

**TOWN OF WAUSAU, MARATHON COUNTY, WISCONSIN
AN ORDINANCE CREATING SECTION 25.11 OF THE
GENERAL CODE OF ORDINANCES
ENTITLED "CITATION ORDINANCE"**

The Town Board, of the Town of Wausau, Marathon County, Wisconsin do ordain as follows:

Section 1: Section 25.11 of the General Code of Ordinances of the Town of Wausau entitled Citation Ordinance, is hereby created to provide as follows:

(1.) ENFORCEMENT: The Town hereby elects to use the citation method of enforcement of ordinances. All town law enforcement officers and other town personnel charged it the responsibility of enforcing the provisions of this Code are hereby authorized to issue citations for violations of this Code, including ordinances for which a statutory counterpart exists.

(2.) CONTENTS OF CITATION. The citation shall contain the following:

- a. The name and address of the alleged violator.
- b. The birth date of the alleged violator.
- c. The factual allegations describing the alleged violation.
- d. The time and place of the alleged violation.
- e. The number of the ordinance violated.
- f. A designation of the offense in a manner that can be readily understood by a person making a reasonable effort to do so.
- g. The time at which the alleged violator may appear in court.
- h. A statement that in essence informs the alleged violator of all of the following:
 1. That a cash deposit may be made, which deposit shall be mailed or delivered to the Marathon County Clerk of Circuit Court prior to the time of the initial 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 alleged violator does not appear in court, he or she will be deemed to have entered a plea of no contest and submitted to forfeiture, a penalty imposed by Wis. Stat. 757.05, a jail assessment imposed by Wis. Stat. 302.46(1), a crime laboratories and drug law enforcement assessment imposed by Wis. Stat. 165.755, any applicable consumer information assessment imposed by Wis. Stat. 100.261, and any applicable domestic abuse assessment imposed by Wis. Stat. 973.055 (1) not to exceed the amount of the deposit 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 a warrant for the alleged violator's arrest or consider the nonappearance to be a plea of no contest and enter judgment or the town may commence an action to collect forfeiture, the penalty assessment imposed by Wis. Stat. 757.05, a jail assessment imposed by Wis. Stat. 302.46(1), a crime laboratories and drug law enforcement assessment imposed by Wis. Stat. 165.755, any applicable consumer information assessment imposed by Wis. Stat. 100.261, and any applicable domestic abuse assessment imposed by Wis. Stat. 973.055 (1).
 5. 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 Wis. Stat. 800.093.
 6. A direction that if the alleged violator elects to make a cash deposit, the statement that accompanies the citation shall be signed to indicate that the statement required under (2)h of this section has been read. Such statement shall be sent or brought with the cash statement.
 7. Such other information as the town deems necessary.

(3.) FORM OF CITATION. The form of the citation to be used by the town is on file in the Town Clerk's office and is adopted by reference as fully set forth in this section.

(4.) SCHEDULE OF DEPOSITS. The schedule of cash deposits may be established for use with citations issued under this section of the Code by adoption of a resolution by the town board according to penalty provisions of this Code or the Wisconsin Statutes, whichever is applicable. In the absence of a scheduled or statutorily mandated deposit amount for a particular violation, the deposit amount shall be \$100.00 plus applicable court costs and assessments.

- a. Deposits shall be made in cash, money order, or certified check made payable to the Marathon County Clerk of Circuit Court who shall provide a receipt therefore.

(5.) PROCEDURE. Wisconsin Stat. 66.011 (3) and any amendments thereto, relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

(6.) NONEXCLUSIVITY.

- 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 under this section 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 2: If any provisions of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is found invalid or unconstitutional by a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

Section 3: All Ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 4: This Ordinance shall take effect and be in full force and effect from and after its passage and publication as required by law.

Adopted this 10th day of October, 2011.