

**State of Wisconsin
Township of Long Lake
Washburn County
CITATION ORDINANCE # 2005-5**

SECTION I – Title/Purpose

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

SECTION II – Authority

The town board of the Town of Long Lake has the specific authority under s. 66.0113, (Chapter 66 General Municipality Law) of the Wis. stats., to adopt this ordinance.

SECTION III – Adoption of Ordinance

The town board of the Town of Long Lake, 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 Long Lake to issue citations for violations of Town of Long Lake ordinances, including ordinances with statutory counterparts.

SECTION IV – Coverage

The town board prescribes the form for citations to be issued in the Town of Long Lake by the town board, or its designees, for violations of Town of Long Lake 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.

A. The town board adopts the following schedule of cash deposits that are required for the various Town of Long Lake ordinance violations, which includes for each listed violation costs, fees, and surcharges imposed under ch. 814, Wis. statutes. Deposits are listed within each specified ordinance.

B. 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: Washburn County Clerk of Court, Shell Lake Wisconsin.

SECTION V – Issuance and Service of Citation

A. The Town of Long Lake citations may be issued by the Town Board of the Town of Long Lake, or the Town Board of the Town of Long Lake may designate certain other municipal or county officials, with their written approval, to issue such citations.

B. The Town of Long Lake Town Board has designated the Town Chair or any person approved by the Town Board to serve any citations for the Town of Long Lake upon issuance. Any person specifically authorized by the Town Board to issue citations by the Town Board of the Town of Long Lake 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 Long Lake 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 8th day of MARCH 2005

[Signatures of town board]

Attest: [Signature of town clerk]

X Thomas C. Dettb - CHAIRMAN L.L.
X Edward Olund Supervisor I
X Harvey Olund - Supervisor II

Dolores Magnus - Town Clerk / Attest to Signatures
March 8, 2005