

# STATE OF WISCONSIN

Town of Ludington

Eau Claire County

Citation Ordinance # 20050512

## SECTION I – TITLE/PURPOSE

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

## SECTION II – AUTHORITY

The town board of the Town of Ludington has the specific authority under s. 66.0113, Wis. stats. to adopt this ordinance.

## SECTION III – ADOPTION OF ORDINANCE

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

## SECTION IV – COVERAGE

- A. Except as provided in subsection E and F [if applicable] of this Section IV, the town board prescribes the form for citations to be issued in the Town of Ludington by the town board, or its designees, for violations of Town of Ludington 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 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. 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 ch. 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 ch. 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 s. 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 s. 66.0113 (1) (b) 7., Wis. stats, and shall send the signed statement with the cash deposit. 9. Any other information as may be deemed necessary.

- B. The town board adopts the following schedule of cash deposits that are required for the various Town of Ludington ordinance violations, which includes for each listed violation costs, fees, and surcharges imposed under ch. 814, Wis. stats.: See attached.
- C. The town board names the following court, clerk of court, or other official to whom cash deposits are to be made and require that receipts be given for cash deposits: TOWN OF LUDINGTON
- D. The town board requires that in traffic regulation violation actions, except for parking regulation violations, the uniform traffic citation specified in s. 345.11, Wis. stats., shall be used by the Town of Ludington in lieu of the citation form noted above in subsection C.
- E. The town board requires that in actions for violations of Town of Ludington ordinances enacted in accordance with s. 23.33 (11) (am) or s. 30.77, Wis. stats., the citation form specified in s. 23.54, Wis. stats., shall be used in lieu of the citation form noted above in subsection C.

## **SECTION V – ISSUANCE AND SERVICE OF CITATION**

- A. The Town of Ludington citations may be issued by the Town Board of the Town of Ludington or the Town Board of the Town of Ludington may designate certain Town of Ludington, County or other municipal officials, with their written approval, to issue such citations.
- B. The Town of Ludington citations, in addition, shall specifically be issued by the Ludington Town Clerk and the Eau Claire County Humane Association Officers. The Clerk may also designate a person to issue such Citations for the Town of Ludington and the Clerk may revoke this authority to issue anytime.
- C. The Town of Ludington Town Board has designated the Town Chair or any person approved by the Town Board to serve any citations for the Town of Ludington upon issuance. Any person specifically authorized by the Town Board to issue citations by the Town Board of the Town of Ludington may also serve such citations.

## **SECTION VI – RELATIONSHIP TO OTHER LAWS**

The adoption and authorization for use of a citation under this Ordinance does not preclude the Town Board of the Town of Ludington from adopting any other ordinance or providing for the enforcement of any other law or 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 Ordinance does not preclude proceeding under

any other ordinance or law relating to the same of 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 Ordinance.

#### SECTION VII – SEVERABILITY

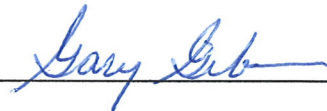
If any provision of this ordinance of its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision of application, and to this end, the provisions of this ordinance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

#### SECTION VIII – EFFECTIVE DATE

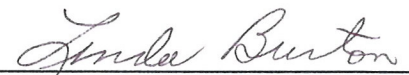
This Ordinance is effective on publication or posting.

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

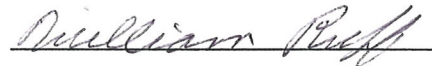
Adopted this 12<sup>th</sup> day of May, 2005.



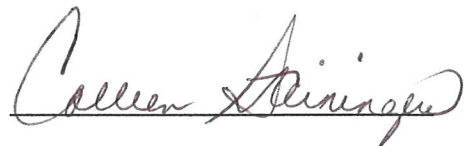
Town Chairman, Gary Gibson



Linda Burton, Supervisor



William Ruff, Supervisor



Colleen Steininger, Clerk