

CHAPTER 22

CITATIONS

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22.01 Title.

This ordinance may be referred to as the Citations Ordinance.

22.02 Purpose.

The purpose of this ordinance is to provide for greater economy and efficiency in the enforcement of county ordinances and to guarantee the consistency and fairness of enforcement procedures.

22.03 Authority.

The use of a citation for violations of any ordinance, including ordinances for which a statutory counterpart exists, is adopted and authorized pursuant to Wis. Stat. § 66.0113.

22.04 Content.

A citation will contain the information required by Wis. Stat. § 66.0113(2).

22.05 Issuance.

(1) Any law enforcement officer may issue a citation for the violation of any ordinance.

- (2) The following officials are authorized to issue citations to enforce ordinances that are directly related to their official responsibilities:
 - (a) County Clerk.
 - (b) Health Department Director.
 - (c) Highway Commissioner.
 - (d) Public Works Director.
 - (e) Planning and Zoning Director.
 - (f) Soil and Water Conservation Department Director.
 - (g) Zoning Code Administrator.
- (3) Officials authorized to issue citations pursuant to sub. (2) may delegate the authority to issue citations to employees, provided that the delegation is in writing and a copy of the written delegation is filed with the county clerk. Any delegation of authority to issue citations may be revoked in the same manner by which it was conferred.
- (4) A citation may be served in the same manner as the service of a summons under Wis. Stat. § 801.11 or by mailing a copy to the violator's last known address.

22.06 Filing.

The person issuing a citation shall file a copy with the clerk of the court within five days of issuance and provide a copy to the corporation counsel or district attorney, or both.

22.07 Jurisdiction.

- (1) Issuance of a citation by a person authorized to do so is deemed adequate process to give the appropriate court subject matter jurisdiction over the offense for the purpose of receiving cash deposits and for the purpose of acting on the violator's options and the procedure on default set forth in Wis. Stat. §§ 66.0113(3)(b) and (c).
- (2) Issuance and filing of a citation does not constitute commencement of an action and does not violate Wis. Stat. § 946.68.

22.08 Cash Deposits.

- (1) Except as provided in subs. (2) through (4), the cash deposit required for a violation is the minimum forfeiture specified for that violation, plus any assessments, costs,

or fees authorized by state law. The cash deposit for an ordinance violation for which no forfeiture is specified is \$25, plus any assessments, costs, or fees authorized by state law. The assessments, costs, or fees authorized by state law include, but are not limited to the circuit court fee, court support services fee, crime laboratories and drug law enforcement assessment, domestic abuse assessment, jail assessment, justice information system fee, and penalty assessment.

- (2) The cash deposit required for a repeat violation is twice the minimum forfeiture specified for a violation, plus any additional assessments, costs, or fees authorized by state law. The cash deposit for the repeat violation of an ordinance for which no forfeiture or no minimum forfeiture is specified is \$50, plus any assessments, costs, or fees authorized by state law. A repeat violation exists if the person issued a citation has been convicted of violating the same ordinance within the twelve-month period prior to the date of the current citation.
- (3) The cash deposit required for a citation issued to a minor, including any assessments, costs, or fees authorized by state law, may not exceed the maximum penalty provided in Wis. Stat. ch. 48, and costs and penalties will not be assessed against a minor unless required by state law.
- (4) The cash deposit required for a nonmoving traffic violation or a violation of an ordinance for which state law controls is the minimum forfeiture specified for that violation, without adding any assessments, costs, or fees authorized by state law.

22.09 Schedule of Cash Deposits.

- (1) The corporation counsel shall prepare and provide the county clerk with a schedule of the cash deposit required for each violation. The corporation counsel is authorized to revise the schedule of cash deposits to reflect any changes in the county code or in the assessments, costs, fees, or penalties authorized by state law.
- (2) The county clerk shall maintain a copy of each schedule of deposits. The county clerk will attach a copy of the most recent schedule of deposits as an appendix to this chapter.

22.10 Payment of and Receipt for Deposits.

Cash deposits made pursuant to this chapter may be paid using cash, check, money order, or a third-party credit card processing service to the clerk of the circuit court. The clerk shall issue a receipt for all cash deposits.

22.11 Violator's Options and Procedure on Default.

A violator's options and the procedures on default as set forth in Wis. Stat. § 66.0113(3) are adopted and incorporated herein by reference.

22.12 Penalties and Other Enforcement Provisions.

- (1) A violation that occurs on consecutive days is a continuing violation, and a separate offense is deemed committed on each day on which a violation occurs or continues.
- (2) A person who causes physical damages to or destroys any public property is liable for the cost of repairing or replacing the damaged or destroyed property.
- (3) The parent or parents with custody of a minor child may be held liable for damages to property, the cost of repairing or replacing property or removing the marking, drawing, writing, or etching from property, the value of unrecovered stolen property, or for personal injury attributable to a willful, malicious, or wanton act of the child as provided for in Wis. Stat. § 895.035.
- (4) A person who is in default of payment of a forfeiture or any assessment, cost, or fee ordered by the court for a violation of an ordinance may be imprisoned in the county jail until the forfeiture, assessment, cost, and fee are paid, except that the period of imprisonment may not exceed 30 days. Imprisonment does not discharge the forfeiture or any assessment, cost, or fee, and the court may issue an execution against the person's property for the forfeiture and any assessment, cost, or fee after the person has been released from custody. The court may also issue an execution against the person's property for the amount of the forfeiture and any assessments, costs, and fees without first ordering imprisonment.

22.13 Nonexclusivity.

- (1) Adoption of this chapter does not preclude the county board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter.
- (2) Issuance of a citation under this chapter does not preclude proceeding under any other ordinance or law relating to the same or any other matter.
- (3) Proceeding under any other ordinance or law relating to the same or any other matter does not preclude the issuance of a citation under this chapter.

22.14 Severability.

The provisions of this ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this ordinance will not affect the validity or effectiveness of the remainder of the ordinance that can be given effect without the invalid part.

HISTORY

06/19/2001: Created by Ord. No. 2001/2002-34 effective June 27, 2001.

09/22/2009: Chapter 22 amended in its entirety by Ord. No. 2009/2010-58 effective October 3, 2009.

09/21/2001: Sec. 22.03(1)(a) and Appendix A revised to reflect 24% penalty assessment required by 2001 Act 16 §§ 3774 and 9359(4c) effective September 1, 2001.

08/20/2002: Appendix A revised to reflect \$52 court service fee required by 2001 Wis. Act 109 § 520 effective July 30, 2002.

06/09/2003: Appendix A revised to incorporate violations of secs. 14.06(2)(a) and (b) omitted from original.

08/19/2003: Appendix A revised to reflect \$7 crime laboratory and drug law enforcement assessment fee and \$68 court service fee required by 2003 Act 33 §§ 2100 and 2710 effective 07/26/2003 and to add s. 6.295 (enacted as s. 6.30 but renumber to avoid duplication) created by Ord. No. 2003/2004-53 effective August 19, 2003.

03/18/2004: Appendix A revised to incorporate violations of sec. 6.215 effective March 25, 2004.

05/23/2004: Appendix A revised to incorporate violations of secs. 6.26, 6.27, and 6.35.

06/15/2004: Appendix A revised to incorporate violation of sec. 6.241.

08/25/2005: Appendix A revised to reflect increases in Penalty Assessment from 24% to 25%, Justice Information Fee from \$9 to \$12, and Crime Lab and Drug Law Enforcement Assessment from \$7 to \$8 effective July 27, 2005.

05/03/2006: Appendix A revised to reflect increase in Penalty Assessment from 25% to 26% effective January 1, 2006.

09/01/2007: Appendix A revised to incorporate secs. 6.255 and 6.256 and to include an amount for those parts of sec. 7.12 for which no specific minimum is specified.

APPENDIX A
SCHEDULE OF CASH DEPOSITS

SECTION	VIOLATION	FORFEITURE	PENALTY	COSTS	FEES	TOTAL
3.10(1) or (2)	Obstruction of Emergency Services	100.00	26.00	25.00	98.00	249.00
3.11	Prohibited Discharge - Third-Party Report	200.00	52.00	25.00	98.00	375.00
3.11	Prohibited Discharge - Voluntary Report	25.00	6.50	25.00	98.00	154.50
6.07	Unlawful Trespass To Land	50.00	13.00	25.00	98.00	186.00
6.08	Trespass To Dwellings	100.00	26.00	25.00	98.00	249.00
6.09	Entry Onto Construction Site, Building Premises, Or School Grounds	50.00	13.00	25.00	98.00	186.00
6.10	Theft	200.00	52.00	25.00	98.00	375.00
6.11	Attempted Theft	50.00	13.00	25.00	98.00	186.00
6.12	Damage To Property	200.00	52.00	25.00	98.00	375.00
6.13	Worthless Checks	100.00	26.00	25.00	98.00	249.00
6.14	Retail Theft	150.00	39.00	25.00	98.00	312.00
6.15	Operating Vehicle On Airport Runway, Taxiway, Or Ramp	50.00	13.00	25.00	98.00	186.00
6.15(3)	Imprudent Speed Or Failure To Obey Traffic Sign - Airport	50.00	13.00	25.00	98.00	186.00
6.15(4)	Pedestrians On Airport Runway, Taxiway, Ramp, Or Grounds	50.00	13.00	25.00	98.00	186.00
6.15(5)	Unlawful Parking On Airport Runway Or Grounds	10.00	N/A	N/A	N/A	10.00
6.16(4)	Violation Of Parking Regulations Courthouse Parking Lots	5.00 10.00 after 72 hrs	N/A	N/A	N/A	5.00 10.00 after 72 hrs
6.16(4)(e)	Defacing, Destroying No Parking Sign	50.00	13.00	25.00	98.00	186.00
6.16(8)	Parking On Highway	10.00	N/A	N/A	N/A	10.00
6.17(1)	Littering	50.00	13.00	25.00	98.00	186.00
6.17(2)	Littering From Motor Vehicle	50.00	13.00	25.00	98.00	186.00
6.17(3)	Littering-Hazardous Wastes, Tires, Etc.	50.00	13.00	25.00	98.00	186.00
6.17(4)	Depositing Contaminated Soils	500.00	130.00	25.00	98.00	753.00
6.18(3)(a)	Operation Of Unlawful Junkyard	75.00	19.50	25.00	98.00	217.50
6.18(3)(b)	Unlawful Storage Of Junk (Separate Violation For Each Day)	35.00	9.10	25.00	98.00	167.10
6.19	Disorderly Conduct	100.00	26.00	25.00	98.00	249.00
6.20	Disorderly Conduct With Injury	200.00	52.00	25.00	98.00	375.00
6.21	Disorderly Conduct With A Motor Vehicle	50.00	13.00	25.00	98.00	186.00

SECTION	VIOLATION	FORFEITURE	PENALTY	COSTS	FEES	TOTAL
6.215(4)	Lake Michigan Boating Restriction	50.00	13.00	25.00	98.00	186.00
6.215(4)	Lake Michigan Boating Restriction (2nd Offense within 12 months)	100.00	26.00	25.00	98.00	249.00
6.215(4)	Lake Michigan Boating Restriction (3rd and any subsequent Offense within 12 months)	500.00	130.00	25.00	98.00	753.00
6.22	Carry Concealed Weapon	200.00	52.00	25.00	98.00	375.00
6.23	Animals Running At Large	50.00	13.00	25.00	98.00	186.00
6.231	Poisonous Snakes	100.00	26.00	25.00	98.00	249.00
6.232(8)	Wolf Hybrid Confinement	100.00	26.00	25.00	98.00	249.00
6.232(9)	Releasing Wolf Hybrid	1,000.00	260.00	25.00	98.00	1,383.00
6.24(2)	Noise Prohibited	80.00	20.80	25.00	98.00	223.80
6.241	Shining Animals	100.00	26.00	25.00	98.00	249.00
6.25	Tire Squealing	50.00	13.00	25.00	98.00	186.00
6.255	Possession of Marijuana	50.00	13.00	25.00	98.00	186.00
6.256	Possession of Drug Paraphernalia	50.00	13.00	25.00	98.00	186.00
6.26	Lewd And Lascivious Behavior	25.00	6.50	25.00	98.00	154.50
6.27	Obscenity - First	100.00	26.00	25.00	98.00	249.00
6.27	Obscenity - Second	300.00	78.00	25.00	98.00	501.00
6.27	Obscenity - Third	1,000.00	260.00	25.00	98.00	1,383.00
6.28	Discrimination In Housing	150.00	39.00	25.00	98.00	312.00
6.29	Open After Hours	50.00	13.00	25.00	98.00	186.00
6.295(4)	Feeding Deer	50.00	13.00	25.00	98.00	186.00
6.30	Resisting Or Obstructing Police Officer	200.00	52.00	25.00	98.00	375.00
6.31	Harassment Or Assault Of Police Dog	100.00	26.00	25.00	98.00	249.00
6.32	Alarm System-False Alarm	25.00	6.50	25.00	98.00	154.50
6.33	Welfare Fraud	50.00	13.00	25.00	98.00	186.00
6.34	Contributing To School Truancy	50.00	13.00	25.00	98.00	186.00
6.35	Indoor Clean Air (Smoking)	10.00	2.60	25.00	98.00	135.60
7.12	All Sections except (14)(e)(1) and (17)(2)(a), (c), (cm), (d), and (e)	25.00	6.50	25.00	98.00	154.50
7.12(14)(e)(1)	Placard	5.00	1.30	25.00	98.00	129.30
7.12(17)(2)(a), (c), (cm), (d), or (e)	Sale Or Gift Of Cigarettes Or Tobacco Products (2nd Offense In 12 Months)	200.00	52.00	25.00	98.00	375.00
7.14	Kennel Violations	100.00	26.00	25.00	98.00	249.00
7.16(2)	Vaccination	25.00	6.50	25.00	98.00	154.50

SECTION	VIOLATION	FORFEITURE	PENALTY	COSTS	FEES	TOTAL
7.16(4)	Proof To Officer	20.00	5.20	25.00	98.00	148.20
7.16(6)	No Tag Or Illegal Use Of Tag	20.00	5.20	25.00	98.00	148.20
7.16(13)	Evading Quarantine	35.00	9.10	25.00	98.00	167.10
Ch. 8	General Zoning (Separate Violation For Each Day)	10.00	2.60	25.00	98.00	135.60
Ch. 9	Shoreland/Floodplain Zoning (Separate Violation For Each Day)	20.00	5.20	25.00	98.00	148.20
Ch. 10	Setbacks (Separate Violation For Each Day)	10.00	2.60	25.00	98.00	135.60
Ch. 11	Airport Height Limitations (Separate Violation For Each Day)	20.00	5.20	25.00	98.00	148.20
Ch. 12	Subdivision Regulations (Separate Violation For Each Day)	25.00	6.50	25.00	98.00	154.50
Ch. 13	Private Sewage Disposal (Separate Violation For Each Day)	20.00	5.20	25.00	98.00	148.20
14.02(3) (a) or (b)	Violation Of Park Closing Hours/Dates	15.00	3.90	25.00	98.00	141.90
14.03(2)	Solicitation Or Peddling In County Parks	25.00	6.50	25.00	98.00	154.50
14.03(3)	Operating Business Or Concession In County Park	25.00	6.50	25.00	98.00	154.50
14.04(1)(a)	Boisterous, Unruly Behavior In County Parks	50.00	13.00	25.00	98.00	186.00
	Interference With County Park Employee Or Official	50.00	13.00	25.00	98.00	186.00
14.04(2)	Disturbing Or Removing Property Of Others Within County Park	50.00	13.00	25.00	98.00	186.00
14.04(3)	Unreasonable, Unnecessary Noise In County Park	50.00	13.00	25.00	98.00	186.00
14.05(1)(a)	Destruction Or Defacement Of Trees Or Park Grounds	50.00	13.00	25.00	98.00	186.00
14.05(1)(b)	Unlawful Entry To Operation Of Park Property	50.00	13.00	25.00	98.00	186.00
14.05(2)(a)	Washing Cars, Clothing, Property In Lakes, County Parks	25.00	6.50	25.00	98.00	154.50
14.05(2)(b)	Cleaning Fish Or Game Except At Designated Sites	25.00	6.50	25.00	98.00	154.50
14.05(2)(c)	Unlawful Deposit Of Refuse In County Park	50.00	13.00	25.00	98.00	186.00
14.06(1)(a)	Speeding, Excess, County Park	150.00	39.00	25.00	98.00	312.00
14.06(1)(b)	Reckless Driving, County Park	150.00	39.00	25.00	98.00	312.00
14.06(1)(c)	Driving Motor Vehicle On Hiking Trails Or Other Off-road Areas	100.00	26.00	25.00	98.00	249.00

SECTION	VIOLATION	FORFEITURE	PENALTY	COSTS	FEES	TOTAL
14.06(1)(d)	Operating AT Motorcycle, Minibike, Etc. Off Designated Trails Or Paths	50.00	13.00	25.00	98.00	186.00
14.06(2)(a)	Parking or Stopping That Blocks Use Of Road, Trail, Parking Lot, Boat Landing, Or Waterway	3.00 5.00 after 48 hrs	N/A	N/A	N/A	3.00 5.00 after 48 hrs
14.06(2)(b)	Unattended Vehicle Or Equipment For More Than 24 Hours Without Permit	3.00 5.00 after 48 hrs	N/A	N/A	N/A	3.00 5.00 after 48 hrs
14.07(1)(a)	Setting Fire Outside Fireplaces	50.00	13.00	25.00	98.00	186.00
14.07(1)(b)	Leaving Fire Unattended	50.00	13.00	25.00	98.00	186.00
14.07(2)	Unlawful Fireworks - Parks	150.00	39.00	25.00	98.00	312.00
14.07(3)	Possession Of Loaded Or Uncaged Firearms In County Park Or Unlawful Hunting	150.00	39.00	25.00	98.00	312.00
14.08(1)	Pets In County Park	25.00	6.50	25.00	98.00	154.50
14.08(3)	Unlawful Hunting Or Trapping In County Parks	100.00	26.00	25.00	98.00	249.00
14.08(4)	Riding Or Leading Horses Other Than On Designated Paths	50.00	13.00	25.00	98.00	186.00
14.09(1)	Golfing Or Archery Outside Established Courses Or Ranges	25.00	6.50	25.00	98.00	154.50
14.09(2)	Swimming, Wading, Bathing Adjacent To County Park Or Boat Access	25.00	6.50	25.00	98.00	154.50
14.10(2)(a)	Sleeping Or Camping In Park Outside Designated Area	25.00	6.50	25.00	98.00	154.50
14.10(2)(d)	Staying On Campsite After Expiration Of Permit	25.00	6.50	25.00	98.00	154.50
14.10(2)(e)	Leaving Campsite Unattended	25.00	6.50	25.00	98.00	154.50
14.10(2)(f)	Moving Campsite Without Authorization	25.00	6.50	25.00	98.00	154.50
14.10(2)(g)	Entry To Campsite Outside Lawful Hours	25.00	6.50	25.00	98.00	154.50
14.10(2)(h)	Unlawful Campsite Parking	3.00 5.00 after 72 hrs	N/A	N/A	N/A	3.00 5.00 after 72 hrs
14.10(2)(j)	Unlawfully Obtaining Permit	25.00	6.50	25.00	98.00	154.50
14.10(2)(k)	Violating Posted Camp Restrictions	25.00	6.50	25.00	98.00	154.50
14.10(2)(l)	Violating Campground Rules	25.00	6.50	25.00	98.00	154.50
Ch. 19	Animal Waste Management and Agricultural Shoreland Management (Separate Violation For Each Day)	100.00	26.00	25.00	98.00	249.00
22.03(1)	Deposit Required When No Forfeiture Or No Minimum Forfeiture Is Specified	25.00	6.50	25.00	98.00	154.50
22.03(4)	Deposit Required For Repeat Violation When No Forfeiture Or No Minimum Forfeiture Is Specified	50.00	13.00	25.00	98.00	186.00

SECTION	VIOLATION	FORFEITURE	PENALTY	COSTS	FEEES	TOTAL
WS 125.07(1)	Procure, Sell, Give Alcohol Beverages To Underage Person, State Statute, No Prior Offenses within 30 Months	100.00	26.00	25.00	98.00	249.00