

STATE OF WISCONSIN
Town of St. Germain, Vilas County

Code of Ordinances
Chapter 10: Citations
(Adopted 06/13/2022)

10.01 TITLE: This chapter shall be known as “St. Germain Code of Ordinances, Chapter – 10 Citations”.

10.02 PURPOSE: The purpose of this chapter is to authorize the Town Board, or its designees, to issue citations for violations of chapters of the Town Code of Ordinances having forfeiture provisions.

10.03 STATUTORY AUTHORIZATION: The Town has the general authority to enact this chapter under its village powers of §60.22, Wis. Stats. and specific authority under §66.0113, Wis. Stats.

10.04 DEFINITIONS: In this ordinance:

Town means the Town of St. Germain in Vilas County, Wisconsin.

Town board means the board of supervisors for the Town of St. Germain, Vilas County, Wisconsin, and includes designees of the town board authorized to act for the town board.

Town Clerk means the clerk of the Town of St. Germain, Vilas County, Wisconsin.

Wis. Stats. means Wisconsin Statutes

10.05 CITATION ADOPTION; CONTENT:

- (A) The Town hereby adopts the use of a citation to be issued for violations of ordinances, including ordinances for which a statutory counterpart exists.
- (B) The form for citations to be issued by the Town, or its designees, for violations of chapters of the Town Code of Ordinances having forfeiture provisions, shall include the following:
- (1) The name and address of alleged violator.
 - (2) The factual allegations describing the alleged violation.
 - (3) The time and place of the offense.
 - (4) The section of the ordinance violated.
 - (5) A designation of the offense in a manner that can be readily understood by a person making a reasonable effort to do so.
 - (6) The time at which the alleged violator may appear in court and a statement describing whether the appearance is mandatory.
 - (7) A statement which in essence informs the alleged violator:
 - (a) That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time.
 - (b) That if the alleged violator makes such a deposit, he or she need not appear in court unless appearance is mandated by the court, or he or she is subsequently summoned.

- (c) That, 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 Wis. Stats. §814, 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) 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 sub. (3) (d), or the municipality may commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges imposed under Wis. Stats. §814.
 - (e) 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 Wis. Stats. §800.093.
- (8) A direction that 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 10.05(A)(7) and shall send the signed statement with the cash deposit.
- (9) Such other information as may be deemed necessary.
- (C) Chapters of the Town's Code of Ordinances containing forfeiture provisions shall include a schedule of cash deposits that are to be required for the various ordinance violations, plus costs, fees, and surcharges imposed under Wis. Stats. §814, for which a citation may be issued. Cash deposits shall be paid to the Vilas County Clerk of Court.

10.06 CITATION ISSUANCE (writing citations):

- (A) Citations authorized under this chapter may be issued by law enforcement officers of Vilas County. In addition, the Town authorizes:
- (1) The Town Animal Control Officer to issue citations for violations of Chapter 11 – Dog Licensing and Control.
 - (2) The Town Chairman to issue citations for violations of all other chapters of the Town Code of Ordinances having forfeiture provisions.
- (B) The issuance of a citation by a person authorized to do so under shall be deemed adequate process to give the Vilas County Circuit Court jurisdiction over the subject matter of the offense for the purpose of receiving cash deposits, if directed to do so. Issuance and filing of a citation do not constitute commencement of an action. Issuance of a citation does not violate Wis. Stats. §946.68.

10.07 CITATION SERVICE (delivering issued citations):

- (A) Upon a citation being issued by either the Town Chairman or Town Animal Control Officer, the Clerk shall prepare a letter to accompany the citation when served to the alleged violator. The letter shall include the following information as shown on the citation:
- (1) Citation number, name of the person to whom the citation is issued, and location of the alleged violation.

- (2) Instructions for cash deposit.
 - (3) Forfeiture stipulation
 - (4) Advice that continuation of the alleged violation may result in issuance of further complaints or citations.
- (B) Serving of citations may be accomplished by any of the following methods at the discretion of the Clerk:
- (1) Served in person by any elected officer of the Town, or by the appointed Animal Control Officer for citations pertaining to Chapter 11 – Dog Licensing and Control (unless circumstances of the citation dictate otherwise, this option is the preferred method of service).
 - (2) Served by a Vilas County Law Enforcement Officer (when circumstances of the citation are such that it may be inappropriate for a Town Officer to serve the citation, this option may be suitable for service addresses within Vilas County)
 - (3) Served by US Mail (this option is intended for service to addresses outside of Vilas County).

10.08 RELATIONSHIP TO OTHER LAWS:

The adoption and authorization for use of a citation under this chapter 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 any other matter. The issuance of a citation under this chapter does not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter does not preclude the issuance of a citation under this chapter.

10.09 SEVERABILITY:

If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

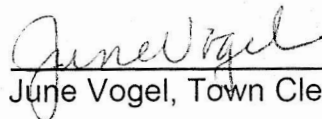
10.10 EFFECTIVE DATE: This chapter is effective on publication or posting and the Town Clerk shall properly post or publish this ordinance as required under §60.80, Wis. Stats.

Adopted this 13th day of June 2022

Attest



Tom Christensen, Town Chairman



June Vogel, Town Clerk