

TOWN OF OSCEOLA
Polk County Wisconsin
ORDINANCE NO. 07-17-07
Chapter 16
CITATIONS

The Town Board of the Town of Osceola finds that it is in the interest of the public health, safety, and welfare to authorize the use of citations as one method of enforcing town ordinances, therefore, the Town Board of the Town of Osceola hereby ordains that the citation method shall be authorized as a method of enforcing town ordinances. The Town Board hereby ordains that Section 25.04 (4) regarding citations is hereby repealed and replaced with the following provisions authorizing citations as one method of enforcing town ordinances:

A. Statutory authority.

Pursuant to W.S.A. s. 66.119, the Town of Osceola authorizes the use of the citation method of enforcement of ordinances, including those for which a statutory counterpart exists, and s. 66.119 is hereby incorporated and made a part of this chapter.

B. Contents of citation. The citation shall contain the following:

1. Name and address of the alleged violator.
2. Factual allegations describing the alleged violation.
3. Time and place of the offense.
4. Number and section of ordinance violated.
5. A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so.
6. Time and date in which the alleged violator may appear in court.
7. A statement which informs the alleged violator that:
 - (a) A cash deposit based on the established schedule may be delivered or mailed to a specified official within a specified time.
 - (b) If a deposit is made no appearance in court is necessary unless he is subsequently summoned.
 - (c) If the violator makes a cash deposit and does not appear in court, either he will be deemed to have tendered a plea of no contest and

submitted to a forfeiture [a penalty assessment imposed by W.S.A. s. 165.87 and a jail assessment imposed by W.S.A. s. 302.46(1) not to exceed the amount of the deposit] or he will be summoned into court to answer the complaint if the court does not accept the plea of no contest.

- (d) If the violator does not make a cash deposit and does not appear in court at the time specified, an action may be commenced against the alleged violator to collect the forfeiture, the penalty assessment imposed by W.S.A. s. 165.87 and the jail assessment imposed by W.S.A. s. 302.46(1).

- 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 required statement has been read. Such statement shall be sent or brought with the cash deposit.

C. Form of citation.

The town adopts for use the Uniform Municipal Citation, Form MC2000, consisting of a five-part citation, a sample of which is on file in the office of the Town Clerk and adopted by reference as if fully set forth herein; provided, however, that all court proceedings shall occur under the jurisdiction of the Osceola Municipal Court.

D. Schedule of deposits.

1. The schedule of cash deposits for use with citations issued under this section shall be as adopted by the Town Board from time to time, and such schedule shall be on file with the Town Clerk, the Clerk of the Osceola Municipal Court, and the Village of Osceola Police Department. Statutory penalty assessment imposed by W.S.A. s. 165.87 and the jail assessment imposed by W.S.A. s. 302.46(1) shall be added to any cash deposit.

E. Payment of deposit; receipt.

Deposits shall be in cash, money order or certified check to the Clerk of the Osceola Municipal Court. The cash deposit plus court costs must be paid to the Osceola Municipal Court. In either case the Village shall provide a receipt for the payment.

F. Officers authorized to issue citations.

Village of Osceola Police officers providing contract law enforcement services to the Town of Osceola may issue citations authorized under this chapter, and the following town officials may issue citations with respect to those specified sections which are directly related to their official responsibilities:

- 1. Building Inspector.
- 2. Zoning Administrator.
- 3. Health Officer.

4. Animal Control Officer. [Amended 9-2-1999]
5. Town Chairperson.
6. Fire Chief.

G. Options and procedures on default.

Section 66.119(3) of the Wisconsin Statutes, relative to a violator's options and procedures on default, is hereby adopted and incorporated herein by reference.

H. Effect on other ordinances and remedies.

1. Other ordinances. This chapter does not preclude the Town of Osceola from adopting any other ordinance or providing for the enforcement of any law or ordinance relating to the same or other matters.
2. Other remedies. The issuance of a citation hereunder shall not preclude the town 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.

I. SEVERABILITY. Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void, or invalid for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

J. EFFECTIVE DATE. This ordinance is effective upon adoption and publication as required by law.

Dated this 12th day of November 2007.

TOWN OF OSCEOLA:

By: Steven Stroshane, Chairman

ATTEST:

Date Adopted: _____

Date Published: _____

Effective Date: _____

By: Lorraine Rugroden, Clerk