

TOWN OF YORK  
GREEN COUNTY WISCONSIN  
CITATION ORDINANCE

Ordinance No. 16 - 02

SECTION I – TITLE AND PURPOSE

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

SECTION II – AUTHORITY

The Town Board of the Town of York, Green County, Wisconsin, has the specific authority under s. [66.0113](#), Wis. stats. to adopt this ordinance.

SECTION III – 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 York ordinances, including ordinances with statutory counterparts.

SECTION IV – FORM OF CITATION

The citation shall include 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 which in essence informs the alleged violator:

That the alleged violator may make a cash deposit of a specified amount to be mailed to a specific official within a specified time.

That if the alleged violator makes a cash deposit, he or she need not appear in court unless subsequently summoned.

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 Wis. Stat. Ch. 814, 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.

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 non appearance to be a plea of no contest and enter judgment under Wis. Stat. 66.0113(3)(d), or the Town may commence an action against the alleged violator to collect the forfeiture plus costs, fees and surcharges imposed under Wis. Stat. Ch. 814.

That if the court finds 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.

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 Wis. Stat. 66.0113(1)(b)(7) and shall send the signed statement with the cash deposit.

9. Any other information as may be deemed necessary.

#### SECTION V – SCHEDULE OF CASH DEPOSITS

The schedule of cash deposits that is Exhibit A to this ordinance shall apply to violations of the town ordinances referred to therein, which includes for each listed violation the costs, fees and surcharges imposed under Wis. Stat. Ch 814

Cash deposits for violations of town ordinances shall be made with the Clerk of the Green County Circuit Court, Green County Justice Center, 2841 6<sup>th</sup> Street, Monroe, WI 53566. A receipt shall be issued for the cash deposit.

#### SECTION VI – ISSUANCE AND SERVICE OF CITATION

Citations may be issued under this ordinance by the York Town Board of Supervisors, or its designee, or by the Sheriff of Green County, Wisconsin or his or her deputy, upon his or her written approval. Citations may be served by any member of the Board of Supervisors of the Town of York, by the Town Clerk, or by the Board's designee, or by the Sheriff of Green County, Wisconsin, or his or her deputy, upon the Sheriff's or deputy's written approval.

#### SECTION VII – 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 York 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.

#### SECTION VIII – SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provision or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

#### SECTION IX – EFFECTIVE DATE

His 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 10<sup>th</sup> day of May, 2016.

3 votes aye and 0 votes nay.

Dan Reeson, Chairman \_\_\_\_\_

Tim Czerwonka, 1<sup>st</sup> Supervisor \_\_\_\_\_

Steve Hermanson, 2<sup>nd</sup> Supervisor \_\_\_\_\_

Attest: Nancy Anderson, Clerk \_\_\_\_\_

Signed copy on file at the Clerk's Office.

**EXHIBIT "A" TO ORDINANCE NO. 16-02  
TOWN OF YORK CITATION ORDINANCE**

<b>ORDINANCE NUMBER</b>	<b>ORDINANCE NAME</b>	<b>VIOLATION</b>	<b>AMOUNT OF FORFEITURE</b>
15-01	Recycling Ordinance	1st Violation - Not Recycling	\$50.00
15-01	Recycling Ordinance	2nd Violation - Not Recycling	\$200.00
15-01	Recycling Ordinance	3rd or Subsequent Violations - Not Recycling	\$2,000.00