

Chapter 23

CITATIONS

[HISTORY: Adopted by the Village Board of Trustees of the Village of Hixton 10-6-1987 (Title 1, Ch. 2, of the 1987 Code of Ordinances). Amendments noted where applicable.]

§ 23-1. Authorization for use of citation.

Pursuant to the authority granted by § 66.0113, Wis. Stats., the use of a citation to be issued for violations of ordinances other than those for which a statutory counterpart exists is hereby authorized.

§ 23-2. Officials authorized to issue citation.

Citations authorized in § 23-1 above may be issued by law enforcement officers of the Village and by the following designated Village officials with respect to sections of the Code which are directly related to the official's area of responsibility. The officials granted authority to issue citations under this section may delegate the authority to other Village employees within the designated official's department with the approval of the Village Board:

- A. Fire Chief.
- B. Village Superintendent. [Added 11-18-2013]

§ 23-3. Form of citation.

The form of the citation to be issued by Village police officers or other designated Village officials is incorporated herein by reference and shall provide for the following information:

- A. The name and address of the alleged violator; [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- B. The factual allegations describing the alleged violation;
- C. The time and place of the offense; [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- 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 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 or she either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees, and surcharges imposed under Ch. 814, 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; [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- (4) That, if the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment under § 66.0113(3)(d), Wis. Stats., or the municipality may commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges imposed under Ch. 814, Wis. Stats.; [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- (5) That, if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under § 800.093, Wis. Stats. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

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.

§ 23-4. Schedule of cash deposits. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The cash deposits for the various ordinances for which a citation may be issued are as established on the deposit schedule adopted by the Village Board, a copy of which is on file with the Village Clerk-Treasurer. In addition to the deposit amount listed, the deposit shall include the costs, fees and surcharges imposed under Ch. 814, Wis. Stats. The Chief of Police shall be provided a copy of all bond schedules and amendments thereto.

§ 23-5. Receipt of cash deposits.

Deposits shall be made in cash, money order, personal checks or certified check to the Clerk of Court of Jackson County. Receipts shall be given for all deposits received.

§ 23-6. Procedure.

Section 66.0113(3) of Wisconsin Statutes relating to violator's options and procedure on default,

is hereby adopted and incorporated herein by reference.

§ 23-7. Nonexclusivity of chapter.

- A. Adoption of this chapter does not preclude the Village Board from adopting any other ordinance providing for the enforcement of any other law or ordinance relating to the same or other matters.
- B. The issuance of a citation hereunder shall not preclude the Village 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.