

ORDINANCE 2022-01 CITATION ORDINANCE

Town of Hartland, Shawano County, State of Wisconsin

SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of Hartland Citation Ordinance. The purpose of this ordinance is to authorize the Town Board of the Town of Hartland, or its designees, to issue citations for violations of Town of Hartland ordinances, including ordinances with statutory counterparts.

SECTION II – AUTHORITY AND ADOPTION OF ORDINANCE

The Town Board of the Town of Hartland, Shawano County, Wisconsin, has the specific authority under s. 66.0113, Wis. stats., to adopt this ordinance.

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides the authority for the town to issue citations for violations of Town of Hartland ordinances, including ordinances with statutory counterparts.

SECTION III – REQUIREMENTS

A. The the form for citations to be issued in the Town of Hartland by the town board, or its designees, for violations of Town of Hartland ordinances shall be as provided in this subsection and shall include all of the following:

1. The name and address of the alleged violator.
2. The factual allegations describing the alleged violation.
3. The time and place of the alleged violation.
4. The number 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.
7. A statement that in essence informs the alleged violator of all of the following:
 - 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 a cash deposit, he or she need not appear in court unless 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 chapter 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. 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 s. 66.0113 (3) (d), Wis. stats., or the municipality may commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges imposed under chapter 814, Wis. stats.

SECTION VII – SEVERABILITY

If any provision of this ordinance 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 ordinance are severable.

SECTION VIII – EFFECTIVE DATE


This ordinance is effective on publication or posting.

The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. Stats.

Adopted this 15th day of August, 2022 at a Special Public Hearing of the Hartland Town Board.

Voted for: 3 Against: 0 Absent: —


Thomas Riehl – Chairman


David Bohm – Supervisor


Bill Berkhahn – Supervisor

Attested: 
Sharon Riehl – Clerk

Town of Hartland Citation Form

Alleged Violator Name/Address: _____

Violation Allegations: _____

Violation Place: _____

Violation Time: _____

Ordinance # Violated: _____

Court Appearance Date/Time: _____

Violation Conditions as per s. 66.0113 (1) (b) 7., Wis. stats.:

- a. The alleged violator may make a cash deposit of a specified amount to be mailed to Hartland Town Treasurer within 5 days of citation. If doing so, signature required below and copy of citation must accompany deposit.
- b. If the alleged violator makes a cash deposit, he or she 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 chapter 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 s. 66.0113 (3) (d), Wis. stats., or the municipality may commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges imposed under chapter 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 s. 800.093, Wis. stats.

Alleged Violator has read the Violation Conditions as per s. 66.0113 (1) (b) 7., Wis. stats.:

Violator Name/Signature

Date