

**TOWN OF GARFIELD  
ORDINANCE NO. 2 - 2008**

**CITATIONS**

A. Statutory authority.

Pursuant to W.S.A. s. 66.0113 the Town of Garfield adopts and authorizes the use of the citation method of enforcement of ordinances, including those for which a statutory counterpart exists, and s. 66.119 is hereby incorporated and made a part of this chapter.

B. Contents of citation. The citation shall contain the following:

1. Name and address of the alleged violator.
2. Factual allegations describing the alleged violation.
3. Time and place of the offense.
4. Number and section of ordinance 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. Time and date in which the alleged violator may appear in court.
7. A statement which informs the alleged violator that:
  - a. A cash deposit based on the established schedule may be delivered or mailed to a specific official within a specified time.
  - b. If a deposit is made no appearance in court is necessary unless he is subsequently summoned.
  - c. If the violator makes a cash deposit and does not appear in court, either he will be deemed to have tendered plea of no contest and submitted to a forfeiture (a penalty assessment imposed by W.S.A. s. 165.87 and a jail assessment imposed by W.S.A. s. 302.46(1) not to exceed the amount of the deposit) or he will be summoned into court to answer the complaint if the court does not accept the plea of no contest.
  - d. If the 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, the penalty assessment imposed by W.S.A. s. 165.87 and the jail assessment imposed by W.S.A. s. 302.46(1).
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 required statement

has been read. Such statement shall be sent or brought with the cash deposit.

C. Form of citation.

The Town adopts for use the Uniform Municipal Citation, Form MC2000, consisting of a five-part citation, a sample of which is on file in the office of the Town Clerk and adopted by reference as if fully set forth herein; provided, however, that all court proceedings shall occur under the jurisdiction of the Polk County Circuit Court.

D. Schedule of deposits.

1. The Town Clerk shall deposit with the Clerk of Court of Polk County and the Town a schedule of cash deposits which are to be required for the various ordinance violations and for the penalty assessment imposed by W.S.A. s. 165.87 and the jail assessment imposed by W.S.A. s. 302.46(1) for which a citation may be issued.

2. The following schedule of cash deposits is established for use with citations issued under this Chapter plus court costs set by the Polk County Circuit Court.

<b>ORDINANCE</b>	<b>ORDINANCE NUMBER</b>	<b>CASH DEPOSIT (+ = court costs)</b>
Driveway Ordinance	2-2004	\$50 +
Building Inspection and Issuance of Building Permits	4-2004	\$50+
Park Rules and Regulations	3-2007	\$25+ first offense \$35+ subsequent offenses
Parking Restriction	1-2008	\$25+
Outdoor Burning	2-2007	

E. Payment of deposit; receipt.

Deposits shall be in cash, money order or certified check. There shall be two options for payment. The alleged violator may pay the cash deposit directly to the Town Clerk on or before a deadline established by the Town Clerk and before the Town forwards the citation to Polk County Circuit Court for processing. If the citation is paid directly to the Town Clerk by the deadline and the citation is not processed through Polk County Circuit Court, the alleged violator can pay the amount of the cash deposit established under this ordinance excluding the court costs. If the citation is not paid directly to the Town by the deadline established by the Town Clerk, the cash deposit plus court costs must be paid to the Polk County Clerk of Court. In either case, the Town or the County shall provide a receipt for the payment.

F. Officers authorized to issue citations.

Any law enforcement officer contracting with the Town for enforcement of Town ordinances may issue

citations authorized under this chapter, and the following Town officials may issue citations with respect to those specified sections which are directly related to their official responsibilities:

1. Building Inspector
2. Zoning Administrator
3. Health Officer
4. Animal Control Officer
5. Town Chairperson
6. Fire Chief

G. Section 66.119(3) of the Wisconsin Statutes, relative to a violator=s options and procedures on default, is hereby adopted and incorporated herein by reference.

H. Effect on other ordinances and remedies.

1. Other ordinances. This chapter does not preclude the Town of Garfield from adopting any other ordinance or providing for the enforcement of any law or ordinance relating to the same or other matters.
2. Other remedies. The issuance of a citation hereunder shall not preclude the Town or any authorized officer from proceeding under any other ordinance of law or by any other enforcement method to enforce any ordinance, regulation or order.

I. Severability.

If any article or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific article or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the article. The remainder of the article shall remain in full force and effect. Any other chapters whose terms are in conflict with the provisions of this article are hereby repealed as to those terms that conflict.

J. Effective Date.

This ordinance shall be effective upon passage and publication as required by law.

Dated this 18<sup>th</sup> day of August, 2008.

BY: TOWN OF GARFIELD

Ed Gullickson  
Edward O. Gullickson, Chair

ATTEST:

Date Adopted: 8-18-2008

Date Published: 9-10-2008

Sue Knutson  
Acting Clerk