# CHAPTER 2

Issuance of Citations

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Method of Enforcement Information Contained in Citation Form of Citation

Schedule of Deposits Issuance of Citation Procedure

Nonexclusively

# SEC. 1-2-1 METIIOD OF ENFORCEMENT.

The Town of Burke hereby elects to adopt and authorize the use of citation method of enforcement for violations of ordinances. All Town law enforcement officers and other Town personnel charged with the responsibility of enforcing the provisions of this Code of Ordinances are hereby authorized pursuant to Sec. 66.119(l)(a), Wis. Stats., to issue citations for violations of this Code of Ordinances, including ordinances for which a statutory counterpart exists.

# SEC. 1-2-2 INFORMATION CONTAINED IN CITATION.

The citation shall contain the following:

1. The name and address of the alleged violator.
2. Factual allegations describing the alleged violation.
3. The time and place of the offense.
4. The Section of the Ordinance and/or state statute 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. The time at which the alleged violator may appear in court.
7. A statement which, in essence, informs the alleged violator:
	1. That a cash deposit based on the schedule established by this Chapter may be made which shall be delivered or mailed to the Clerk of Circuit Court prior to the time of the scheduled court appearance.
	2. That, if a deposit is made, no appearance in court is necessary unless he is subsequently summoned.
	3. That, if a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest, or, if the court does not accept the plea of no contest, a summons will be issued commanding him to appear in court to answer the complaint.
	4. That, if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture.
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 statement required under Subsection (g) above has been read. Such statement shall be sent or brought with the cash deposit.
9. Such other information as the Town deems necessary.

SEC. 1-2-3 **FORM OF CITATION.**

The form of the citation to be issued by law enforcement officers or other designated Town officials is incorporated herein by reference and shall provide for the following information:

1. The name and address of the alleged violator;
2. The factual allegations describing the alleged violation;
3. The date and place of the offense;
4. The Section of the Ordinance violated;
5. A designation of the offense in such manner as 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:
	1. That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time;
	2. That, if the alleged violator makes such a deposit, he need not appear in court unless subsequently summoned;
	3. That, if the alleged violator makes a cash deposit and does not appear in court, he will be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment imposed by Section 165.87, Wis. Stats., and court costs as imposed by Section 800.10, 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;
	4. That, if the alleged 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 and the penalty assessment imposed by Section 165.87, Wis. Stats.
8. A direction that, if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he read the statement required under Subsection (g) and shall send the signed statement with the cash deposit;
9. Each citation shall contain the information required by Wisconsin law and may contain additional information.

**SEC. 1-2-4 SCHEDULE OF DEPOSITS.**

1. The Town’s deposit schedule shall consist of the most recent revised Uniform State Traffic Deposit Schedule adopted by the Wisconsin Judicial Conference. The deposit amount shall be the basic amount plus all costs, fees, assessments, charges, surcharges, and penalties imposed by law.
2. Deposits shall be made in cash, money order, personal check, or certified check to the Clerk of the municipal court. A receipt shall be given for each cash deposit received.

**SEC. 1-2-5 ISSUANCE OF CITATION.**

(a) **Law Enforcement Officer.** Any law enforcement officer may issue citations authorized under this Chapter.

(b) **Officials Authorized to Issue Citations.**  Citations authorized by this Code may be issued by Town and Dane county law enforcement officers and by the following designated Town officials, whenever there are such Town officials, with respect to matters directly related to each official’s area of responsibility. The officials granted authority to issue citations under this section may delegate that authority to other Town employees only with the approval of the Town Board:

1. Building Inspector
2. Weed Commissioner
3. Health Inspector
4. Animal Control Officer
5. Fire Chief or Designee
6. Public Works Patrolman is authorized to issue a citation for the violation of any parking regulation contained in section 50.08(4) of this code/G.O. 8-3-1.

(c) **Delegated Authority.** The Town officials designated in Subsection(b) above may delegate their authority to issue citations to their subordinates, provided such delegation is authorized by the Town Board.

SEC. 1-2-6 **PROCEDURE.**

Section 66.119(3), Wis. Stats., relating to violator's options and procedure on default is hereby adopted and incorporated herein by reference.

SEC. 1-2-7 **NONEXCLUSIVITY.**

(a) Other Ordinance. Adoption of this Chapter does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

(a) 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.