

Ordinance 95-02D
Town of Lac du Flambeau
Vilas County, Wisconsin

Town of Lac du Flambeau Citation Ordinance

The Town Board of the Town of Lac du Flambeau pursuant to its authority under Section 66.0113 Wis. Stats., does hereby amend and restate Lac du Flambeau Town Ordinance 95-02C in its entirety as follows:

SECTION I – TITLE AND PURPOSE

The title of this Ordinance is the Town of Lac du Flambeau Citation Ordinance. The purpose of this Ordinance is to repeal Ordinance No. 95-02C, the Town's previous Citation Ordinance, and replace it with this Ordinance which is also designed to authorize the Town Board of the Town of Lac du Flambeau, or its designees, to issue citations for violations of Town of Lac du Flambeau Ordinances, including Ordinances with statutory counterparts.

SECTION II – AUTHORITY

The Town Board of the Town of Lac du Flambeau, Vilas County, Wisconsin, has the specific authority under s. 66.0113, Wis. Stats., to adopt this ordinance.

SECTION III – ADOPTION OF ORDINANCE

This Ordinance, adopted by a majority of the Town Board on a roll call vote with a quorum present and voting and proper notice having been given, provides the authority for the Town to issue citations for violations of Town of Lac du Flambeau Ordinances, including Ordinances with statutory counterparts.

SECTION IV - SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This Ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

SECTION V – COVERAGE

A. Except as provided in subsections D and E, the form for citations to be issued in the Town of Lac du Flambeau by the Town Board, or its designees, for violations of Town of Lac du Flambeau 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 alleged violation.
4. The number 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 chapter 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 chapter 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 Lac du Flambeau Ordinance violations, which includes for each listed violation the costs, fees, and surcharges imposed under Chapter 814, Wis. Stats.:

1. Any violation of the Lac du Flambeau Comprehensive Zoning Ordinance, No. 93-4, or any subsequent revisions thereof which are violated shall be subject to a forfeiture of not less than \$100 nor more than \$500 for the first offense and shall forfeit not more than \$1,000 and not less than \$500 upon conviction of the same offense, a second or subsequent time within one year. In addition to the forfeiture, the penalties shall include all surcharges and costs as established pursuant to Sections 345.26(2)(a), 778.25(3), 778.26(3), and 969.065, Wis. Stats., as adopted by the Wisconsin Judicial Conference.
2. Any provision of the Lac du Flambeau Ordinance 94-02E designating Town Road Highways as snowmobile routes or any subsequent revision thereof, which is violated shall be subject to a forfeiture of not less than \$50 nor more than \$250 for the first offense and not less than \$250 and not more than \$500 upon conviction of the same offense a second or subsequent time within one year. In addition to the forfeiture, the penalties shall include all surcharges and costs as established pursuant to Sections 345.26(2)(a), 778.25(3), 778.26(3), and 969.065, Wis. Stats., as adopted by the Wisconsin Judicial Conference.
3. Any provision of the Lac du Flambeau Boating Ordinance 93-1B or any subsequent revision thereof which is violated shall be subject to a forfeiture of not less than \$100 nor more than \$500 for the first offense and shall forfeit not less than \$500 and not more than \$1,000 upon conviction of the same offense a second or subsequent time within one year. In addition to the forfeiture, the penalties shall include all surcharges and costs as established pursuant to Sections 345.26(2)(a), 778.25(3), 778.26(3), and 969.065, Wis.

Stats., as adopted by the Wisconsin Judicial Conference.

4. Any provision of the Truck Route Ordinance 99-04 or any subsequent revision thereof which is violated shall be subject to a forfeiture of \$100. In addition to the forfeiture, the penalties shall include all surcharges and costs as established pursuant to Sections 345.26(2)(a), 778.25(3), 778.26(3), and 969.065, Wis. Stats., as adopted by the Wisconsin Judicial Conference.
5. Any provision of the Parking Restrictions Ordinance 99-03 or any subsequent revision thereof which is violated shall be subject to a forfeiture of \$100. In addition to the forfeiture, the penalties shall include all surcharges and costs as established pursuant to Sections 345.26(2)(a), 778.25(3), 778.26(3), and 969.065, Wis. Stats., as adopted by the Wisconsin Judicial Conference.
6. Any provision of the Animal Control Ordinance 95-01B or any subsequent revision thereof which is violated shall be subject to penalties as set forth in said Ordinance and a forfeiture of \$100. In addition to the forfeiture, the penalties shall include all surcharges and costs as established pursuant to Sections 345.26(2)(a), 778.25(3), 778.26(3), and 969.065, Wis. Stats., as adopted by the Wisconsin Judicial Conference.
7. Any provision of the Lac du Flambeau Fireworks Ordinance 2016-01 or any subsequent revision thereof which is violated shall be subject to the forfeiture stated therein. In addition to the forfeiture, the penalties shall include all surcharges and costs as established pursuant to Sections 345.26(2)(a), 778.25(3), 778.26(3), and 969.065, Wis. Stats., as adopted by the Wisconsin Judicial Conference.

C. Deposits shall be made in cash, money order, or certified check to the County Clerk of courts who shall provide a receipt thereof.

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 Lac du Flambeau.

SECTION VI – ISSUANCE AND SERVICE OF CITATION

A. Town of Lac du Flambeau citations may be issued by the Town Board of the Town of Lac du Flambeau, or the Town Board of the Town of Lac du Flambeau may designate certain Town of Lac du Flambeau, Vilas County, or other municipal officials, with their written approval, to issue such citations. Any designated law enforcement officer, Department of Natural Resources Warden, or Vilas County Sheriff's Deputy may issue citations for the enforcement of the foregoing ordinances.

B. Town of Lac du Flambeau citations, in addition, may specifically be issued by Town Chairman or any person approved by the Town Board to issue citations for the Boating Ordinance No. 93-1B, Snowmobile Ordinance 94-02E, Fireworks Ordinance 2016-01, Parking Ordinance 99-03, and Animal Control Ordinance 95-01B.

C. The Town of Lac du Flambeau Town Board has designated the Town Chair or any person approved by the Town Board to serve any citations for the Town of Lac du Flambeau upon issuance. Any person specifically authorized by the Town Board to issue citations by the Town Board of the Town of Lac du Flambeau may also serve such citations.

D. The Lac du Flambeau Zoning Administrator is hereby authorized to issue citations with respect to the Zoning Ordinance.

E. The Town Chairman and/or the appointed Animal Control Officer or any designated law enforcement officer is hereby authorized to issue citations with respect to Animal Control Ordinances.

SECTION VII – 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 Lac du Flambeau from adopting any other 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 or 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 VIII – SEVERABILITY

If any provision of this ordinance or 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 or application, and to this end the provisions of this ordinance are severable.

SECTION IX – 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 _____ day of _____ 2016.

Town of Lac du Flambeau Town Board

By: _____
Matthew Gaulke, Town Chairperson

Chris Mayer, Supervisor

Ginger Schwanebeck, Supervisor

Attested: _____
Nancy Edwards, Town Clerk

Post/published: _____