

**TOWN OF BUFFALO
Marquette County
State of Wisconsin**

CHAPTER 8

CITATION ORDINANCE

September 2005

Sec. 1.	TITLE/PURPOSE
Sec. 2.	AUTHORITY
Sec. 3.	ADOPTION OF ORDINANCE
Sec. 4.	COVERAGE
Sec. 5.	ISSUANCE AND SERVICE OF CITATION
Sec. 6.	RELATIONSHIP TO OTHER LAWS
Sec. 7.	SEVERABILITY
Sec. 8.	EFFECTIVE DATE

SECTION 1 – TITLE/PURPOSE

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

SECTION 2 – AUTHORITY

The town board of the Town of Buffalo has the specific authority under s. 66.0103, Wis. stats. and general authority under its village powers to adopt this ordinance.

SECTION 3 – ADOPTION OF ORDINANCE

The town board of the Town of Buffalo, by this ordinance, adopted on proper notice with a quorum and by a roll call vote by a majority of the town board present and voting, provides the authority for the Town of Buffalo to issue citations for violations of Town of Buffalo ordinances, including ordinances with statutory counterparts.

SECTION 4 – COVERAGE

- A. Except as provided in subsections D. and E. of this SECTION 4, the town board prescribes the form for citations to be issued in the Town of Buffalo by the town board, or its designees, for violations of Town of Buffalo ordinances shall be as provided in this subsection and shall include all of 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 offense.
 4. The section 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 that in essence informs the alleged violator of all of the following:

- a. That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time.
 - b. That if the alleged violator makes a cash deposit, he or she need not appear in court unless subsequently summoned.
 - c. 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, a penalty assessment imposed by s. 757.05, Wis. stats., a jail assessment imposed by s. 302.46 (1), Wis. stats., a crime laboratories and drug law enforcement assessment imposed by s. 165.755, Wis. stats., any applicable consumer information assessment imposed by s. 100.261, Wis. stats., and any applicable domestic abuse assessment imposed by s. 973.055 (1), Wis. stats., 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.
 - d. 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 nonappearance to be a plea of no contest and enter judgment under s. 66.0113 (3) (d), Wis. stats., or the municipality may commence an action against the alleged violator to collect the forfeiture, the penalty assessment imposed by s. 757.05, Wis. stats., the jail assessment imposed by s. 302.46 (1), Wis. stats., the crime laboratories and drug law enforcement assessment imposed by s. 165.755, Wis. stats., any applicable consumer information assessment imposed by s. 100.261, Wis. stats. and any applicable domestic abuse assessment imposed by s. 973.055 (1), Wis. stats.
 - e. 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 s. 800.093, Wis. stats.
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 s. 66.0113 (1) (b) 7., Wis. stats., and shall send the signed statement with the cash deposit.
 9. Any other information as may be deemed necessary.
- B. The town board adopts the following schedule of cash deposits that are required for the various Town of Buffalo ordinance violations, which includes for each listed violation any applicable penalty assessment imposed by s. 757.05, Wis. stats., jail assessment imposed by s. 302.46 (1), Wis. stats., crime laboratories and drug law enforcement assessment imposed by s. 165.755, Wis. stats., consumer

protection assessment imposed by s. 100.261, Wis. stats., and domestic abuse assessment imposed by s. 973.055 (1), Wis. stats.:

Chapter 4, Mobile Homes, Manufactured Homes and Recreational Mobile Homes (Reference Section 8 – Penalty Provision)	\$100.00-\$500.00
Chapter 5, Emergency Service Protection (Reference Section 8 – Penalties)	\$100.00
Chapter 6, Confidentiality of Income and Expense Records (Reference Section 6 – Penalty Provision)	\$500.00-\$1,000.00
Chapter 9, Health and Sanitation Ordinance (Reference Section 10 – Penalty Provision)	\$100.00
Chapter 10, Subdivision and Land Division (Reference Article 2, 10.16 - Penalties)	\$100.00
Chapter 12, Building Permits	
First Offense	\$100.00-\$300.00
Second Offense	\$300.00-\$1,000.00
(Reference Section 11 – Penalty Provision)	

- C. The town board names the following court, clerk of court, or other official to whom cash deposits are to be made and require that receipts be given for cash deposits: Clerk of Courts, County of Marquette
- D. The town board requires that in traffic regulation violation actions, except for parking regulation violations, the uniform traffic citation specified in s. 345.11, Wis. stats. shall be used by the Town of Buffalo in lieu of the citation form noted above in subsection A of this SECTION 4.
- E. The town board requires that in actions for violations of Town Buffalo ordinances enacted in accordance with s. 23.33 (11) (am) or s. 30.77, Wis. stats., the citation from specified in s. 23.54, Wis. stats., shall be used in lieu of the citation form noted above in subsection A of this SECTION 4.

SECTION 5 – ISSUANCE AND SERVICE OF CITATION

- A. The Town of Buffalo citations may be issued by the Town Board of the Town of Buffalo or the Town Board of the Town of Buffalo may designate certain Town of Buffalo County or other municipal officials, with their written approval, to issue such citations.
- B. The Town of Buffalo Town Board has designated the Town Chair or any person approved by the Town Board to serve any citations for the Town of Buffalo upon

issuance. Any person specifically authorized by the Town Board to issue citations by the Town Board of the Town of Buffalo 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 Buffalo from adopting any other ordinance or providing for the enforcement of any other law or 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 of 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 7 – SEVERABILITY

Each of the provisions of the ordinance is severable and if any provision is held invalid for any reason, the remaining provisions shall not be affected but shall remain in full force and effect.

SECTION 8 – EFFECTIVE DATE

This Ordinance is effective on publication.

The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this 8th day of August 2005.

Effective Date: September 15, 2005

Gene R. Mucciolo, Chair

Jan Banicki, Supervisor

Fred Wollenberg, Supervisor

Attest: _____
Donna Seddon, Town Clerk