

SECTION TEN

TOWN OF HUMBOLDT ISSUANCE OF CITATIONS

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TOWN OF HUMBOLDT
ORDINANCE RELATING TO
ISSUANCE OF CITATIONS
FOR VIOLATIONS OF TOWN ORDINANCES

The Town Board of Supervisors of the Town of Humboldt, Brown County, does ordain as follows:

SECTION 1 - STATUTORY AUTHORITY

Pursuant to Section 66.119 of Wisconsin Statutes, the Town Board of the Town of Humboldt 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) A 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 which 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 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 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 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) A statement that if the court finds that 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 Section 800.093 (municipal court).

- j) 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.

| <u>ORDINANCE</u> | <u>TITLE</u> | <u>OFFENSE</u> | <u>DEPOSITS & COSTS</u> |
|---|---------------------|--|---|
| Zoning Ordinance No. ___ | | Failure to obtain building permit as required All other zoning ordinance violations | Not less than \$25.00 per day nor more than \$250.00 per day. Not less than \$25.00 per day nor <u>more than</u> \$250.00 per day. |
| Ordinance to Establish Street Numbers Ordinance No. ___ | | Violation | \$25.00 to \$100.00 per day plus current court costs. |
| Dog Control Ordinance No. ___ | | Violation | \$25.00 to \$200.00 plus current court costs. |

| | | |
|--|-----------|---|
| General Ordinances Regulating Transpor- tation, Disposal, Storage, and Treatment of Solid Wastes and Nuisances. Ordinance No. __ | Violation | \$5.00 to \$500.00 plus current court costs. |
| Solid Waste Disposal and Recycling Ordinance No. _____ | Violation | \$10.00 to \$2,000.00 plus current court costs. |
| Dwelling Code Ordinance No. __ | Violation | \$10.00 to 200.00 plus current court costs. |

Deposits shall be made in cash, money order, or certified check to the Clerk of Circuit Court who shall provide a receipt therefore. Deposits shall be determined in accord with the forfeiture range set forth in the particular ordinance, as same may be amended by the Town Board hereafter.

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. The Town Board may, by subsequent resolution posted in accord with Section 60.80 Stats., designate additional enforcement officials.

| <u>ORDINANCE TITLE</u> | <u>ENFORCEMENT OFFICIAL</u> |
|--|---|
| Zoning Ordinance | Building Inspector or Zoning Administrator |
| Ordinance to Establish Street Numbers | Town Board or designee |
| Dog Control Ordinance | Town Constable |
| Solid Waste Disposal & Recycling Ordinance | Town Board or designee |
| Dwelling Code Ordinance | Building Inspector |
| General Ordinances Regulating Transportation, Disposal, Storage and Treatment of Solid Wastes and Nuisances | Town Board or designee |

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 - NON-EXCLUSIVITY

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 officer from proceeding 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 on posting as provided by law.

The foregoing ordinance was adopted at a regular meeting of the Town Board of the Town of Humboldt on the _____ day of _____, 1994.

Town Chairperson

Town Supervisor

Town Supervisor

Town Clerk

PUBLISHED AS PER CODE OF ORDINANCES.

TOWN OF HUMBOLDT
Citation and Bond Schedule Ordinance

STATE OF WISCONSIN
Town of Humboldt
Brown County

SECTION 1 - TITLE/PURPOSE

The title of this Ordinance is the Town of Humboldt Citation and Bond Schedule Ordinance. The purpose of this Ordinance is to repeal and recreate Section 10 of the Municipal Code of the Town of Humboldt; and to authorize the Town Board of the Town of Humboldt, or its designees, to issue citations for violations of Town of Humboldt ordinances, including ordinances with statutory counterparts.

SECTION 2 - AUTHORITY

The Town Board of the Town of Humboldt, Brown County, Wisconsin, has the specific authority under s. 66;0113, Wis. stats., to adopt this Ordinance.

SECTION 3 - ADOPTION OF ORDINANCE

The Town Board of the Town of Humboldt, 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 Humboldt to issue citations for violations of Town of Humboldt ordinances, including ordinances with statutory counterparts.

SECTION 4 - SUBDIVISION AND NUMBERING OF THIS ORDINANCE

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

SECTION 5 - COVERAGE

A. Except as provided in subsections D, E, and F, the form for citations to be issued in the Town of Humboldt by the Town Board, or its designees, for violations of Town of Humboldt 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 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 Commencean 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.

B. The Town Board adopts the attached schedule of cash deposits that are required for the various Town of Humboldt ordinance violations, which includes for each listed violation costs, fees, and surcharges imposed under ch. 814, Wis. stats. The Bond Schedule for the Town of Humboldt to be used by the municipal court is attached hereto, denominated "The Brown County Joint Municipal Court Bond Schedule" as may be amended by subsequent resolution of the Humboldt Town Board is and at all times hereafter as amended shall be deemed incorporated herein by this reference.

C. The Town Board names the clerk of the Brown County Joint Municipal Court as the official to whom cash deposits are to be made and requires that receipts be given for cash deposits.

D. The Town Board requires that in traffic regulation violation actions except for parking regulation violations, the uniform traffic citation specified ins. 345.11, Wis. stats., shall be used by the Town of Humboldt in lieu of the citation form noted above in subsection A.

E. The Town Board requires that in actions for violations of Town of Humboldt ordinances enacted in accordance with s. 23.33 (11) (am) Wis. stats., the citation from specified ins. 23.54, Wis. stats., shall be used in lieu of the citation form noted above in subsection A.

F. If the action for a violation of a municipal ordinance is to be in municipal court, the citation used shall be in compliance with s. 800.02 (2), Wis. stats. The service of the citations in municipal court shall conform with s. 800.01, Wis. stats. The officers authorized to issue citations for municipal court actions are: town chairman, town supervisor, town zoning administrator, town constable, New Franken Fire Department fire chief, and Brown County sheriff and deputies. The citation for any violation to be heard in municipal court shall contain substantially all of the following information:

1. The name, address, and date of birth of the defendant.
2. The name and department of the issuing officer.
3. **The violation alleged, the time and place of occurrence, a statement** that the defendant committed the violation, the ordinance, resolution or bylaw violated and a designation of the violation in language that can be readily understood.

4. A date, time, and place for the court appearance, and a notice to appear.
5. Provisions for the amount of a deposit and stipulation in lieu of a court appearance, if applicable.
6. Notice that the defendant may make a deposit and thereby obtain release if an arrest has been made.
7. Notice that the defendant may, by mail prior to the court appearance, enter a plea of guilty and may within 10 days after entry of the plea request a jury trial.
8. Notice that, if the defendant makes a deposit and fails to appear in court at the time fixed in the citation, the defendant is deemed to have tendered a plea of no contest and submits to a forfeiture, penalty assessment, jail assessment, and crime laboratories and drug law enforcement assessment, any applicable consumer protection assessment, and any applicable domestic abuse assessment plus costs, including the fee prescribed ins. 814.65 (1) Wis. stats., not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant rather than accept the deposit and plea.
9. Notice 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 defendant, the court may summon the defendant into court to determine if restitution shall be ordered under s. 800.093, Wis. stats.
10. Notice that if the defendant does not make a deposit and fails to appear **in court at the time fixed in the citation, the court may issue a summons or a warrant for the defendant's arrest or may enter a default judgment against the defendant**
11. Any other pertinent information.

SECTION 6 - ISSUANCE AND SERVICE OF CITATION

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

B. The Town of Humboldt citations, in addition, may specifically be issued by the town chairman, town supervisor, town zoning administrator, New Franken Fire Department fire chief, and Brown County sheriff and deputies. The Town Board of the Town of Humboldt may also designate other persons to issue citations for the Town of Humboldt by resolution of the Town Board, and the Town Board of the Town of Humboldt may revoke authority granted to issue citations at anytime by subsequent resolution of the Humboldt Town Board.

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

SECTION 7 - 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 Humboldt 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 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 8 - ALTERNATE JUVENILE DISPOSITIONS AND SANCTIONS

A. For a juvenile adjudged to have violated a Town of Humboldt ordinance, the municipal court is authorized to impose any of the dispositions listed in sections 938.343 and 938.344 Wis. stats. in accordance with the provisions of those statutes.

B. For a juvenile adjudged to have violated an ordinance who violates a condition of a disposition order of the court under sections 938.343 or 938.344 Wis. stats., the municipal court is authorized to impose any of the sanctions listed in section 938.355(6) (d) Wis. stats., in accordance with the provisions of those statutes.

C. For a juvenile adjudged to have violated an ordinance enacted under section 118.163(2) Wis. stats., truancy and school dropout ordinance violations, the municipal court is authorized to impose any of the dispositions listed in section 938.342 Wis. stats., in accordance with the provisions of those statutes.

D. This section is enacted under the authority of section 928.17(2) (cm).

SECTION 9 - 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 of application, and to this end, no provisions of this Ordinance are severable.

SECTION 10 - EFFECTIVE DATE

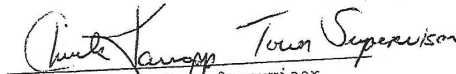
This Ordinance is effective on publication or posting. The town clerk shall properly post or publish this Ordinance as required under s. 60.80, Wis. stats.

Adopted this 2 day of April, 2007.

The Town Board of the Town of Humboldt by:


Norbert Dantine, Jr., Town Chairman


Merlin Vanden Plas, Town Supervisor


Chuck Karnopp, Town Supervisor

APPROVED, ATTESTED by:


Judy Baiertl, Town Clerk

Brown County Joint Municipal Court (BOND SCHEDULE)

The Town Board of the Town of Humboldt does Hereby resolve that the following shall be the Bond Schedule to be used in the Brown County Joint Municipal Court.

It is further resolved that, if at any time any questions arise as to this Bond Schedule, the municipal Judge for the Brown County Joint Municipal Court shall be contacted and only the municipal Judge shall have the authority to release someone without bond or on a signature bond.

The Bond Schedule shall be as follows: (revised 2023)

| Ord. Section | Description | Deposit | Penalty Surcharge | Court Costs | Jail Assess. | Crime Lab | Total Forfeiture |
|--------------|--|---|----------------------|--------------|--------------|--------------|----------------------|
| 3 | Street Numbers | \$100 | \$26 | \$38 | \$10 | \$13 | \$187 |
| 5 | Waste Disposal & Recycling | 1 st Off. \$50 2 nd Off. \$200 | \$13 \$52 | \$38 \$38 | \$10 \$10 | \$13 \$13 | \$124 \$313 |
| 6 | Sexually Oriented Adult Entertainment | \$500 | \$130 | \$38 | \$10 | \$13 | \$691 |
| 7 | Transportation, Disposal, and Storage of solid waste | \$200 | \$52 | \$38 | \$10 | \$13 | \$313 |
| 7 | Nuisances | \$200 | \$52 | \$38 | \$10 | \$13 | \$313 |
| 8 | Dwelling Code | \$25 per day | 26% of total deposit | \$38 | \$10 | \$13 | Total of all columns |
| 9 | Dog Control | \$50 | \$13 | \$38 | \$10 | \$13 | \$124 |
| 11 | Agricultural Shoreland Mngt | \$150 | \$39 | \$38 | \$10 | \$13 | \$250 |
| 12 | Zoning Ordinance | \$25 per day | 26% of total deposit | \$38 | \$10 | \$13 | Total of all columns |
| 13 | License & Permits | \$100 | \$26 | \$38 | \$10 | \$13 | \$187 |
| 16 | Road Use | \$100 | \$26 | \$38 | \$10 | \$13 | \$187 |
| 17 | Wind Energy | \$100 | \$26 | \$38 | \$10 | \$13 | \$187 |
| 18 | Sex Offender | \$100 | \$26 | \$38 | \$10 | \$13 | \$187 |
| 19 | Community Center | \$500 | \$130 | \$38 | \$10 | \$13 | \$691 |
| 21 | Firearms Ord. | \$100 | \$26 | \$38 | \$10 | \$13 | \$187 |

NOTE: For Parking violations subtract Penalty Surcharge, jail Assessment, & crime lab costs