

CHAPTER 16 ENFORCEMENT AND PENALTIES

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16.01. TITLE AND PURPOSE.

(1) This chapter of the Town of Verona Municipal Code shall be known as the “Town of Verona Citation Code.”

(2) The purpose of this chapter is to establish the citation method of enforcement of town ordinances and to authorize certain town officials to issue citations for violations of ordinances directly related to their official responsibilities.

16.02. CITATIONS. Pursuant to §66.0113(1)(a), *Wis. Stats.*, violations of ordinances of the Town of Verona shall be enforced by the issuance of Municipal Citations.

(1) **INFORMATION REQUIRED.** Pursuant to §800.02(2)(ag), *Wis. Stats.*, except as provided in Section 16.02(2) of this Code, a Municipal Citation shall provide for the following:

- (a) The name, address and date of birth of the defendant.
- (b) In an action against a corporation organized under Chapter 180 or 181, *Wis. Stats.*, or against a limited liability company organized under Chapter 183, *Wis. Stats.*, a statement of the corporate or company existence and whether the corporation or company is a domestic or foreign corporation or limited liability company.
- (c) The identification of any permit issued to the defendant, or license number of the defendant, if applicable.
- (d) The name and department of the issuing officer.
- (e) The violation alleged, the time and place of the occurrence of the violation, a statement that the defendant committed the violation, the ordinance violated, and a description of the violation in language that can be readily understood.
- (f) A notice to appear at a date, time and place for the court appearance, and a statement as to whether the appearance is mandated by the judge.
- (g) Provisions for amount of deposit and stipulation in lieu of a court appearance, if applicable, and notice that the deposit and stipulation shall be delivered or mailed to the Clerk of the Towns of Madison/Middleton/Verona Joint Municipal Court.
- (h) Notice that the defendant may make a deposit and thereby obtain release if an arrest has been made.
- (i) Notice that the defendant may, in writing, prior to the court appearance, enter a plea of not guilty.

(j) Notice that, if the defendant makes a deposit and fails to appear in court at the time fixed in the citation, the defendant is deemed to have tendered a plea of no contest and submits to a forfeiture, plus costs, fees, and surcharges imposed under Chapter 814, *Wis. Stats.*, not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant rather than accept the deposit and plea.

(k) Notice that if the defendant does not make a deposit and fails to appear in court at the time fixed in the citation, the court may issue a summons or a warrant for the defendant's arrest, or may enter a default judgment against the defendant.

(l) Notice 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.*

(m) A direction that if the defendant elects to make a deposit, the defendant shall sign a statement that accompanies the citation that indicates that the defendant read the notices required by subsections (j) - (l) above. Such statement shall be sent or brought with the cash deposit.

(n) Such other information as the Town deems necessary.

(2) FORM OF CITATION. A copy of the Town's Municipal Citation form will be kept on file in the office of the Town Clerk, however:

(a) In traffic regulation actions, except for parking violations, the uniform traffic citation specified in §345.11, *Wis. Stats.*, shall be used; and

(b) In actions for violations of local ordinances enacted in accordance with §§23.33(11)(am), 23.335(21)(a), or 30.77, *Wis. Stats.*, the form specified in §23.54, *Wis. Stats.*, shall be used.

(3) SCHEDULE OF DEPOSITS. Pursuant to §66.0111, *Wis. Stats.*, the Town hereby adopts for use under this section a schedule of deposits which shall be required for the various ordinance violations. This schedule, as amended from time to time, shall be on file in the office of the Town Clerk. Deposits shall be in cash, money order or certified check to the Clerk of the Towns of Madison/Middleton/Verona Joint Municipal Court, who shall provide a receipt therefor.

(4) ISSUANCE OF CITATION.

(a) Any law enforcement officer may issue citations authorized under this section.

(b) The following Town officials and code enforcement officers may issue citations with respect to those ordinances which are directly related to their official responsibilities:

1. Fire Chief.
2. Town Building Inspector.

(5) **PROCEDURE.** Section 66.0113(3), *Wis. Stats.*, relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

(6) **NONEXCLUSIVITY.**

(a) Other Ordinances. This section does not preclude the Board from adopting any other ordinances or providing for the enforcement of any law or ordinance relating to the same or other matter.

(b) Other Remedies. The issuance of a citation hereunder shall not preclude the Town 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.

16.03 PENALTY PROVISIONS.

(1) **CONTINUED VIOLATIONS.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(2) **EXECUTION AGAINST DEFENDANT'S PROPERTY.** Whenever any person fails to pay any forfeiture, court costs and all applicable fees and surcharges as provided by law, upon the order of the court for violation of any ordinance of the Town, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for the unpaid balance of the judgment.

(3) **COURT COSTS.** Court costs shall be assessed in the amount established by state statute. Pursuant to §814.65, *Wis. Stats.*, the municipal judge shall collect the maximum court costs permitted by state law.

16.04 VIOLATION AND FORFEITURE. Except as provided in Section 16.03(1), any person who shall violate any of the provisions of this Code for which a specific forfeiture is provided shall, upon conviction of such violation, be subject to said penalty, plus costs, fees, and surcharges imposed under Chapter 814, *Wis. Stats.*, and, in default of payment thereof, shall be subject to imprisonment in the County Jail as provided.

This Chapter of a Partial Code of Ordinances shall take effect upon passage and within thirty days (30) the day after publication as required by law.

Passed on the seventh day of March, 2017 by the Board of Supervisors of the Town of Verona

Mark Geller, Chair

I, John Wright, Clerk/Treasurer of the Town of Verona, do hereby certify that the foregoing Chapter of a Partial Code of Ordinances was duly passed and adopted by the Verona Town Board of Supervisors at the March 7, 2017 meeting and a summary subsequently published in the March 16, 2017 edition of the Verona Press

John Wright, Clerk/Treasurer

Revised: 07/11/2017