

TOWN OF ELLINGTON  
ORDINANCE RELATING TO  
ISSUANCE OF CITATIONS  
FOR VIOLATIONS OR TOWN ORDINANCES  
NO. 97 - 08

The Town Board of Supervisors of the Town of Ellington, Outagamie County, does ordain as follows:

SECTION 1 - STATUTORY AUTHORITY

Pursuant to Section 66.119 of Wisconsin Statutes, the Town Board of Supervisors of the Town of Ellington, Outagamie 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.

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. A designation of the offense in such 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. That a cash deposit based on the schedule established by this 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 he is subsequently summoned.
  3. That if a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest, or if the court does not accept the plea of no contest, a summons will be issued commanding him 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, 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 "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.

SECTION 3 - SCHEDULE OF DEPOSITS

The following schedule of cash deposits is established for use with citations issued under this ordinance. The bond amount shall be that set forth in the Municipal Court Bond Schedule as published in the current State of Wisconsin Uniform State Traffic Deposit Schedule handbook. The bond shall include the current penalty assessment, county jail assessment, and court costs.

<u>ORDINANCE TITLE</u>	<u>OFFENSE</u>	<u>PENALTY &amp; FORFEITURE</u>
Public Nuisance	First	written warning
	Second	\$50.00 forfeiture, plus assessments, court costs
	Third	75.00 forfeiture, plus assessments, court costs
	& Subsequent	
Dog Ordinance	First	\$25-100.00 forfeiture, plus assessments, court costs
	Second	\$50-200.00 forfeiture, plus assessments, court costs
	& Subsequent	

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

SECTION 4 - ISSUANCE OF CITATION

The following officials may issue citations with respect to those specified ordinances which are directly related to their official responsibilities.

<u>ORDINANCE TITLE</u>	<u>ENFORCEMENT OFFICIAL</u>
Public Nuisance	Constables or any County Sheriff's Department
Dog Ordinance	Constables or any County Sheriff's Department

SECTION 5 - PROCEDURE

Section 66.119(3) Wisconsin Statutes 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 provided 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.

SECTION 7 - SEVERABILITY

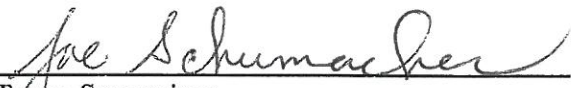
If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this ordinance which can be given effect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

SECTION 8 - EFFECTIVE DATE

This ordinance shall take effect upon its passage and publication as provided by law.

The foregoing ordinance was adopted at a regular meeting of the Town Board of the Town of Ellington on NOVEMBER 3, 1997

  
Town Chairperson

  
Town Supervisor

  
Town Supervisor

Filed this 3 day of  
NOVEMBER, 1997.

**THIS ORDINANCE REPLACES ANY AND ALL PREVIOUS ORDINANCES PERTAINING TO THIS SUBJECT.**

Donna Bentley  
Town Clerk

Published and Posted NOVEMBER 15, 1997