

ORDINANCE NO. 2-5-93 (1993)

AN ORDINANCE ADOPTING THE UNIFORM CITATION METHOD

The Town Board of the Town of Farmington does hereby ordain as follows:

Section 1. (1) CREATION. Pursuant to §66.119, Wisconsin Statutes, the Town hereby elects to use the citation method of enforcement of ordinances including those for which a statutory counterpart exists.

Section 2. (2) CITATION. The citation shall contain the following:

- (a) The name and address of the alleged violator.
- (b) Factual allegations describing the alleged violation.
- (c) The time and place of the offense.
- (d) The section of the ordinance violated.
- (e) A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so.
- (f) The time at which the alleged violator may appear in court.
- (g) A statement which, in essence, informs the alleged violator, as follows:

1) A cash deposit of a specified amount may be made which shall be delivered or mailed to the Clerk of Courts prior to the time of the scheduled court appearance.

2) If such a deposit is made, the alleged violator need not appear in court unless he/she is subsequently summoned.

3) That if the alleged violator makes a cash deposit and does not appear in court, he/she either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment imposed by §165.87, Wisconsin Statutes, a jail assessment imposed by §302.46(1), Wisconsin Statutes, any applicable domestic abuse assessment imposed by §973.055(1), Wisconsin Statutes, and an automatic reinstatement assessment imposed by §345.54(1), Wisconsin Statutes, 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.

4) That 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 §66.119(3)(d), Wisconsin Statutes, or the municipality may commence an action against the alleged violator to collect the forfeiture, the penalty assessment imposed by §165.87, Wisconsin Statutes, the jail assessment imposed by §302.46(1), Wisconsin Statutes, any applicable domestic abuse assessment imposed by §973.055(1), Wisconsin Statutes, and the automatic reinstatement assessment imposed by §345.54(1), Wisconsin Statutes.

5) That 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 §800.093, Wisconsin Statutes.

(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 paragraph (g) above has been read. Such statement shall be sent or brought with the cash deposit.

(i) Such other information as the Town Board deems necessary.

Section 3. (3) DEPOSITS. (a) Each citation issued under this section, except those to which paragraph (c) below applies, shall specify a cash deposit, which consists of the appropriate forfeiture, a penalty assessment, the jail assessment, any applicable domestic abuse assessment imposed by §973.055(1), Wisconsin Statutes and the automatic reinstatement assessment imposed by §345.54(1), Wisconsin Statutes and court costs.

(b) Deposits shall be made in cash, money order or check to the County Clerk of Courts, who shall provide a receipt therefor.

(c) The deposit, including costs, pertaining to any minor receiving a citation under this section shall in no event exceed the maximum penalties provided by Chapter 48, Wisconsin Statutes, except that costs and penalties shall not be assessed against minors unless Wisconsin law so provides.

Section 4. (4) DEPOSIT SCHEDULE. Every law enforcement officer issuing a citation for any violation of this ordinance, shall indicate on the citation the amount of the deposit that the alleged violator may make in lieu of court appearance. The amount of the

deposit shall be determined by the Town Board, which shall prepare a Town Bond Schedule.

Section 5. (5) ISSUANCE OF CITATION. Any law enforcement officer may issue citations authorized under this section.

Section 6. (6) NONEXCLUSIVITY. (a) Other Ordinances. Adoption of this section does not preclude the Town from adopting any other 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 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.

Section 7. This ordinance shall take effect the upon passage and publication according to law.

Approved: 5-17, 1993.

TOWN OF FARMINGTON

by Donald Fabricius
Donald Fabricius, Chairman

by Donald B. Waller
Donald Waller, Supervisor

by Dale Trinrud
Dale Trinrud, Supervisor

Adopted: 5-17, 1993.

Approved: 5-17, 1993.

Published: 5-27, 1993.

ATTEST:

Ruth Ann Olinger
Ruth Olinger, Clerk