

Chapter 2

Issuance of Citations

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Sec. 1-2-1 Method of Enforcement.

The Town of Westport hereby elects to use the citation method of enforcement 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(1)(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:

- (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 and/or state statute 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 a cash deposit based on the schedule established by this Chapter may be made which shall be delivered or mailed to the Town Clerk/Treasurer prior to the time of the scheduled court appearance.
 - (2) That, if a deposit is made, no appearance in court is necessary unless he/she is subsequently summoned.
 - (3) That, if a cash deposit is made and the alleged violator does not appear in court, he/she 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/her 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.
- (h) 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.
- (i) 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:

- (a) The name and address of the alleged violator;
- (b) The factual allegations describing the alleged violation;
- (c) The date and place of the offense;
- (d) The section of the Ordinance violated;
- (e) A designation of the offense in such manner as can be readily 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 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/she 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 Sec. 165.87, Wis. Stats., and court costs as imposed by Sec. 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 Sec. 165.87, Wis. Stats.
- (h) 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;
- (i) Such other information as may be deemed necessary.

Sec. 1-2-4 Schedule of Deposits.

- (a) The schedule of cash deposits shall be established by the Town Board for use with citations issued under this Chapter according to the penalty provision of this Code, a copy of which is on file with the Town Clerk/Treasurer.
- (b) Deposits shall be made in cash, money order or certified check to the Clerk of Court who shall provide a receipt therefor.

Sec. 1-2-5 Issuance of Citation.

- (a) **Law Enforcement Officer.** Any law enforcement officer may issue citations authorized under this Chapter.
- (b) **Town Officials.** Citations authorized by this Code may be issued 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.
 - (1) Building Inspector
 - (2) Plumbing Inspector
 - (3) HVAC Inspector
 - (4) Electrical Inspector
 - (5) Town Administrator
- (c) **Delegated Authority.** The Town officials named 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.
- (b) **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.