

**TOWN OF ATHELSTANE  
ISSUANCE OF CITATIONS  
ORDINANCE #15**

**The Town Board of Athelstane, Marinette County, Wisconsin does hereby ordain as follows;**

**SECTION 1 – TITLE AND PURPOSE**

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

**SECTION 2 – STATUTORY AUTHORITY**

Pursuant to Sec. 66.0113 Wis. Stats., the town board 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 3 – 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 Athelstane ordinances, including ordinances with statutory counterparts.

**SECTION 4 – COVERAGE**

The citation shall contain the following:

- A. The name and address of the alleged violation
- B. The factual allegations describing the violation
- C. The time and place of 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 to 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 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 Stats. 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 summons the defendant into court to determine if restitution shall be ordered under Section 800.093 (municipal court).
- J. Such other as information as the town deems necessary.

## **SECTION 5 – ISSUANCE AND SERVICE OF CITATION**

- A. Town of Athelstane citations may be issued by the Town Board of the Town of Athelstane, or the Town Board of the Town of Athelstane may designate certain Town of Athelstane, Marinette County municipal officials, with their written approval, to issue such citations.
- B. The Town of Athelstane Town Board has designated the Town Chair or any person approved by the Town Board to serve any citations for the Town of Athelstane upon issuance. Any persona specifically authorized by the Town Board to issue citations by the Town Board of the Town of Athelstane may also serve such citations.

## **SECTION 6 – 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 Athelstane 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.

**SEVERABILITY**

In the event that any section or sections herein shall be ruled unconstitutional by any competent court, such determination shall not affect the validity or effectiveness of the others sections of this Ordinance and the remainder of said Ordinance shall remain in effect.

This ordinance adopted by the Town Board of the Town of Athelstane on this 9<sup>th</sup> day of February, 2016.

The Town Board of Athelstane

By: \_\_\_\_\_ Attest \_\_\_\_\_  
John Dobratz - Chairman Janice DuChateau - Clerk

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Harold Tesch Jr - Supervisor

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David Jose - Supervisor