

Citation Ordinance
Ordinance No. 117

STATE OF WISCONSIN
Town of Mentor
Clark County

SECTION I – TITLE/PURPOSE

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

SECTION II – AUTHORITY

The Town Board of the Town of Mentor has the specific authority under § 66.0113, Wis. Stats. to adopt this ordinance.

SECTION III – ADOPTION OF ORDINANCE

The Town Board of the Town of Mentor, 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 Mentor to issue citations for violations of Town of Mentor ordinances, including ordinances with statutory counterparts.

SECTION IV – COVERAGE

The Town Board prescribes the form for citations to be issued in the Town of Mentor by the Town Board, or its designees, for violations of Town of Mentor 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, plus costs, fees, and surcharges imposed under ch. 814, 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, plus costs, fees, and surcharges imposed under ch. 814, 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.

The Town Board adopts the following schedule of cash deposits that are required for the various Town of Mentor ordinance violations, which includes for each listed violation costs, fees, and surcharges imposed under ch. 814, Wis. Stats: All cash deposits shall be in accordance with the most current Civil Forfeitures Table published by the Wisconsin Circuit Courts. The April 2, 2008 Table is attached hereto. Any Table published subsequent to the April 2, 2008 Table is incorporated herein by reference and made the current schedule for the Town of Mentor cash deposit amounts.

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: State of Wisconsin, Clark County Clerk of Court or person acting in that capacity.

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 Mentor in lieu of the citation form noted above in subsection C.

The Town Board requires that in actions for violations of Town of Mentor ordinances enacted in accordance with s. 23.33 (11) (am) or s. 30.77, Wis. stats., the citation form specified in s. 23.54, Wis. stats., shall be used in lieu of the citation form noted above in subsection C.

SECTION V – ISSUANCE AND SERVICE OF CITATION

The Town Board may issue Town of Mentor citations or the Town Board may designate certain Town of Mentor, County or other municipal officials, with their written approval, to issue such citations.

The Town of Mentor's appointed law enforcement officer and Clark County Sheriff's Department deputies are authorized to issue the Town of Mentor citations. These officials may also designate a person to issue such Ordinances for the Town of Mentor and this official may revoke this authority to issue anytime.

The Town of Mentor Town Board has designated the Town Chair or any person approved by the Town Board to serve any citations for the Town of Mentor upon issuance. Any person specifically authorized by the Town Board to issue citations by the Town Board of the Town of Mentor may also serve such citations.

SECTION VI – 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 Mentor 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 VII – SEVERABILITY

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

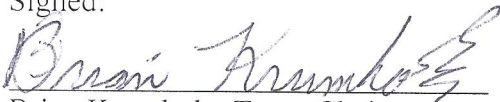
SECTION VIII – EFFECTIVE DATE

This 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 9 day of June, 2009.

Signed:


Brian Krumholz, Town Chair-person


Linda Laffe, Town Clerk

N.W.2d 695, 109 Wis.2d 138, reconsideration
denied 327 N.W.2d 641. Arrest  66(2)

Town board could appoint policeman under subsection (8) of former § 60.29 (see, now, this section), who had powers of policeman in villages and could gather evidence against violators of criminal law. 12 Op.Atty.Gen. 425 (1923).

2. Establishment of police department

Municipality had not “established” a police department as required before discharged police officer could avail himself of statute requiring compliance with certain procedures before municipality with established department could terminate police officers; there was no evidence that town had passed resolutions, ordinances, or even board minutes establishing a police department. Christian v. Town of Emmett (App. 1991) 471 N.W.2d 252, 163 Wis.2d 277.

Municipal Corporations  185(3)

W. S. A. 60.56, WI ST 60.56

Current through 2009 Act 15, published 05/28/2009

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END OF DOCUMENT

60.56. Law enforcement

(1) General authority. (a) The town board may provide for law enforcement in the town or any portion of the town in any manner, including:

1. Establishing a town police department.
2. Joining with another town, village or city to create a joint police department. If the town board establishes a joint police department with a village under s. 61.65(1)(a)3, the town board shall create a joint board of police commissioners with the village under s. 61.65(1)(b)1.b.

3. Contracting with any person.

(am) If a town board establishes a town police department under par. (a) 1 or 2 and does not create a board of police commissioners singly or in combination with another town, village or city, the town may not suspend, reduce, suspend and reduce, or remove any police chief or other law enforcement officer who is not probationary, and for whom there is no valid and enforceable contract of employment or collective bargaining agreement which provides for a fair review prior to that suspension, reduction, suspension and reduction or removal, unless the town board does one of the following:

1. Establishes a committee of not less than 3 members, none of whom may be an elected or appointed official of the town or be employed by the town. The committee shall act under s. 62.13(5) in place of a board of police and fire commissioners. The town board may provide for some payment to each member for the member's cost of serving on the committee at a rate established by the town board.

2. Appoint a person who is not an elected or appointed official of the town and who is not employed by the town. The person shall act under s. 62.13(5) in place of a board of police and fire commissioners. The town board may provide for some payment to that person for serving under this subdivision at a rate established by the town board.

(b) The town board may provide for the equip-

ping, staffing, housing and maintenance of law enforcement services.

(2) Funding. The town board may appropriate money to fund law enforcement services.

<<For credits, see Historical Note field.>>


COMMENTS--1983 ACT 532, § 7

2000 Main Volume

Based on s. 60.29(7), (8) and (9). The detail of current law is eliminated and replaced with broad authority of the town board to provide for law enforcement. Related provisions eliminated in this revision are:

1. Section 60.29(21), providing that town police officers possess all of the powers possessed by such officers in villages. [While s. 60.29(21) appears to apply to all town officers appointed under s. 60.29, a review of the provision's legislative history reveals that it is intended to apply only to town police officers.]

2. Section 60.29(8m), providing that the town board has charge of the town jail. The concept of town jails is outmoded; they no longer exist.

 Towns 27, 37.
Westlaw Topic No. 381.
C.J.S. Towns §§ 60, 98 to 100.

NOTES OF DECISIONS

Authority of police officers 1
Establishment of police department 2

1. Authority of police officers

If a peace officer is appointed to act only within limited district, he has no greater privilege outside of such district than a private citizen. State v. Monje (App. 1981) 312 N.W.2d 827, 105 Wis.2d 66, reversed on other grounds 325