

**Town of Eau Pleine, Marathon County, Wisconsin**

**Citation Ordinance**

**Ordinance #2023-2**

**1.01. AUTHORITY**

Pursuant to sec 66.119 of the Wisconsin Statutes, the Town Board of Supervisors of the Town of Eau Pleine, Marathon County, Wisconsin hereby elects to use the citation method of enforcement of town ordinances described herein, other than those for which a statutory counterpart exists.

**1.02 FORM OF CITATION**

The citation shall contain 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 such language as can be readily understood by a person making a reasonable effort to do so;
- (6) the date and time at which the alleged violator may appear in court;
- (7) a statement that in essence informs the alleged violator:
  - (a) that a cash deposit based on the schedule established by this Ordinance may be made which shall be delivered or mailed to the Clerk of Circuit Court prior to the time of the scheduled court appearance;
  - (b) that if a cash deposit is made, no appearance in court is necessary unless he/she is subsequently summoned;
  - (c) that if a cash deposit is made and the alleged violator does not appear in court at the time specified, he/she will be deemed to have entered a plea of no contest and have submitted to a forfeiture, 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;
  - (d) 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 that accompanies the citation shall be signed to indicate that the statement required under sec. 1.02(7) of this Ordinance has been read, and such statement shall be sent or brought with the cash deposit;
- (9) such other information as the Town deems necessary.

### 1.03 SCHEDULE OF DEPOSITS

The following schedule of cash deposits is established for use with citations issued under this Ordinance:

| Ordinance Title                        | Offense   | Deposit and Costs                                   |
|--|-----------|---|
| Wind Energy Facility License Ordinance | Violation | \$500-\$5000 per violation plus current court costs |
| Plowing Snow Across Town Roads         | Violation | \$50 per violation plus current court costs         |

Deposits shall be made in cash, money order, or certified check to the Town of Eau Pleine Treasurer who shall provide a receipt therefore.

### 1.04 ISSUANCE OF CITATION

Citations may be issued upon recommendation of a Town Board member, Town Clerk, or Town Building Inspector with approval of the Town Board.

### 1.05 PROCEDURE

Sec. 66.119(3) of the Wisconsin Statutes relating to violations options and procedures on default is hereby adopted and incorporated by reference.

### 1.06 NONEXCLUSIVITY

(1) Other Ordinance. Adoption of this Ordinance 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.

(2) Other Remedies. The issuance of a citation hereunder shall not preclude the Town Board or any authorized office from proceeding under any other ordinance or lay of by any other enforcement method to enforce any ordinance, regulation, or order.

### 1.07 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 can be given effect without the invalid or unconstitutional provision or application.

**1.08 EFFECTIVE DATE**

This Ordinance shall take effect and be in force from and after the day after passage and publication as required by law.


**TOWN BOARD APPROVAL:**

This Ordinance was adopted by the Town of Eau Pleine Town Board on this 8th day of August, 2023.

**APPROVED BY:**



Mark Landwehr, Town Chairperson

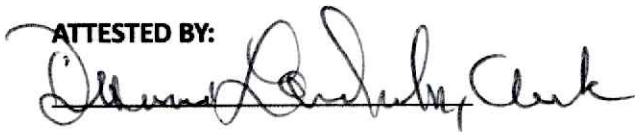


Kurt Schwarze, Town Supervisor



Mark Radke, Town Supervisor

**ATTESTED BY:**



Deanna Landwehr, Town Clerk