

TOWN OF NIAGARA
MARINETTE COUNTY
CITATION ORDINANCE
PER § 66.0113 (1)(a) OF THE WISCONSIN STATUTES
ORDINANCE # 2010-4-B

The Town Board of Supervisors of the Town of Niagara, Marinette County, does ordain as follows:

SECTION 1 - STATUTORY AUTHORITY - Pursuant to Section 66.0113(1)(a) of WI Statutes, The Town Board of the Town of Niagara hereby elects to use the citation method of enforcement of Town Ordinances described herein, or in a separate Ordinance including those for which a statutory counterpart exists.

SECTION 2 - 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.** The designation of the offense, in such 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 that in essence informs the alleged violator.
 - 1. That a cash deposit based on the schedule established by this or other Town Ordinance 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 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 a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under above has been read. Such statement shall be sent or brought with the cash deposit.
- I.** A statement that if the court finds the violation involves an offense that prohibits conduct prohibited by State Statute punishable by fine or imprisonment or both, and that the violation resulted in property damage or physical injury to a person other than the alleged violator, the

Court may summon the defendant into court to determine if restitution shall be ordered under WI State Statute 800.093 for Municipal Court.

J. Such other information as the Town deems necessary.

SECTION 3 – SCHEDULE OF FEES - Forfeiture and fines shall be in compliance with SECTION XIV of the Town Zoning Ordinance. WI State Statute 66.0114, 66.0115 and 66.0117 are hereby adopted and incorporated by reference.

SECTION 4 - ISSUANCE OF CITATION - The following officials may issue citations for their respective duties. They will include:

Zoning Administrator, with the approval of the Town Board

Town Board Member, with the approval of the Town Board

Marinette County Sheriff Department

City of Niagara Police Department

DNR Warden

Anyone duly appointed by the Town Board

SECTION 5 – PROCEDURE – Section 66.114(1)(b) WI State Statute relating to violator's options and procedures on default is hereby adopted and incorporated by reference.

SECTION 6 – 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 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.

SECTION 7 – SEVERABILITY – In the event any section or sections above, shall be ruled unconstitutional by any competent court, such determination shall not affect the validity or effectiveness of the other Town of Niagara by any competent court, such determination shall not affect the validity or effectiveness of the other sections of this Ordinance and the remainder of said Ordinance shall remain in full force and effect.

The foregoing Ordinance is hereby adopted by the Town Board of the Town of Niagara on this 14TH April, 2010.

Alfred Sauld, Chairman

Mark DeClark, Supervisor

Richard Payette, Supervisor

Attested by Dawn Johnson, clerk