

**TOWN OF LIBERTY GROVE**

**Ordinance No. 1-91 (as amended by ordinance 8-04)**

**An Ordinance Relating to Issuance of Citations for Violations of Town Ordinances**

The Town Board of Supervisors of the Town of Liberty Grove, Door County, Wisconsin, do ordain as follows:

Sec. 1. Purpose/Statutory Authority.

Pursuant to section 66.119 of the Wisconsin Statutes, the town Board of Supervisors of the Town of Liberty Grove, Door County, Wisconsin, hereby elects to use the citation method of enforcement of violations of Town Ordinances, including ordinances for which a statutory counterpart exists.

Sec. 2. Form of Citation.

The citation shall contain the following:

- A. The name and address of the alleged violator;
- B. The factual allegations describing the alleged violation;
- C. The time and place of the offense;
- D. The section of the Ordinance violated;
- E. A designation of the offense in such a manner as can readily be 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 a cash deposit based on the schedule established by this Ordinance may be made which shall be delivered or mailed to the Clerk of Court prior to the time of the scheduled court appearance.
  2. That if a deposit is made, no appearance in court is necessary unless the violator is subsequently summoned.
  3. 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 imposed by Sec. 165.87 and a jail assessment imposed by Sec. 53.46(1) 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.
  4. That if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action will be commenced to collect the forfeiture, the penalty assessment imposed by Sec. 165.87 and the jail assessment imposed by S. 53.46(1).
- 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 or she has read the statement required under "G" above and shall send the signed statement with the cash deposit;
- I. Such other information as the Town deems necessary.

Sec. 3. Schedule of Deposits.

The following schedule of cash deposits is established for use with citations issued under this ordinance.

<u>ORDINANCE NO/ TITLE</u>	<u>DEP.</u>	<u>PA</u>	<u>JA</u>	<u>AF</u>	<u>CC</u>	<u>TOTAL</u>
Dog Control						
No 82-2						
(1 <sup>st</sup> offense \$25.00)	25.00	5.00	10.00	1.00	20.00	61.00
(2 <sup>nd</sup> offense \$50.00)	50.00	10.00	10.00	1.00	20.00	91.00
(3 <sup>rd</sup> offense \$100.00)	100.00	0.00	10.00	1.00	20.00	151.00
False Alarm Responses						
No. 2-88						
(1 <sup>st</sup> offense \$0)						
(2 <sup>nd</sup> offense \$250.00)	250.00	50.00	10.00	1.00	20.00	331.00
Littering						
No. 2-84						
(1 <sup>st</sup> offense \$0 - \$200.00)	100.00	20.00	10.00	1.00	0.00	151.00
(2 <sup>nd</sup> offense \$0 - \$200.00)	150.00	30.00	10.00	1.00	20.00	211.00
Speeding/Hill Road						
(1 <sup>st</sup> offense \$20 - \$200.00)						
1-10 MPH above limit	30.00	6.00	10.00	1.00	20.00	67.00
11-15 MPH above limit	30.00	6.00	10.00	1.00	20.00	67.00
16-19 MPH above limit	50.00	10.00	10.00	1.00	20.00	91.00
20-24 MPH above limit	70.00	14.00	10.00	1.00	20.00	115.00
25-29 MPH above limit	90.00	18.00	10.00	1.00	20.00	139.00
30-34 MPH above limit	125.00	25.00	10.00	1.00	20.00	181.00
35-39 MPH above limit	175.00	35.00	10.00	1.00	20.00	241.00
40-44 MPH above limit	250.00	50.00	10.00	1.00	20.00	331.00
45 MPH or more above limit	300.00	60.00	10.00	1.00	20.00	391.00
Town Parks						
No. 3-86						

(1 <sup>st</sup> offense \$10 - \$200.00)	50.00	10.00	10.00	1.00	20.00	91.00
(2 <sup>nd</sup> offense \$10 - \$200.00)	100.00	20.00	10.00	1.00	20.00	151.00
Other Traffic on Mink river (speeding)						
No. 3-89						
(1 <sup>st</sup> offense \$50 - \$100.00)	60.00	12.00	10.00	1.00	2.00	85.00
(2 <sup>nd</sup> offense \$50 - \$100.00)	80.00	16.00	10.00	1.00	2.00	109.00

Abbreviations: DEP = Deposit

PA = Penalty Assessment per Sec. 165.87, Wis. Stats.

JA = Jail Assessment per Sec. 53.46(1), Wis. Stats.

AF = Automation Fee

CC = Court Costs Door County

The deposit schedule for violations of each of the above ordinances subsequent to the second offense shall be the same as that for the second offense.

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

The amount of the assessments and court costs identified above shall increase or decrease in accordance with amendments to such amounts established by the applicable Wisconsin Statutes or by the Circuit Court of Door County, Wisconsin, without further action by the Town Board, and the amount of such assessments or costs as are required pursuant thereto at the time of issuance of a citation shall be used in determining the amount of the forfeiture payable.

Sec. 4. Issuance of Citation.

The following Town Officials may issue citations with respect to those specified ordinances which are directly related to their official responsibilities.

ORDINANCE TITLE

All of the above Ordinances

ENFORCEMENT OFFICIAL

Constable or any other law enforcement officer employed by the Town of Liberty Grove; the sheriff or any Deputy Sheriff of the Door County Sheriff's Department; any State law enforcement officer; the town Clerk or his or her designee; or any designated Town Board member.

Sec. 5. Procedure.

Section 66.119(3), Wisconsin Statutes, as amended, relating to violator's options and procedures on default, together with all amendments thereto, is hereby adopted and incorporated by reference.

Sec. 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 officer from proceeding under any other ordinance or law or any other enforcement method to enforce any ordinance, regulation or order.

Sec 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 validity 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.

This ordinance shall become effective the day after its publication.

Approved by the Town Board of Liberty Grove this 18 day of June, 1991.

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James Grasse, Town Chairman

ATTEST:

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Walter L. Kalms  
Town Clerk