

Town of Lac du Flambeau

Vilas County • P.O. Box 68 • Lac du Flambeau, Wisconsin 54538 • (715) 588-3358

ORDINANCE 95-02C

TOWN OF LAC DU FLAMBEAU

AN ORDINANCE RELATING TO ISSUANCE OF CITATIONS

FOR VIOLATIONS OF ORDINANCES AND PROVIDING A

SCHEDULE OF CASH DEPOSITS

The Town Board of the Town of Lac du Flambeau does ordain as follows:

Section 1. Authority. Pursuant to the authority of s. 66.119 of the Wisconsin statutes, the Town of Lac du Flambeau elects to use the citation method of enforcement of ordinances, including ordinances for which a statutory counterpart exists.

Section 2. Citation. the citation shall contain the following:

- A. The name and address of the alleged violator.
- B. 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 the alleged violator may make a cash deposit based on the schedule established by this ordinance which shall be delivered or mailed to County Clerk of Courts prior to the time of the scheduled court appearance.
2. That if the alleged violator makes such a cash deposit, he or she need not appear in court unless subsequently summoned.
3. That if a cash deposit is made and the alleged violator does not appear in court, he or she will be deemed to have tendered a plea of no contest and submitted to a forfeiture and penalty assessment imposed by Section 165.87 Wis. Stats., not to exceed the amount of the

Supervisor
Mike Christensen

Chairman
Francis P. Chartier

Supervisor
Matthew E. Gaulke

deposit, or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.

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 a warrant for the defendant's arrest or consider the non-appearance to be a plea of no contest and enter judgement, or the municipality may commence an action against the alleged violator to collect the forfeiture and penalty assessment imposed by Section 165.87, Wis. Stats.
5. 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 another person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under Section 800.093, Wis. Stats.
6. A direction that if the alleged violator elects to make a cash deposit, he or she shall sign an appropriate statement which accompanies the citation to indicate that he or she read the statement required under (G). Such statement shall be brought or sent with the cash deposit.
7. Such other information as the Town may deem necessary.

Section 3. Schedule of Deposits. The following schedule of deposits is established for use with citations as issued under this section.

- A. Any provisions of the Lac du Flambeau Comprehensive Zoning Ordinance, No. 93-4, or any subsequent revisions thereof, which are violated shall be subject to a forfeiture of not less than \$50.00 nor more than \$500.00, plus a penalty assessment of 20% of the amount of the fine levied.
- B. Any provision of the Lac du Flambeau Ordinance 94-02A Designating Town Road Highways as Snowmobile Routes, or any subsequent revision thereof, which is violated shall be subject to a forfeiture of not less than....

the cost of prosecution.

- C. Any provision of the Lac du Flambeau Boating Ordinance 93-1A, or any subsequent revision thereof, which is violated shall be subject to a forfeiture of not less than \$50.00 nor more than \$250.00 for each violation plus the cost of prosecution.
- D. Any provision of the Truck Route Ordinance 99-04, or any subsequent revision thereof which is violated shall be subject to a forfeiture of \$100.00 plus the cost of prosecution.
- E. Any provision of the Parking Restrictions Ordinance 99-03, or any subsequent revision thereof which is violated shall be subject to a forfeiture of \$100.00 plus the cost of prosecution.
- F. Any provision of the Animal Control Ordinance 95-01A, or any subsequent revision thereof which is violated shall be subject to penalties as set forth in Section 19, Enforcement and Penalties.
- G. Deposits shall be made in cash, money order, or certified check to the County Clerk of Courts, who shall provide a receipt therefor.

Section 4. Issuance of Citations.

- A. Any designated law enforcement officer, Department of Natural Resources Warden, or Vilas County Sheriff's Deputy may issue citations for the enforcement of the the Snowmobile Route Ordinance 94-02A and the Boating Ordinance 93-1A, or the Truck Route Ordinance 99-04, or the Parking Restrictions Ordinance 99-03. Any designated law enforcement officer may delegate their authority to their subordinates.

1. The Lac du Flambeau Zoning Administrator

C. The appointed Animal Control Officer, or any designated law enforcement officer are hereby authorized to issue citations with respect to the Animal Control Ordinance. Such officials may delegate their authority to their subordinates.

Section 5. Procedure. The provisions of s. 66.119(3), Wis. Stats., relating to violator's options and procedure on default, are hereby adopted and incorporated herein by reference.

Section 6. Nonexclusivity. Adoption of this ordinance in no way precludes the adoption of 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 in no way precludes the proceeding under any other law or ordinance relating to the same or any other matter.

Section 7. Severability. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this ordinance which are not unconstitutional provisions or applications.