

TOWN OF MUKWA
ORDINANCE RELATING TO ISSUANCE OF CITATIONS
FOR VIOLATIONS OF TOWN ORDINANCES
NO. 8-03

The Town Board of Supervisors of the Town of Mukwa, Waupaca County, does ordain as follows:

SECTION 1 - STATUTORY AUTHORITY

Pursuant to Section 66.0013 of Wisconsin Statutes, the Mukwa 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 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/her 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 TITLE</u>	<u>OFFENSE</u>	<u>DEPOSITS & COSTS</u>
<u>2-77</u> Rules for Establishing Town Roads	Violation	<u>\$50.00</u> plus current court costs
<u>1-82</u> Designating Snowmobile Route	Violation	<u>\$50.00</u> plus current court costs
<u>2-83</u> An Ordinance Prohibiting Issuance of Alcohol Beverage Licenses for Non-Payment of Taxes, Assessments and Claims	Violation	<u>\$50.00</u> plus current court costs
<u>1-87</u> Boating Ordinance of the Town of Mukwa	Violation	<u>\$50.00</u> plus current court costs
<u>2-87</u> Ordinance Regulating Disposition Of Waste Material (Amended 9-14-98)	Violation	<u>\$50.00</u> plus current court costs
<u>1-90</u> Minimum Lot Size-Use of Residential Lots, Pets, Animals etc., Zoning in the Town of Mukwa	Violation	<u>\$50.00</u> plus current court costs
<u>1-94</u> Recycling Ordinance	Violation	<u>\$50.00</u> plus current court costs
<u>1-96</u> Dwelling Code Ordinance	Failure to obtain building permit as required.	<u>\$50.00</u> plus current court costs
<u>2-97</u> Nuisance Ordinance	Violation	<u>\$50.00</u> plus current court costs
<u>3-99</u> Driveways, Culverts & Mailboxes	Violation	<u>\$50.00</u> plus current court costs
<u>2-00</u> Animal Control Ordinance	Violation	<u>\$50.00</u> plus current court costs
<u>3-00</u> Regulation of Fishing Rafts & Floating Piers (Docks) on the Wolf River	Failure to obtain raft permit as required & other violations.	<u>\$50.00</u> plus current court costs

Deposits shall be made in cash, money order or certified check to the Clerk of Municipal Court who shall provide a receipt therefore.

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.

2-77 Rules for Establishing Town Roads

Town Board Supervisors

<u>1-82</u> Designating Snowmobile Route	Town Board Supervisors
<u>2-83</u> An Ordinance Prohibiting Issuance of Alcohol Beverage Licenses for Non-Payment of Taxes, Assessments and Claims	Town Board Supervisors
<u>1-87</u> Boating Ordinance of the Town of Mukwa	Town Board Supervisors
<u>2-87</u> Ordinance Regulating Disposition of Waste Material (Amended 9-14-98)	Town Board Supervisors
<u>1-90</u> Minimum Lot Size - Use of Residential Lots - Pets, Animals etc., Zoning in the Town of Mukwa	Town Board Supervisors
<u>1-94</u> Recycling Ordinance	Town Board Supervisors/Hauler
<u>1-96</u> Dwelling Code Ordinance	Building Insp/Town Board Supervisors
<u>2-97</u> Defining & Prohibiting Public Nuisances	Town Board Supervisors
<u>3-99</u> Driveways, Culverts & Mailboxes	Building Insp. & Town Board Sup.
<u>5-99</u> An Ordinance Relating to the Confidentiality of Information about Income and Expenses Requested By the Assessor in Property Assessment Matters In the Town of Mukwa	Town Board Supervisors
<u>1-00</u> Ordinance to Appoint Alternate Members For Board of Review	Town Board Supervisors
<u>2-00</u> Animal Control Ordinance	Animal Control Officers/Town Board Sup.
<u>3-00</u> Regulation of Fishing Rafts & Floating Piers (Docks) on the Wolf River	Raft Inspector/Town Board Supervisors
<u>4-01</u> Establishing Jurisdiction & Duties of Town Constable	Town Board Supervisors

SECTION 5 - PROCEDURE

Section 66.0013 Wisconsin Statutes relating to violator's options and procedures on default is hereby adopted and incorporated by reference.

SECTION 6 - NONEXCLUSIVITY

A. OTHER ORDINANCE

Adoption of this ordinance does not preclude the Mukwa 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 Mukwa Town Board or any authorized office from proceedings 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.

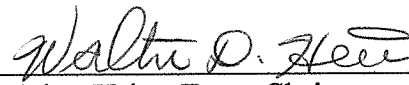
SECTION 8 - EFFECTIVE DATE

This ordinance shall take effect upon its passage and publication or posting as provided by law.

The foregoing ordinance was adopted at a regular meeting of the Mukwa Town Board of the Town of Mukwa on November 17, 2003.

Aye 3

Nay 0



Walter Heise, Town Chairman



Mike Wundrock, Supervisor #1



Neil Freeman, Supervisor #2

Code of Ordinance Published 10/31/03

Posted at

Northport Convenience Center 11/18/03

Mukwa Town Hall 11/18/03

Bean City Ballroom 11/18/03

Adoption of Ordinance Published 11/21/03


Jeannette Zielinski, Clerk