to answer the complaint if the court does not accept the plea of no contest.

- d. If the violator does not make a cash deposit and does not appear in court at the time specified, an action may be commenced against the alleged violator to collect the forfeiture, the penalty assessment imposed by the W.S.A. s.165.87 and the jail assessment imposed by W.S.A. s. 302.46(1).
- 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 s. 800.093 Wis. Statutes.

- 8. A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be sent or brought with the cash deposit.

C. Form of Citation

The town adopts for use the Municipal Citation, Form MC2000, consisting of a five-part citation. A sample of which is on file in the office of the Town Clerk and adopted by reference as if fully set forth herein; provided, however, that all court proceedings shall occur under the jurisdiction of the Amery Municipal Court.

D. Schedule of deposits.

- 1. The schedule of cash deposits for use with citations issued under this section shall be as adopted by the Town Board from time to time, and such schedule shall be on file with the Town Clerk, the Clerk of the Amery Municipal Court, and the City of Amery Police Department. Statutory penalty assessment imposed by W.S.A. s.165.87 and the jail assessment imposed by W.S.A. s.302.46(1) shall be added to any cash deposit.

E. Payment of deposit; receipt.

Deposits shall be in cash, money order or certified check to the Clerk of Amery Municipal Court. The cash deposit plus court costs must be paid to the Amery Municipal Court. In either case the City shall provide a receipt for the payment.

F. Officers authorized to issue citations. The following officials may issue citations with respect to those specified sections which are directly related to their official responsibilities:

1. Building Inspector
2. Zoning Administrator
3. Health Officer
4. Animal Control Officer
5. Town Chairperson and Town Board Members
6. Fire Chief

G. Options and Procedures on default.

Section 66.119(3) of the Wisconsin Statutes, relative to a violator's opinions and procedures on default, is hereby adopted and incorporated herein by reference.

H. Effect on other ordinances and remedies.

1. Other ordinances. This chapter does not preclude the Town of Lincoln from adopting any other ordinance or providing for the enforcement of any law or ordinance relating to the same or other matters.
2. Other remedies. The issuance of a citation hereunder shall not preclude the town or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

I. SEVERABILITY. Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void, or invalid for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

J. EFFECTIVE DATE. This ordinance is effective upon adoption and publication as required by law.

Adopted this 12th day of March 2009

Jay Luke

Jay Luke, Chairman

Richard Waterman

Richard Waterman, Supervisor

Alan Carlson

Alan Carlson, Supervisor

ATTEST: Stephanie Marciniak
Stephanie Marciniak, Clerk

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