

CHAPTER 980

ENFORCEMENT OF CITY ORDINANCES BY MEANS OF CITATIONS

[History: Ord 1990-27]

980.01 ELECTION TO ADOPT CITATION METHOD OF ENFORCEMENT. Pursuant to sec. 66.119, Wisconsin Statutes, the City of Richland Center hereby elects to use the citation method of enforcement of ordinances.

980.02 THE CITATION. The form of the citation shall provide for 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 Code of Ordinances 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:
 - 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 of Richland County prior to the time of the scheduled court appearance.
 - b. That if a deposit is made, the violator need not appear in court unless he or she is subsequently summoned.
 - c. 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, a penalty assessment and a jail assessment 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.
 - 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 against the alleged violator to collect the forfeiture.
- (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 or she has read the

statement required under sub. (7) above. Such statement shall be sent or brought to the Clerk of Court with the cash deposit.

(9) Such and other information as the City of Richland Center deems necessary.

980.03 FORM OF CITATION. The form of the citation to be used by the City of Richland Center is attached hereto and made a part of this ordinance by reference.

980.04 USE OF CITATION FOR CERTAIN TRAFFIC OFFENSES. The citation adopted by this Chapter may also be used for enforcement of those provisions of Chapter 101 of the Code of Ordinances for which the use of the Wisconsin Uniform Traffic Citation and Complaint is not authorized, including non-moving traffic offenses and sec. 101.13.

980.05 SCHEDULE OF DEPOSITS. (a) The following schedule of cash deposits is established for use with citations issued under this ordinance:

Ordinance Section	Offense	Deposit Amount
101.13	...Display of power [Forfeiture: not less than \$10 nor more than \$200] DEPOSIT AMOUNT.....	\$ 61.00
201.01	...Selling/serving alcohol beverages on street [Forfeiture: not less than \$25 nor more than \$400] DEPOSIT AMOUNT.....	\$ 67.00
201.02	...Consumption/possession alcohol beverages on street [Forfeiture: not less than \$25 nor more than \$400] DEPOSIT AMOUNT.....	\$ 67.00
201.03	...Permitting alcohol beverages in unlicensed premises. [Forfeiture: not less than \$250 nor more than \$500] DEPOSIT AMOUNT.....	\$ 391.00
201.04	...Consume alcohol beverages where prohibited [Forfeiture: not less than \$25 nor more than \$400] DEPOSIT AMOUNT.....	\$ 67.00
202.02 (1) (a)	...Procure for, sell, dispense or give alcohol beverage person under 21 (defendant 18 or older) (adopting 125.07(1)(a)1 [Forfeiture: 1st offense w/in 12 months: not more than \$500	

2nd or subsequent offense w/in 12 months:
not less than \$200, nor more than \$500]
DEPOSIT AMOUNT - 1st violation..... \$ 271.00
DEPOSIT AMOUNT - 2nd or subsequent violation within 12 mos.. \$ 391.00

202.02 (1) (b)...Licensee dispensing alcohol beverage to underage
person (adopting 125.07(1)(a)2
[Forfeiture: 1st offense w/in 12 months: not more than \$500
2nd or subsequent offense w/in 12 months:
not less than \$200, nor more than \$500]
DEPOSIT AMOUNT - 1st violation..... \$ 271.00
DEPOSIT AMOUNT - 2nd or subsequent violation within 12 mos.. \$ 391.00

202.02 (1) (c)...Adult permitting/failing to stop underage
consumption (adopting 125.07(1)(a)3
[Forfeiture: 1st offense w/in 12 months: not more than \$500
2nd or subsequent offense w/in 12 months:
not less than \$200, nor more than \$500]
DEPOSIT AMOUNT - 1st violation..... \$ 271.00
DEPOSIT AMOUNT - 2nd or subsequent violation within 12 mos.. \$ 391.00

202.02 (1) (d)...Adult encourage or contribute to procuring (adopting 125.07(1)(a)3
[Forfeiture: 1st offense w/in 12 months: not more than \$500
2nd or subsequent offense w/in 12 months:
not less than \$200, nor more than \$500]
DEPOSIT AMOUNT - 1st violation..... \$ 271.00
DEPOSIT AMOUNT - 2nd or subsequent violation within 12 mos.. \$ 391.00

202.03 ...Licensee permitting underage persons to loiter on Class
A or Class B licensed premises (adopting 125.07(3)
(each underage person constitutes separate violation)
[Maximum Forfeiture: \$500.00]
DEPOSIT AMOUNT: 1st Violation within 12 months..... \$ 151.00
2nd or subsequent violation w/in 12 months....\$ 271.00

202.04 ...Underage person procuring or attempting to (adopting 125.07(4)
procure alcohol beverages OR
Entering or attempting to enter licensed premises
OR
Falsely representing age (Note: If uses ID card see 202.05)

Defendant 18 years of age or older-1st offense DEPOSIT AMOUNT..\$ 91.00
2nd offense within 1 year..... DEPOSIT AMOUNT.\$ 151.00
3rd and subsequent offense within 1 yr... DEPOSIT AMOUNT.\$ 211.00

Defendant under 18 years of age - 1st offense DEPOSIT AMOUNT..\$ 91.00
2nd offense within 1 year.....DEPOSIT AMOUNT.\$ 151.00
3rd and subsequent offense within 1 yr...DEPOSIT AMOUNT.\$ 211.00

202.05 ...Identification card violations by person under 21: (adopting 125.08(3)(b)
(Defendant 18 years of age or older, but under 21)
[Forfeiture: 1st offense w/in 12 months: not more than \$500
2nd or subsequent offense w/in 12 months:
not less than \$200, nor more than \$500]
DEPOSIT AMOUNT - 1st violation..... \$ 151.00
DEPOSIT AMOUNT - 2nd or subsequent violation within 12 mos.. \$ 211.00

Defendant under 18 years of age - 1st offense DEPOSIT AMOUNT..\$ 91.00
2nd offense within 1 year.....DEPOSIT AMOUNT.\$ 151.00
3rd and subsequent offense within 1 yr...DEPOSIT AMOUNT.\$ 211.00

202.06 ...School-related possession of alcohol beverages (adopting 125.09(2))
[Forfeiture: not more than \$200]
Defendant 18 or older
DEPOSIT AMOUNT - 1st violation..... \$ 151.00
DEPOSIT AMOUNT - 2nd or subsequent violation within 12 mos.. \$ 211.00

Defendant under 18 years of age - 1st offense DEPOSIT AMOUNT..\$ 91.00
2nd offense within 1 year.....DEPOSIT AMOUNT.\$ 151.00
3rd and subsequent offense within 1 yr...DEPOSIT AMOUNT.\$ 211.00

220.01 ...Shoplifting
[Forfeiture: not less than \$25 nor more than \$400]
Value of property under \$5.00DEPOSIT AMOUNT \$ 79.00
Value of property from \$5.00 thru \$20.00 ... DEPOSIT AMOUNT \$ 139.00
Value of property over \$20.00 DEPOSIT AMOUNT \$ 211.00

221.01 ...Theft
[Forfeiture: not less than \$25 nor more than \$400]
Value of property under \$5.00DEPOSIT AMOUNT \$ 79.00
Value of property from \$5.00 thru \$20.00DEPOSIT AMOUNT \$ 139.00
Value of property over \$20.00DEPOSIT AMOUNT \$ 211.00

222.10 ...Damage to property
 [Forfeiture: not less than \$25 nor more than \$400]
 DEPOSIT AMOUNT..... \$ 211.00

223.01 ...Resisting or obstructing an officer
 [Forfeiture: not less than \$25 nor more than \$400]
 DEPOSIT AMOUNT..... \$ 211.00

224.01 ...Possession of Marijuana
 [Forfeiture: not less than \$25 nor more than \$400]
 DEPOSIT AMOUNT..... \$ 211.00

250Disorderly conduct
 [Forfeiture: not less than \$25 nor more than \$400]
 DEPOSIT AMOUNT..... \$ 211.00

260Setting Off Fireworks, Firecrackers etc.
 [Forfeiture: not less than \$10 nor more than \$200]
 DEPOSIT AMOUNT..... \$ 67.00

270.01....Discharge firearm, airgun etc. in City
 [Forfeiture: not less than \$10 nor more than \$200]
 DEPOSIT AMOUNT..... \$ 91.00

270.02....Transport uncased firearm, airgun etc. in City
 [Forfeiture: not less than \$10 nor more than \$200]
 DEPOSIT AMOUNT..... \$ 67.00

303.01....Dog running at large
 [Forfeiture: not less than \$25 nor more than \$400]
 DEPOSIT AMOUNT..... \$ 61.00

303.015...Unlicensed Dog
 [Forfeiture: not less than \$25 nor more than \$400]
 DEPOSIT AMOUNT..... \$ 61.00

303.06(1) Dogs: Failure to maintain under physical control
[Forfeiture: not less than \$50 nor more than \$400]
DEPOSIT AMOUNT..... \$ 91.00

303.06(2) Dogs: Excessive barking
[Forfeiture: not less than \$50 nor more than \$400]
DEPOSIT AMOUNT..... \$ 91.00

303.06(3) Dogs: Failing to clean up excrement
[Forfeiture: not less than \$50 nor more than \$400]
DEPOSIT AMOUNT..... \$ 91.00

355.04....Storage of garbage outside approved container
[Forfeiture: not less than \$10 nor more than \$100]
DEPOSIT AMOUNT \$ 67.00

355.07....Placing garbage at curb more than 24 hrs. before pickup
[Forfeiture: not less than \$10 nor more than \$100]
DEPOSIT AMOUNT \$ 67.00

355.12 (1)....Transport or convey trash/garbage into City from
other political unit to place in another person's
trash cans, with or without permission [Forfeiture:
not less than \$50 nor more than \$200]
DEPOSIT AMOUNT \$ 151.00

355.12 (2)....Transport or convey trash/garbage into City from
other political unit to place into City dump
[Forfeiture: not less than \$50 nor more than \$200]
DEPOSIT AMOUNT \$ 151.00

355.12 (3)....Place trash/garbage into another person's trash can/
dumpster without permission [Forfeiture: not less
than \$50 nor more than \$200]
DEPOSIT AMOUNT \$ 151.00

355.12 (4)....Place trash/garbage on lands of another without

permission [Forfeiture: not less than \$50 nor more than \$200]
DEPOSIT AMOUNT \$ 175.00

OR

355.12 (4)...Place trash/garbage on lands or property owned by City including streets, sidewalks, parks or public lots [Forfeiture: not less than \$50 nor more than \$200]
DEPOSIT AMOUNT \$ 175.00

355.12 (5)...Assist or permit placing of trash/garbage originating outside City in container for City pickup or into landfill [Forfeiture: not less than \$50 nor more than \$200]
DEPOSIT AMOUNT \$ 151.00

701.08 ...Drinking, vehicles etc. on cemetery grounds.
[Forfeiture: not less than \$20 nor more than \$200]
DEPOSIT AMOUNT\$ 91.00

701.09 ...Vandalism on cemetery grounds
[Forfeiture: not less than \$50 nor more than \$500]
DEPOSIT AMOUNT \$ 331.00

702.02 ...Alcohol Beverages on park grounds
[Forfeiture: not less than \$50 nor more than \$200]
DEPOSIT AMOUNT \$ 127.00

702.03(10)..Parking where not permitted in parks
[Forfeiture: not less than \$25 nor more than \$200]
DEPOSIT AMOUNT \$ 43.00

702.03 ...Other Park Offenses [other than (10)]
[Forfeiture: not less than \$25 nor more than \$200]
DEPOSIT AMOUNT \$ 91.00

(b) Deposits shall be made in cash, money order or certified check to the Clerk of Circuit Court for Richland County, who shall provide a receipt therefore.

980.06 ISSUANCE OF CITATION. Citations may be issued by the Chief of Police and by officers of the Richland Center Police Department. In addition, the Common Council may authorize by ordinance or resolution any other city official who may issue citations with respect to ordinances which

are directly related to the official responsibilities of such officials.

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

980.08 NONEXCLUSIVITY.

(a) Other Ordinances. Adoption of this ordinance does not preclude the Common Council from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other subject matter.

(b) Other Remedies. The adoption of this Chapter or the issuance of a citation hereunder shall not preclude the City or any authorized officer of the City from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order of the City.

980.09 SEVERABILITY. If any provision of this ordinance is subsequently declared or adjudged by any competent court to be invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is declared or adjudged by any competent court invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any provision or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION II:

This ordinance shall take effect and be in full force from and after its passage and publication.

Date of Passage: _____, 1990

Darlo Wentz, Mayor

ATTEST:

Jude Elliott, Clerk

Date of Publication: _____

NOTE: 66. 119 is now 66.0113

INSTRUCTIONS - READ CAREFULLY

STIPULATION AND DEPOSIT OPTIONS:

1. You can (obtain release from custody and) satisfy this matter without being required to appear in Court by making a STIPULATION AND DEPOSIT. To do this, you must, prior to the Court appearance date, sign the Stipulation below and mail or deliver this citation together with the total amount of the deposit to the Clerk of Circuit Court, Courthouse, PO Box 655, Richland Center, WI 53581.

2. You can also (obtain release from custody and) satisfy this matter without appearing in Court by making a DEPOSIT ONLY. To do this, you must, prior to the Court appearance date, mail or deliver the total amount of the deposit to the Clerk of Circuit Court, Courthouse, PO Box 655, Richland Center, WI 53581. Write the word "City" and the citation number on your check or money order.

APPEARANCE OPTION:

Even if you make a STIPULATION AND DEPOSIT or a DEPOSIT ONLY, you may still appear in Court at the appearance date set forth on this citation and plead to the citation.

FAILURE TO APPEAR IN COURT:

A. If you have NOT made either a STIPULATION AND DEPOSIT or a DEPOSIT ONLY, and you fail to appear in Court on the appearance date, an action may be commenced against you to collect the forfeiture, and a warrant for your arrest may be issued as part of that action.

B. If you have made a STIPULATION AND DEPOSIT, the Court must accept it. The Court will enter a judgment against you for an amount not exceeding the total amount of the deposit, and will apply the deposit to pay the judgment.

C. If you make a DEPOSIT ONLY, and you fail to appear in Court on the appearance date, the Court may, but is not required to, accept the deposit. If the Court does accept the deposit, it will enter a judgment against you for an amount not exceeding the total amount of the deposit, and will apply the deposit to pay the judgment. If the Court does not accept the deposit, you will be summoned to appear in Court at a later date.

JURY TRIAL:

A jury trial must be requested in Circuit Court within 20 days after your appearance and plea.

STIPULATION OF NO CONTEST

I have read (or heard read) and I understand the charge and notice on the reverse side of this citation and the instructions above. I do hereby stipulate NO CONTEST to the offense charged on the reverse side of this citation and waive my right to a trial. I agree to pay the amount prescribed, which is enclosed.

Signature: _____

Date: _____ Total Deposit: \$ _____