

ENFORCEMENT and PENALTIES OF ORDINANCES

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SEC 5-1 PURPOSE.

The purpose of this Ordinance is to achieve greater efficiency and economy in the enforcement of Town of Barnes ordinances and to guarantee the fairness and consistency of enforcement procedures.

SEC. 5-2 AUTHORITY.

- (a) This Chapter is created pursuant to the authority granted by Ch. 66, Wis. Stats.
- (b) Nothing contained in this Chapter shall be constructed to prevent the use of any other method of enforcing Town of Barnes ordinances, including but not limited to, the use of a summons and complaint.

SEC. 5-3 METHOD OF ENFORCEMENT.

The Town of Barnes hereby elects to use the citation method of enforcement of ordinances. All Town Constables and other Town personnel charged with the responsibility of enforcing the provisions of this Code of Ordinances are hereby authorized pursuant to Sec. 66.119(1)(a), Wis. Stats., to issue citations for violations of the Code of Ordinances, including ordinances for which a statutory counterpart exists.

SEC. 5-4 ISSUANCE OF CITATION.

Unless otherwise designated, the Town of Barnes Constable may issue citations authorized under this Code of Ordinances.

SEC. 5-5 FORM OF CITATION.

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The form of the citation to be used by the Town is on file in the Town Clerk's office and is adopted by reference as though fully set forth herein.

SEC. 5-6 INFORMATION CONTAINED IN CITATION.

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- (a) Citations issued pursuant to this Chapter shall provide for 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 a manner as can be readily 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 upon the schedule established by this Code of Ordinances 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 deposit is made, no appearance in court is necessary unless s/he is subsequently summoned.
 - c. That if a cash deposit is made and the alleged violator does not appear in court, s/he will be deemed 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/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 which accompanies the citation shall be signed to indicate that the statement required under Subsection (1) above has been read. Such statement shall be sent or brought with the cash deposit.
 - (9) Such other information as the Town deems necessary.

SEC. 5-7 SCHEDULE OF DEPOSITS.

- (a) Unless otherwise indicated within the Code of Ordinances, the schedule of deposits as indicated below shall be made in cash, money order or certified check to the Clerk of Circuit Court, Bayfield County, who shall provide a receipt therefore.

Code #	Offense	Forfeiture	Assessments, Costs & Fees	Total Deposit
7-2	Unauthorized Activity: Locks	100.00	143.00	243.00
7-3	Unauthorized Activity: Dams & Waters	100.00	143.00	243.00
7-4	Unauthorized Activity: Town Property	50.00	131.00	181.00
8-4	Ski Jet & Water Skiing Violation	100.00	143.00	243.00
9-3	Destruction/Defacement of Town Property	100.00	143.00	243.00
9-4	Littering	250.00	179.00	429.00

10-3	Snowmobile Town Road Violations	50.00	131.00	181.00
10-4	Snowmobile Designated Road Violations	50.00	131.00	181.00
11-3	ATV Town Violations	50.00	131.00	181.00
11-4	ATV Designated Road Violation	50.00	131.00	181.00
12-2	Parking in No Park Zone	50.00	131.00	181.00
13-3	Public Nuisance: Exterior free from Garbage/Rubbish	100.00	143.00	243.00
15-1	Prohibition: Nude Exhibition	200.00	167.00	367.00

- (b) If the total of the statutory assessments, costs and fees is changed by future legislation, the above schedule shall be automatically adjusted to comply with such legislation, provided that the forfeiture amounts shall not be changed except by amendment of this Section.

SEC. 5-8 PROCEDURE.

Section 66.119, Wis. Stats., relating to violator's options and procedure on default is hereby adopted and incorporated by reference.

SEC. 5-9 NONEXCLUSIVITY.

- (a) Adoption of this Section in no way precludes the adoption of any other ordinance providing for the enforcement of any law or ordinance relating to the same or any other matter. The issuance of a citation under this Section in no way precludes proceeding under other law or ordinance relating to the same or any other matter.
- (b) Submission of a deposit shall in no way prevent the issuance of future citations or the taking of other legal action against the violator, should the alleged offense remain uncorrected.