

TOWN OF CLAYTON, COUNTY OF WINNEBAGO, STATE OF WISCONSIN  
ORDINANCE NO. 2020-003

An Ordinance Repealing Ordinance 6 of the Town of Clayton Code of Ordinances and Creating  
§ 3.13 of the Town of Clayton Code of Ordinances Relating to the Issuance of Citations for  
Violations of the Town of Clayton Ordinances

THE TOWN BOARD OF THE TOWN OF CLAYTON DOES ORDAIN AS FOLLOWS:

SECTION 1 - STATUTORY AUTHORITY

Pursuant to Wis. Stat. § 66.0113, the Town Board of Supervisors of the Town of Clayton, Winnebago 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.

SECTION 2 - 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 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 to the following:
  - 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 Courts prior to the time of the scheduled court appearance;
  - b. That if a deposit is made, no appearance in court is necessary unless he is subsequently summoned;
  - c. That if a cash deposit is made and the alleged violator does not appear in court, he will be deemed as to have entered a plea of no contest, or if the court does not accept the plea of no contest, a summons will be issued commanding him 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, 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, or may commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges.
  - e. 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 Wis. Stat. § 800.093.

8. A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be to indicate that the statement required under 7 above has been read. Such statement shall be sent or brought with the cash deposit.
9. Such other information as the Town deems necessary.

### SECTION 3 - SCHEDULE OF DEPOSITS

A schedule of cash deposits is established in each Town Ordinance when adopted or corrected for use with citations issued under this ordinance. Deposits shall be made in cash, money order, or certified check to the Clerk of Municipal Court who shall provide a receipt thereof.

### SECTION 4 - ISSUANCE OF CITATION

Town officials may issue citations with respect to those specified ordinances, which are directly related to their official responsibilities.

### SECTION 5 - PROCEDURE

Wis. Stat. § 66.0113(3) relating to violator's options and procedures on default is hereby adopted and incorporated by reference.

### SECTION 6 - 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 proceedings under any other ordinance or law by other enforcement method to enforce any ordinance, regulation or order.

### SECTION 7 - SEVERABILITY

If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances 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.

### SECTION 8 - EFFECTIVE DATE

This ordinance shall take effect upon its passage and publication as provided by law.

The foregoing ordinance was adopted at a regular meeting of the Town Board of the Town of Clayton on March 18, 2020.

Original Signatures:

Russ Geise, Chairman

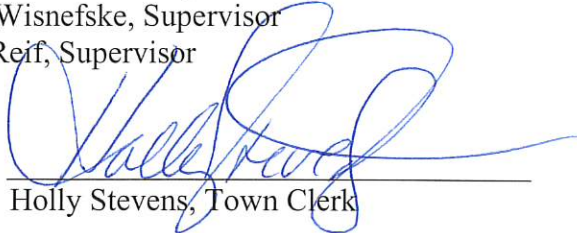
Kay Lettau, Supervisor

Linda Grundman, Supervisor

Kelly Wisnepske, Supervisor

Scott Reif, Supervisor

Attest:

  
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Holly Stevens, Town Clerk

Published: March 20, 2020.