

Town of Metomen

Ordinance No. 2004-1

The Board of the Town of Metomen, Fond du Lac County, Wisconsin, does hereby ordain as follows:

1. Pursuant to Town of Metomen Board action of June 21st, 2004, **Town of Metomen Issuance of Citations Ordinance** is hereby adopted and shall become effective July 21st, 2004.
2. The notice of the ordinance shall be published and the full ordinance is posted in three posting places and at Town Garage as required by law.

Dated this 21st day of June, 2004.

Town of Metomen

By _____
Tom Soda, Town Chairman

ATTESTED:



Lynn Rands, Town Clerk

Publish July 1 & 8, 2004 – Both papers

TOWN OF METOMEN ISSUANCE OF CITATIONS ORDINANCE

NO. 2004-1

1. TITLE, PURPOSE, AND JURISDICTION

A. TITLE

This ordinance shall be known as, cited and referred to as The Town of Metomen Issuance of Citation ordinance.

B. STATUTORY AUTHORIZATION

This Ordinance is adopted pursuant to sec. 60.10, 60.20; sec. 60.22, sec 60.23, sec 60.24, sec. 66.119 and sec. 81.01 of the Wisconsin Statutes, together with the Town's village powers and police powers, all for the purpose of regulating, controlling, preventing and enforcing certain uses, activities, businesses and operations that may affect the public health, welfare and safety.

C. PURPOSE

Is to allow the Town of Metomen the use of the citation method of enforcement to enforce the Town of Metomen Ordinances described herein, including those for which a statutory counterpart exists.

2. GENERAL

A. The present tense includes the future tense and the singular tense includes the plural.

B. The word "shall" is mandatory; the word "may" is permissive.

C. The words "used" or "occupied" also mean intended, designed or arranged to be used or occupied.

D. The word "person" includes any individual, firm, association, joint stock association, organization, partnership, limited trust, body politic, governmental agency, company, corporation and includes any trustee, receiver, assignee, or other representative thereof.

3. FORM OF CITATION

The citation shall contain the following:

- (a) The name and address of the alleged violator;
- (b) The factual allegations describing the alleged violation;
- (c) The time and place of the offense;
- (d) The section of the ordinance violated;
- (e) A designation of the offense in such a manner as can readily be understood by a person making a reasonable effort to do so;
- (f) The time at which the alleged violator may appear in court;
- (g) A statement which in essence informs the alleged violator;
 - 1. A cash deposit based on the schedule established by this or other town ordinances may be made which shall be delivered or mailed to the Clerk of Court prior to the time of the scheduled court appearance.
 - 2. That if a deposit is made, no appearance in court is necessary unless the defendant is subsequently summoned.
 - 3. That if a cash deposit is made and the alleged violator does not appear in court, he /she will be deemed to have entered a plea of no contest, and submitted to a forfeiture with applicable penalty assessment, or 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.
 - 4. That if no cash deposit is made and the alleged violator does not appear in court at the time specified, the court may issue a summons or warrant for the defendant's arrest or consider the non-appearance to be a plea of no contest and enter judgment, or an action may be commenced to collect the forfeiture.
- (h) A direction that if the alleged violator elects to make cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under "g" above has been read. Such statement shall be sent or brought with the cash deposit;

(i) Such other information as the town deems necessary;

4. SCHEDULE OF DEPOSITS

The following schedule of cash deposits is established for use with citations issued under this ordinance.

<u>ORDINANCE TITLE</u>	<u>OFFENSE</u>	<u>DEPOSITS & COST</u>
Town Zoning Ordinance	All Zoning ordinance Violations	\$750.00 plus court cost
	Second Violations	\$1500.00 plus court cost
Recycling Ordinance	Violation	\$500.00 plus court cost
	Second Violations	\$1000.00 plus court cost
Access Control Ordinance	Violation	\$350.00 plus court cost
	Second Violations	\$700.00 plus court cost
Building & Mechanical Code Ordinance No 2-2000	Violation	\$500.00 plus court cost
	Second Violations	\$1000.00 plus court cost
Public Nuisances Ordinance	Violation	\$500.00 plus court cost
	Second Violations	\$1000.00 plus court cost
Disposal of Industrial Waste-Waters and By-Products Ordinance	Violation	\$750.00 plus court cost
	Second Violations	1500.00 plus court cost
Agricultural Livestock Enterprise Ordinance	Violation	\$750.00 plus court cost
	Second Violations	\$1500.00 plus court cost

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

5. ENFORCEMENT, ISSUANCE AND SERVING OF CITATION

The enforcement of all the Town of Metomen Ordinances shall be done by the following persons

<u>Ordinance Title</u>	<u>Enforcement Official</u>
Town Zoning Ordinance	Building Inspector/ Code Enforcement Officer, Town Chairman
Recycling Ordinance	Code Enforcement Officer, Town Chairman
Access Control Ordinance	Town Chairman
Building & Mechanical Code Ordinance	Building Inspector/ Code Enforcement Officer
Public Nuisances Ordinance	Code Enforcement Officer, Town Chairman, or Animal Control Person
Disposal of Industrial Wastewater And By-Products Ordinance	Code Enforcement Officer, Town Chairman
Agricultural Livestock Enterprise Ordinance	Code Enforcement Officer, Town Chairman

The issuance of a citation shall be the sole responsibility of the Town of Metomen Board.

The serving of a citation shall be done by an Officer of the Court, retained by the Town of Metomen Board.

6. PROCEDURE

Section 66.119(3) Wisconsin Statutes relating to violator's options and procedures on default is hereby adopted and incorporated by reference.

7. NONEXCLUSIVITY

A. 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.

B. OTHER REMEDIES

The issuance of a citation hereunder shall not preclude the Town Board or any authorized office from proceedings under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

8. SEPARABILITY OF PROVISION

Should any section or provisions of this ordinance be declared invalid, such decisions shall not affect the validity of the remaining portions of this ordinance.

9. EFFECTIVE DATE

This ordinance shall take effect from and after its passage and posting as provided by law.

Adopted this 21 day of June, 2004 by the Town of Metomen Board Supervisors, Fond du Lac County

Filed this 21 day of June, 2004

Tom Soda
Tom Soda
Chairman Town of Metomen

Lynn Rands
Lynn Rands
Clerk Town of Metomen

Scott Zacharias
Town Supervisor

Jeff Amundson
Town Supervisor

Legal Publication

Date

Ammended