

**Town of Perry
Dane County, WI**

Citation Ordinance

1.01 AUTHORITY

Pursuant to sec 66.119 of the Wisconsin Statutes, the Town Board of Supervisors of the Town of Perry, Dane County, Wisconsin hereby elects to use the citation method of enforcement of town ordinances described herein, other than those for which a statutory counterpart exists.

1.02 FORM OF CITATION

The citation shall contain 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 offense;
- (4) the section of the Ordinance violated;
- (5) a designation of the offense in such language as can be readily understood by a person making a reasonable effort to do so;
- (6) the date and time at which the alleged violator may appear in court;
- (7) a statement that in essence informs the alleged violator:
 - (a) that a cash deposit based on the schedule established by the Municipal Court of Mount Horeb may be made which shall be delivered or mailed to the Clerk of Municipal Court prior to the time of the scheduled court appearance;
 - (b) that if a cash deposit is made, no appearance in court is necessary unless he/she is subsequently summoned;
 - (c) that if a cash deposit is made and the alleged violator does not appear in court at the time specified, he/she will be deemed to have entered a plea of no contest and have submitted to a forfeiture, of if the court does not accept the plea of no contest, a summons will be issued commanding him/her to appear in court to answer the complaint;

Citations Ordinance

- (d) that if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture.
- (8) a direction that if the alleged violator elects to make a cash deposit, the statement that accompanies the citation shall be signed to indicate that the statement required under Sec.1.02(7) of this Ordinance has been read, and such statement shall be sent or brought with the cash deposit;
- (9) such other information as the Town deems necessary.

1.03 SCHEDULE OF DEPOSITS

The following schedule of cash deposits is established for use with citations issued under this Ordinance:

Ordinance Title	Offense	Deposit and Costs
Land Division Ordinance	Violation	\$200.00 per violation plus current court costs
Driveway Ordinance	Violation	\$100.00 per violation plus current court costs
Building Permit	Violation	\$100.00 per violation plus current court costs
Mobile Home Ordinance	Violation	\$100.00 per violation plus current court costs
Recycling Ordinance	Violation	\$50.00 for first violation \$100.00 for subsequent violations, plus current court costs
Inspection Ordinance	Violation	\$25.00 - \$1,000.00 per violation plus current court costs
Town Road Ordinance	Violation	\$100.00 – \$1,000.00 per violation plus current court costs
Historic Preservation Ordinance	Violation	\$200.00 per violation plus current court costs

Citations Ordinance

Outdoor and Refuse Burning Ordinance	Violation	\$100.00 per violation plus current court costs
---	-----------	--

Fire Safety Inspections and Enforcement Ordinance	Violation	\$100.00 per violation plus current court costs
--	-----------	--

Deposits shall be made in cash, money order, or certified check to the Clerk of Municipal Court who shall provide a receipt therefore.

1.04 ISSUANCE OF CITATION

The Town Board may issue citations with respect to those specified ordinances that are directly related to their official responsibilities.

1.05 PROCEDURE

Sec. 66.119(3) of the Wisconsin Statutes relating to violations options and procedures on default is hereby adopted and incorporated by reference.

1.06 NON-EXCLUSIVITY

- (1) Other Ordinance. Adoption of this Ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.
- (2) Other Remedies. The issuance of a citation hereunder shall not preclude the Town Board or any authorized office from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation, or order.

1.07 SEVERABILITY

If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this Ordinance, which can be given effect without the invalid or unconstitutional provision or application.

1.08 EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the day after passage and publication as required by law.

- (1) **Town Board Approval.** This Ordinance was adopted by the Town Board on this 12th day of July, 2011

Adopted this 12th day of July, 2011

Patrick Downing, Chairman

Roger Kittleson, Supervisor

Mick Klein Kennedy, Supervisor

Attest:

Mary L. Price, Clerk

Published: August 9, 2011