

ORDINANCE 2025-01 CITATION ORDINANCE

Town of Hartland, Shawano County, State of Wisconsin

Section I – Title & 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 the Town of Hartland ordinances, Town of Hartland zoning 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 §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 an proper notice having been given, provides the authority for the town to issue citations for violations of Town of Hartland ordinances, Town of Hartland zoning ordinances, including ordinances with statutory counterparts.

Section III – Requirements

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, or Town of Hartland Zoning 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 ordinance violated
5. The designation of the offense in manner that can be easily understood by person making a reasonable effort to do so.
6. The time at which the alleged violator may appear in court.
7. A statement that informs the violator of all of the following
 - a. That the alleged violator makes a cash deposit of a specified amount to be mailed to a specified official within a specified time period.
 - 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 specified time, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance too be a plea of no contest and enter judgement

under § 66.0113 (3) (4), 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. 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, Wis stats.
8. A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement that accompanies the citation to indicate that he or she read the statement required under § 66.0113 (1) (b) 7., Wis stats. and shall send the signed statement with the cash deposit.
9. Any other information the Town Official deems necessary to fully explain the violation.

SECTION IV – SCHEDULE OF DEPOSITS

The Town Board names the following court, clerk of courts, or other officials to whom cash deposits are to be made and requires that receipts shall be given for cash deposits: Town of Hartland Treasurer, or Shawano County Clerk of Courts

The Town of Hartland Town Board adopts the following schedule of cash deposits that are required for the various Town of Hartland Ordinance or Town of Hartland Zoning Ordinance violations. The applicable Court costs shall be applied in addition to these cash deposits.

<u>Ordinance</u>	<u>Offense Deposits</u>
Any & All Town Ordinance (unless listed separately)	\$500
Any & All Town Zoning Ordinance (unless listed separately)	\$500
Shawano County 911 Uniform Property Numbering Ordinance	\$500
Health, Junk & Environmental Hazard Ordinance	\$500, \$2500, \$5000
Conditional Use Permit Violation	\$1000, \$2500, \$5000

SECTION V – PENALTIES

Any person who is issued a citation for violating a Town Ordinance or a Town Zoning Ordinance shall upon conviction of such violation be subject to a penalty which shall be outlined below. Each day a violation exists shall constitute a separate violation of the specific ordinance.

General penalty. Any person who shall violate any of the provisions of the Town Ordinance or Town Zoning Ordinances shall, upon the conviction of such violation, be subject to a penalty, which shall be as follows:

1. First Offense – Penalty: Any person who is cited for a Town Ordinance or Town Zoning Ordinance violation shall upon conviction thereof, forfeit not less than \$100 not more than \$500, unless otherwise noted in the deposit schedule, together with the costs of prosecution, and in default of payment of payment of such forfeiture and costs of such prosecution, shall be imprisoned in County Jail until such forfeiture and costs are paid, for a period not to exceed 90 days.

2. Second and Subsequent Offenses – Penalty: Any person cited for a violation of any Ordinance or part of any Ordinance who has previously been convicted of a violation of the same Ordinance within one year shall, upon conviction thereof, forfeit not less than \$200 nor more than \$1000 for such offense, unless otherwise noted in the deposit schedule, together with costs of prosecution and in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, for a period not to exceed six months.
3. Failure to Pay – Penalty: Failure of the violator to pay penalty within the required time will subject them to all authorized statutory penalties for contempt.

SECTION VI – ISSUANCE AND SERVICE OF CITATION

Town of Hartland citations may be issued by the following:

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| a. Town Chairman | Town Ordinance Violations |
| b. Town Supervisors | Town Ordinance Violations |
| c. Town Zoning Administrator | Town Zoning Ordinance Violations |
| d. Shawano County Sheriff's Department | Town Ordinance Violations |
| e. Any persons appointed by Town Board | Town Ordinance Violations |
| f. Building Inspector | Building Code Violations |

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 – APPLICABILITY

This ordinance amends previously passed Town Ordinances and hereby incorporates by reference this ordinance into existing Town Ordinances. Where any conflict between Ordinances exists with regard to enforcement of Ordinance violations, this Ordinance is controlling over the other Ordinances.

SECTION IX – EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly post or publish this ordinance as required under § 6080, Wis. Stats.

This ordinance was adopted at a regular meeting of The Town Board of The Town of Hartland on the 10th day of February, 2025, and shall be in force in perpetuity, or until revoked by action of this Board or any succeeding Board thereof.




Dave Bohm, Chairman



Tim Leitermann, Supervisor



Peter Schmidt, Supervisor

Attested: 

Carrie Bohm, Clerk