

## **CHAPTER 4.0 – ORDINANCE VIOLATIONS**

### **SECTION 4.0 CITATION ISSUANCE**

#### **Section 4.01 Authority**

Pursuant to the authority of Section 66.0113, Wis. Stats., the Town of West Point hereby authorizes the use of a citation to be issued for violations of ordinances, including ordinances for which a statutory counterpart exists.

#### **Section 4.02 The Citation**

(A) Required Information. The citation shall contain the following:

- (1) The name and address of the alleged violator.
- (2) Factual allegations describing the alleged violation.
- (3) The time and place of the offense.
- (4) The section of the ordinance violated.
- (5) A designation of the offense in such manner as 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 which in essence informs the alleged violator:
  - (a) That a cash deposit based on the schedule established by this ordinance may be made which shall be delivered or mailed to the Columbia County Clerk of Circuit Court prior to the time of the scheduled court appearance.
  - (b) That if a cash deposit is made, no appearance in court is necessary unless he or she is subsequently summoned.
  - (c) That if a cash deposit is made and the alleged violator does not appear in court, the alleged violator will be deemed to have entered a plea of no contest and submitted to a forfeiture not to exceed the amount of the deposit, plus costs on any applicable assessments or, if the court does not accept the plea of no contest, a summons will be issued for the alleged violator to appear in court to answer the citation.
  - (d) 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 a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment, or the Town may commence an

action against the alleged violator to collect the forfeiture, plus costs and any applicable assessments.

(8) 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 subparagraph 7 above has been read. Such statement shall be sent or brought with the cash deposit.

(9) Such other information as may be deemed necessary by the Town.

(B) Format. The form of the citation shall be uniform and used by all law enforcement officers and other town officials.

**Section 4.03 Schedule of Deposits**

(A) Schedule. The schedule of deposits for use with citations issued under this ordinance may be found in this Code under the sections below; however the maximum cash deposit for a child under the age of 18 years shall be \$25.00.

<u>Ordinance</u>	<u>Offense</u>	<u>Amount</u>
Sec. 4.14	Non-Sufficient Checks	15/30
Sec. 6.12	Land Division and Subdivision Violations w/o Statutory Counterpart	200
Sec. 7.13	Erosion Control Violations	100/200
Sec. 8.10(D)	Violation of Building Permit Regulations	100/200
Sec. 9.03 & 9.05	Mobile Homes Outside Park w/o Permit	50/75
Sec. 9.04	Operation of Mobile Home Park w/o Permit	50/75
Sec. 9.06, except 9.06(C)	Failure to Pay Monthly Mobile Home Fee	50/75
Section 9.06(C)	Failure to Report	25
Sec. 10.01	Lovering Road Speed Limit (45 mph)	*
Sec. 10.01	Schoepp Road (45 mph)	*
Sec. 10.01	Golf Road - Hwy 188 to Steckelberg Drive (45 mph)	*
Sec. 10.02	Chrisler Road - Van Ness to Reynolds (40 mph)	*
Sec. 10.03	Gannon Road Speed Limit (35 mph)	*
Sec. 10.03	Golf Road – Hwy 60 to Steckelberg Drive (35 mph)	*
Sec. 10.03	Slack Road (35 mph)	*
Sec. 10.03	Hillcrest Drive (35 mph)	*
Sec. 10.03	Northern Cross Arm (35 mph)	*
Sec. 10.03	Badger Run (35 mph)	*
Sec. 10.03	Partridge Run (35 mph)	*
Sec. 10.03	Rausch Road (35 mph)	*
Sec. 10.03	Selwood Road (35 mph)	*
Sec. 10.03	Crestview (35 mph)	*

Sec. 10.03	Riechman Road (35 mph)	*
Sec. 10.03	West Point Drive (35 mph)	*
Sec. 10.03	Fjords Road (35 mph)	*
Sec. 10.03	Bannan Court (35 mph)	*
Sec. 10.03	Vista View Court (35 mph)	*
Sec. 10.03	Club Circle Drive (35 mph)	*
Sec. 10.04	Black Hawk Drive (25 mph)	*
Sec. 10.04	Smith Park Road (25 mph)	*
Sec. 10.04	Trails End Road (25 mph)	*
Sec. 10.04	Lake Drive (25 mph)	*
Sec. 10.04	East Lake Drive (25 mph)	*
Sec. 10.04	Klamer Road (25 mph)	*
Sec. 10.04	Ferry View Circle (25 mph)	*
Sec. 10.04	Pleasant View Circle (25 mph)	*
Sec. 10.04	Pleasant View Drive (25 mph)	*
Sec. 10.04	Pleasant View Park Road (25 mph)	*
Sec. 10.53(B)	Town Park Violations	50/100/150
Sec. 10.62(B)	All Other Unclassified Public Nuisances	50/100
Sec. 10.62(B)(1)	Adulterated Food	75/150
Sec. 10.62(B)(2)	Unburned Carcasses	75/150
Sec. 10.62(B)(3)	Vermin Places	75/150
Sec. 10.62(B)(4)	Noxious Weeds	50/75
Sec. 10.62(B)(5)	Animals at Large	50/75
Sec. 10.62(C)	Disorderly Houses	100/200
Sec. 10.62(D)(1)	Sign/Billboard Violations	50/100
Sec. 10.62(D)(2)	Illegal Buildings	75/150
Sec. 10.62(D)(3)	Unauthorized Signs	50/100
Sec. 10.62(D)(4)	Obstructions	50/75
Sec. 10.62(D)(5)	Projecting Tree Limbs	50/75
Sec. 10.62(D)(6)	Fireworks	75/150
Sec. 10.62(D)(7)	Dilapidated Buildings	75/150
Sec. 10.62(D)(8)	Excessive Noise	50/75
Sec. 10.62(D)(9)	Low Wires	50/75
Sec. 10.62(D)(10)	Noisy Animal/Fowl	50/75
Sec. 10.62(D)(11)	Obstruction of Streets/Excavators	50/75
Sec. 10.62(D)(12)	Pits, Wells, Excavations, Unused Basements	75/150
Sec. 10.62(D)(13)	Abandoned Refrigerators/Freezers	75/150
Sec. 10.62(D)(14)	Obstructing Traffic	50/75
Sec. 10.62(D)(15)	Reported Violations of Storage of Flammable Liquids	75/150
Sec. 12.05	Violation of Town Road Access Regulations	75/125
Section 12.30	Illegal Parking on All Town Roads (9 pm to 5 am)	30/75
Sec. 13.00	Recycling Regulations	100/200/350

\*The cash deposit amount for traffic citations shall be pursuant to the Wisconsin Revised Uniform State Traffic Deposit Schedule as amended from time to time.

- (B) Additional Fees. In addition to the appropriate cash deposit amount as established above, all citations issued under this ordinance shall further specify the corresponding penalty assessments, court costs, court automation fee, and jail assessment.
- (C) Payment. Deposits shall be paid in cash, money order or cashier's check to the Columbia County Clerk of Circuit Court who shall provide a receipt therefor.
- (D) Violation Letters. The Town may issue a violation letter before a citation is issued that explains the violation and gives the violator the option of paying the deposit within seven (7) business days to avoid court costs and penalty assessments if the forfeiture is not paid within seven (7) business days, a citation will be issued which will consist of the forfeiture, plus court costs and applicable assessments.

#### **Section 4.04 Issuance of Citation**

Any law enforcement officer may issue citations for enforcement of any ordinances authorized under this ordinance. In addition, the Town Constable, if any, any law enforcement officer, the Town Chairperson, Town Engineer or Building Inspector are hereby authorized to issue citations for enforcement of any ordinances authorized under this ordinance.

#### **Section 4.05 Procedure**

The provisions of Section 66.0113(3), Wis. Stats., as may from time to time be amended, relating to violator's options and procedure on default are hereby adopted and incorporated herein by reference.

#### **Section 4.06 Nonexclusivity**

Adoption of this ordinance in no way precludes the Town Board 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 hereunder shall not preclude the Town Board or any authorized officer from proceeding under any other law or ordinance or by any other enforcement method to enforce any ordinance, regulation or order.

*History Note: Adopted 10/5/95 – Amended 05-11-2006, 06-14-07.*

#### **SECTION 4.10 NON SUFFICIENT FUNDS CHECKS**

This ordinance of the Town of West Point establishes a fee for all checks that are returned non sufficient funds.

#### **Section 4.11 Authority**

The town board of the Town of West Point, Columbia County, Wisconsin, having

been granted and exercising village board powers pursuant to Section 60.22 (3), Wis. Stats., adopts the following ordinance.

**Section 4.12 Prohibition**

No person shall issue any check or other order for the payment of money which, at the time of issuance, he intends shall not be paid.

**Section 4.13 Evidence**

Any of the following is prima facie evidence that the person at the time he or she issued the check or other order for payment of money, intended it should not be paid.

(A) Lack of Account. Proof that, at the time of issuance, the person did not have an account with the drawee, or

(B) Insufficient Funds. Proof that, at the time of issuance, the person did not have sufficient funds or credit with the drawee and that the person failed within five days after receiving notice of nonpayment or dishonor to pay the check or other order; or

(C) Failure to Pay. Proof that, when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within five days after receiving notice of nonpayment or dishonor to pay the check or other order.

**Section 4.14 Penalty**

(A) Fee. There will be a fee of \$15.00 for the first Non-Sufficient Fund Check; and a fee of \$30.00 for the second Non Sufficient Fund Check.

(B) Collection. If the fee is not paid it will be charged to the issuer on the issuer's tax bill.

*History Note: Adopted 12/5/91.*