

**TOWN OF MILTON
CITATION ORDINANCE
Ordinance No. 2020-16**

An Ordinance adopting the form and relating to issuance of citations for violations of Town Ordinances.

WHEREAS, Section 66.0113, Stats., authorizes municipalities so electing to utilize the citation method of enforcement for Ordinances; and

WHEREAS, the Town has heretofore been authorized by its electors to exercise Village powers, and therefore the Town has the authority to enact Ordinances and to adopt the citation method established under Section 66.0113, Stats.;

NOW THEREFORE, the Town Board of the Town of Milton do ordain as follows:

SECTION 1 – FORM OF CITATION

Citations issued by the Town shall contain the following;

- A. The name and address of the alleged violator;
- B. The factual allegations describing the alleged violation;
- C. The time and place of the offense;
- D. The name of and section of the Ordinance violated;
- E. A designation of the offense in a manner that 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 Ordinance may be made, which shall be delivered or mailed to the Buffalo County Clerk of Court at least twenty-four hours prior to the time of the scheduled Court.
 - 2. That if a cash deposit is made, no appearance in Court is necessary unless he or she is 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 entered a plea of no contest, and submitted to a forfeiture or, if the Court does not accept the plea of no contest, that a Summons will be issued commanding him or 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, the Court may issue a Summons or an Arrest Warrant concerning the defendant, or treat the nonappearance as a plea of no contest and enter judgment and/or that the municipality may commence an action to collect the forfeiture.

5. 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 statements required under "G" herein has been read, which statement shall be sent or brought with the cash deposit.

6. Such other information as the Town deems necessary.

H. Any citation issued for a violation of any Uniform State Traffic Regulation shall be issued using a Uniform Traffic Citation as set forth in Wis. Stat. §345.11, and the provisions of Chapter 345 concerning issuance of and general provisions relating to same are hereby adopted by reference.

SECTION 2 – SCHEDULE OF DEPOSITS

A. The following schedule of cash deposits is established for use with respect to violations of any Ordinance heretofore and hereafter adopted by the Town of Milton, and to that end, to the extent any Ordinance heretofore adopted has been inconsistent herewith, it is hereby amended accordingly.

<u>Ordinance Title</u>	<u>Number</u>	<u>Adopted</u>
Speed Limit Ordinance Deposit: such forfeiture as is established by the Uniform Traffic Regulations, Uniform State Traffic Forfeiture Schedule.		August 11, 1982
Speed Limit Ordinance Deposit: such forfeiture as is established by the Uniform Traffic Regulations, Uniform State Traffic Forfeiture Schedule.	970813	August 13, 1997
Neighborhood Electric Vehicles Deposit: such forfeiture as is established by the Uniform Traffic Regulations, Uniform State Traffic Forfeiture Schedule.		February 17, 2010
Seasonal Weight Limitations Deposit: a forfeiture of not less than \$500 nor more than \$2,500 per Section 5 of said ordinance.	2018-14	June 18, 2019

Deposit: such forfeiture as is established by the Uniform Traffic Regulations, Uniform State Traffic Forfeiture Schedule.

B. Deposits shall be made in cash, money order or certified check, delivered to the Buffalo County Clerk of Court who shall provide a receipt therefore and forward the Town's share of such funds to the Town Treasurer.

C. Where any other Ordinance does not specifically contain reference to the amount of forfeiture for its violation, the violation of such Ordinance heretofore or hereafter adopted by the Town of Milton shall be as follows: a forfeiture of not less than \$250 nor more than \$500 plus Court costs and costs of prosecution.

D. In addition to the foregoing the Town Clerk may maintain a Table of Forfeitures setting forth Ordinance number, title of Ordinance (subject matter), amount of forfeiture for violation of the Ordinance, and date of Ordinance, as may be from time to time established by Resolution of the Town Board.

E. The Town Board shall, from time to time by Resolution or other appropriate Board action, establish fees for licenses, permits, reviews and other matters as called for in Ordinances or Resolutions adopted by the Town Board.

F. In addition to the foregoing, in the event any State Statute establishes penalties for violations of any law or Ordinance, including those pertaining to alcoholic beverages (Chapter 125, Wis. Stat.), the provisions of the State Statutes shall apply with respect to the Uniform Deposit and Forfeiture for any such violation.

SECTION 3 – ISSUANCE OF CITATION

The Town Chairperson, Town Clerk or Town Attorney may issue citations with respect to violations of any Ordinances of the Town.

SECTION 4 – PROCEDURE

A. Wisconsin Statutes 66.0113(3) relating to a violator's options and procedure on default is hereby adopted and incorporated by reference.

B. This Ordinance shall not preclude the Town from utilizing any other Ordinance or remedy to enforce Town Ordinances, including actions for injunctive relief.

SECTION 5 – EFFECTIVE DATE

This Ordinance shall take effect upon passage and posting as provided by law.

Passed and adopted February 12, 2020.

TOWN OF MILTON


Benjamin Adank, Town Chair

Attest: 
Kalene Engel, Town Clerk

I, the undersigned Town Clerk, hereby certify the foregoing Ordinance was posted in the following three public places in the Town of Milton on Feb 12, 2020.

52838 Fern Cir, Fountain City, WI

W823 Engel Rd, Fountain City, WI

52794 State Rd 88, Fountain City


Kalene Engel, Town Clerk