

TOWN OF BALDWIN

**ORDINANCE RELATING TO ISSUANCE OF
CITATIONS FOR VIOLATIONS OF TOWN ORDINANCES**

NUMBER 2024-4-2

The Town Board of Supervisors of the Town of Baldwin, St. Croix County, does ordain as follows:

SECTION 1-STATUTORY AUTHORITY

Pursuant to Section 66.0113 of Wisconsin Statutes, the Town Board hereby elects to use the citation method of enforcement of town ordinances described herein, or in a separate ordinance, including those for which a statutory counterpart exists.

SECTION 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 manner as can readily be understood by a person making a reasonable effort to 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 or other town 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 defendant is subsequently summoned.
 - 3) That if a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest, and submitted to a forfeiture with applicable penalty assessment, 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.
 - 4) 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 warrant for the defendant's arrest or consider the non-appearance to be a plea of no contest and enter judgement, or an action may be commenced to collect the forfeiture.
- h) 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 "g" above has been read. Such statement shall be sent or brought with the cash deposit,
- i) A statement that if the court finds that the violation involves an offense that prohibits conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in property damage or physical injury to a person other than the alleged violator, the court may summon the defendant into court to determine if restitution shall be ordered under Section 800.093 (municipal court)
- j) Such other information as the town deems necessary.

SECTION 3-SCHEDULE OF DEPOSITS

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

<u>ORDINANCE TITLE</u>	<u>OFFENSE</u>	<u>DEPOSITS & COST (See note #1)</u>
Zoning Ordinance # _____	Failure to obtain building (Home) Permit as required.	\$25-\$1,000/day + court cost.
		(Out building) \$25-\$1,000/day + court cost.
	Failure to cease construction. After notice to stop.	\$25-\$1,000/day plus court cost
	All other zoning ordinance violations	\$25-\$1,000/day plus court cost
Mobile Home Ordinance	Violation of terms.	\$10-\$200/day plus court cost (Maximum of 90 days)
Dwelling Code Ordinance	Violation	\$ 25-\$1,000/day plus court cost
Dog Control Ordinance	Violation-at large/untagged- Subsequent Offenses-	*1 ST Offense-\$25-\$100 *\$50-\$200 each offense.
Town Road Ordinance 2021-6-3-1	Violation	Retention of assurance bond.

Note #1-Actual amounts are set by board action in the "FEE SCHEDULE" document.

*Fines for violations of the Dog Control Ordinance are payable to the Town Treasurer.

Other deposits shall be made in cash, money order or certified check to the Clerk of Circuit Court who shall provide a receipt thereof.

SECTION 4-ISSUANCE OF CITATION

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

<u>ODINANCE TITLE</u>	<u>ENFORCEMENT OFFICIAL</u>
County Zoning Ordinance	St. Croix County Community Development
Sanitary Permits	St. Croix County Community Development
Building permit violations	Building Inspector
Building code violations	Building Inspector
Dog Control Ordinance Violation	County Sheriff, Town Humane Officer Town Board
Mobile Home Ordinance	Town Board
Town Road Ordinance	Town Board or Town Engineer

SECTION 5-PROCEDURE

Section 66.0113(3) Wisconsin Statutes relating to violator's options and procedures on default is hereby adopted and incorporated by reference.

SECTION 6-NONEXCLUSIVITY

A. 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 related to the same or other matter.

B. OTHER REMEDIES

The issuance of a citation hereunder shall not preclude the Town Board or any authorized office from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order. Specifically, this ordinance shall not prohibit or otherwise affect the right of the town to pursue all available remedies under Wisc. Stats. Chapter 778.

SECTION 7-SEVERABILITY

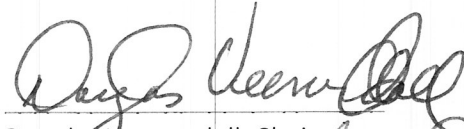
If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutional shall not affect the provision or application of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION 8-EFFECTIVE DATE

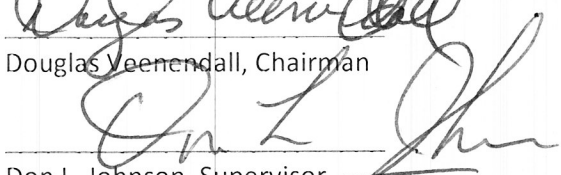
This ordinance shall take effect upon its passage and publication on posting as provided by law.

The foregoing ordinance was adopted at a regular meeting of the Town Board of the Town of Baldwin on April 4th, 2024.

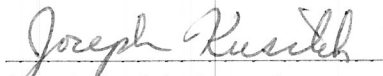
Voted: For: Against: _____


Douglas Veenendall, Chairman

For Against _____


Don L. Johnson, Supervisor

For Against _____


Joseph Kusilek, Supervisor

Posted within 30 days of passage on April 6, 2024 at the following locations: Town hall, Town Collection CTR. & Town of Baldwin Website


James Harer, Clerk

Board review-March 4, 2024

Legal review-March 15, 2024

Planning Commission approval-April 4, 2024

Adoption: April 4, 2024