

**Town of Tainter
Dunn County, Wisconsin**

CHAPTER 12.1

**Citations, Fees, and
Forfeitures Ordinance**

This ordinance shall take effect after its passage and posting as provided by law.

Adopted November 11, 2021 by the Town Board of the Town of Tainter, Dunn County, Wisconsin.

__signature on file_____
Randy Valaske, Chairman

__signature on file_____
Jerry Mrdutt, Supervisor

__signature on file_____
Justin Albricht, Supervisor

__signature on file_____
Marty Guarneri, Supervisor

__signature on file_____
Jeremy Kozumplik, Supervisor

__signature on file_____
Witness: Doris Meyer, Clerk

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Historical Information

Adoption history:

11-11-21 Citations, Fees and Forfeitures Ordinance Revisions Adopted
08-08-13 Citation Ordinance Renamed Citation, Fees, and Forfeitures
Ordinance, Revisions Adopted
07-12-12 Revision Adopted
08-09-07 Revision Adopted
11-10-05 Original Adopted

Table of Contents

SECTION 1 - INTRODUCTION	1
1.1 TITLE/PURPOSE	1
1.2 AUTHORITY	1
1.3 ADOPTION OF ORDINANCE.....	1
1.4 POLICY	1
1.5 RELATIONSHIP TO OTHER LAWS	1
1.6 INTERPRETATION.....	2
1.7 SEVERABILITY	2
1.8 REPEAL	2
1.9 EFFECTIVE DATE.....	2
SECTION 2 - GENERAL PROVISIONS	3
2.1 JURISDICTION/APPLICABILITY	3
2.2 EXEMPTIONS.....	3
2.3 DISCLAIMER	3
2.4 COVERAGE.....	3
2.5 ISSUANCE AND SERVICE OF CITATION.....	4
SECTION 3 - DEFINITIONS	6
3.1 WORD USAGE.....	6
3.2 DEFINITIONS	6
SECTION 4 – SCHEDULE OF FORFEITURES AND ENFORCEMENT OFFICIALS	7
SECTION 5 – SCHEDULE OF FEES	10

**Town of Tainter
Dunn County, Wisconsin
Citation Ordinance**

Section 1 - Introduction

1.1 Title/Purpose

The title of this Ordinance is the Town of Tainter Citation Ordinance. The purpose of this ordinance is to authorize the town board of the Town of Tainter, or its designees, to issue citations for violations of Town of Tainter ordinances, including ordinances with statutory counterparts.

1.2 Authority

The town board of the Town of Tainter has the specific authority under s. 66.0113, Wis. Stats., to adopt this ordinance.

1.3 Adoption of Ordinance

The town board of the Town of Tainter, by this ordinance, adopted on proper notice with a quorum and by a roll call vote by a majority of the town board present and voting, provides the authority for the Town of Tainter to issue citations for violations of Town of Tainter ordinances, including ordinances with statutory counterparts.

1.4 Policy

The Town of Tainter issues citations to enforce ordinances and/or collect damages caused by ordinance violations. As a generally policy, the Town of Tainter tries to resolve a violation with an alleged offender before issuing a citation. However, the Town may issue a citation without first trying to resolve a violation when then Town feels the situation warrants, such as repeat offenses, uncooperative offenders, public safety situations, etc. Issuance of a citation or payment of fines associated with a citation does not relieve the offender of responsibility for taking corrective action to be in compliance Town ordinances. Unless noted otherwise, corrective action should occur within two weeks of citation issuance. When public safety is in jeopardy, corrective action will be taken immediately. The Town of Tainter may issue a new citation and collect additional fines when corrective action is not taken within the allotted time or does not fully comply with Town ordinances.

1.5 Relationship to Other Laws

The adoption and authorization for use of a citation under this Ordinance does not preclude the Town Board of the Town of Tainter from adopting any other ordinance, or providing for the enforcement of any other law or ordinance, or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this Ordinance does not preclude proceeding under any other ordinance or law relating to the same or any other matter. 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 Ordinance.

1.6 Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by Wisconsin Statutes.

1.7 Severability

If a court of competent jurisdiction adjudges any section, provision or portion of this Ordinance unconstitutional or invalid, the remainder of this Ordinance shall not be affected thereby.

1.8 Repeal

All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

1.9 Effective Date

This Ordinance shall take effect upon passage and adoption by the Town Board and posting as provided by law. The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. Stats.

Section 2 - General Provisions

2.1 Jurisdiction/Applicability

The issuance of a citation by a person authorized to do so under subsection 2.5 shall be deemed adequate process to give the appropriate court jurisdiction over the subject matter of the offense for the purpose of receiving cash deposits and other purposes under s. 66.0113 Wis. Stats.

2.2 Exemptions

None.

2.3 Disclaimer

- A. **Multiple Jurisdictions.** All persons reviewing the provisions of this Ordinance should be aware that the Town of Tainter is only one of a number of governmental bodies that may have jurisdiction in the Town. The Town cannot make any representations on behalf of any other government body.
- B. **Binding Acts.** No statement or actions by any official, employee, agent or committee of the Town should be construed or taken as a binding act of the Town except a resolution, motion, or Ordinance that has been adopted by the Town Board at a lawfully conducted Town Board meeting, or by the Town electorate at a duly constituted Annual or Special Town Meeting. This includes, but is not limited to, interpretation of this Ordinance.

2.4 Coverage

- A. Except as provided in paragraph E of this subsection 2.4, the Town Board prescribes the form for citations to be issued in the Town of Tainter by the Town Board, or its designees, for violations of Town of Tainter ordinances shall be as provided in this subsection and shall include all of 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 a manner that 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 that in essence informs the alleged violator of all of the following:
 - a. That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time.
 - b. That if the alleged violator makes a cash deposit, he or she need not appear in court unless subsequently summoned.
 - c. That if the alleged violator makes a cash deposit and does not appear in court, he or she either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees, and surcharges imposed

under ch. 814, Wis. Stats., 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.

- d. That if the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment under s. 66.0113 (3) (d), Wis. Stats., or the municipality may commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges imposed under ch. 814, Wis. Stats.
 - e. 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 s. 800.093, Wis. Stats.
- 8. A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement that accompanies the citation to indicate that he or she read the statement required under s. 66.0113 (1) (b) 7., Wis. Stats., and shall send the signed statement with the cash deposit.
 - 9. Any other information as may be deemed necessary.
- B. The Town Board hereby adopts Section 4– Schedule of Forfeitures and Enforcement Officials that are required for various Town of Tainter ordinance violations, which includes for each listed violation the forfeitures, fees, and surcharges imposed under ch. 814, Wis. Stats. In addition, the Town of Tainter may seek reimbursement of reasonable legal fees from ordinance violators.
 - C. The Town Board names the following court, clerk of court, or other official to whom cash deposits are to be made and require that receipts be given for cash deposits: Dunn County Clerk of Circuit Court.
 - D. The Town Board requires that in traffic regulation violation actions, except for parking regulation violations, the uniform traffic citation specified in s. 345.11, Wis. Stats. shall be used by the Town of Tainter in lieu of the citation form noted above in paragraph C of this subsection 2.4.
 - E. The Town Board requires that in actions for violations of Town of Tainter ordinances enacted in accordance with s. 23.33 (11) (am) or s. 30.77, Wis. Stats., the citation form specified in s. 23.54, Wis. Stats., shall be used in lieu of the citation form noted above in subsection C of this subsection 2.4.

2.5 Issuance and Service of Citation

- A. The Town of Tainter citations may be issued by the Town Board of the Town of Tainter or the Town Board of the Town of Tainter may designate certain Town of Tainter, County, or other municipal officials, with their written approval, to issue such citations.
- B. The Town of Tainter citations, in addition, shall specifically be issued by enforcement official(s) identified in Section 4– Schedule of Forfeitures and Enforcement Officials. This

official may also designate a person to issue such citations for the Town of Tainter and this official may revoke this authority to issue anytime.

- C. The Town of Tainter Town Board has designated the Town Chair or any person approved by the Town Board to serve any citations for the Town of Tainter upon issuance. Any person specifically authorized by the Town Board to issue citations by the Town Board of the Town of Tainter may also serve such citations.

Section 3 - Definitions

3.1 Word Usage

For the purposes of this Ordinance, words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory.

3.2 Definitions

- A. Definitions for certain words or phrases used in this ordinance, in particular where this ordinance references another town ordinance, can be found in the referenced ordinance. Definitions for other words or phrases can be found in the Wisconsin Statutes, Section 66. For the purposes of this ordinance, the following definitions revise, supplement, or are in addition to definitions contained in the above referenced documents.
1. ***Peace officer.*** Means a state, county, city, village, town, town sanitary district or public inland lake protection and rehabilitation district officer, agent or employee charged under statute or municipal ordinance with powers or duties involving inspection of real or personal property, including buildings, building premises and building contents.
 2. ***Town.*** Means the Town of Tainter, Dunn County, Wisconsin.
 3. ***Town Board.*** Means the board of supervisors for the Town of Tainter, Dunn County, Wisconsin and includes any designee of the board authorized to act for the board.
 4. ***Town Clerk.*** Means the clerk of the Town of Tainter, Dunn County, Wisconsin.
 5. ***Wis. Stats.*** Means the Wisconsin Statutes, including successor provisions to cited statutes.

Section 4 – Schedule of Forfeitures and Enforcement Officials

Before issuing a citation, enforcement officials should contact the Dunn County Clerk of Circuit Court to determine current court costs and procedures. Deposits shall be made in cash, money order, or certified check to the Dunn County Clerk of Court who shall provide a receipt. The Town of Tainter establishes the following schedule of forfeitures and authorized enforcement official(s) for use with citations issued under this ordinance:

VIOLATION	FORFEITURE	ENFORCEMENT OFFICIAL
§Accessory Structure Building Permit Ordinance		
Accessory structure installed without an approved permit	\$50.00 per day (plus court costs)	Town Board, Dunn County Sheriff or Deputy, or designee of the Town Board
§Dogs Running at Large Ordinance		
Dog over 5 months of age that does not have a current rabies vaccination.	\$50.00 per dog (plus court costs)	Town Board, Town Humane Officer, Dunn County Sheriff or Deputy, or designee of the Town Board
Failure to obtain dog license.	\$50.00 per dog (plus court costs)	Town Board, Town Humane Officer, Dunn County Sheriff or Deputy, or designee of the Town Board
Section 2.1 – Initial violation	\$50.00 (plus court costs)	Town Board, Town Humane Officer, Dunn County Sheriff or Deputy, or designee of the Town Board
Subsequent violation(s)	Previous violation charge + \$50.00 (plus court costs)	Town Board, Town Humane Officer, Dunn County Sheriff or Deputy, or designee of the Town Board
§Highway Access Permit Ordinance		
Driveway installed without an approved permit	\$50.00 per day (plus court costs)	Town Board, Dunn County Sheriff or Deputy, or designee of the Town Board
Highway access installed without an approved permit	\$100.00 per day (plus court costs)	Town Board, Dunn County Sheriff or Deputy, or designee of the Town Board
Motor vehicle or equipment entering or leaving a town highway from a location other than an approved driveway or highway access	\$100.00 per occurrence plus road repair cost (plus court costs)	Town Board, Dunn County Sheriff or Deputy, or designee of the Town Board

Causing damage to ditch, shoulder, road surface, or road right of way	\$100.00 per occurrence plus road repair cost (plus court costs)	Town Board, Dunn County Sheriff or Deputy, or designee of the Town Board
§Highway Ordinance		
Causing damage to ditch, shoulder, road surface, or road right of way	\$100.00 per occurrence plus road repair cost (plus court costs)	Town Board, Dunn County Sheriff or Deputy, or designee of the Town Board
Conducting logging operations within town highway right of ways	\$1000.00 per occurrence (plus court costs)	Town Board, Dunn County Sheriff or Deputy, or designee of the Town Board
Failure to comply with ordinance or Town Board agreement	\$100.00 per day (plus court costs)	Town Board, Dunn County Sheriff or Deputy, or designee of the Town Board
§Manufactured and Mobile Home Community Ordinance		
Operating without a license	\$100.00 per day (plus court costs)	Town Board, Dunn County Sheriff or Deputy, or designee of the Town Board
Failure to comply with Wis. Stats. 66.0435 reporting requirements	\$25.00 per occurrence. Each failure to report is a separate offense. Each day a licensee fails to comply is considered a separate offense.	Town Board, Dunn County Sheriff or Deputy, or designee of the Town Board
Failure to obtain required inspections	\$50.00 per day (plus court costs)	Town Board, Dunn County Sheriff or Deputy, or designee of the Town Board
§Nonmetallic Mine Operator's License Ordinance		
Operating without a license	\$100.00 per day (plus court costs)	Town Board, Dunn County Sheriff or Deputy, or designee of the Town Board
§Slow-No-Wake Ordinance		
Slow-no-wake violations	Wisconsin state boating penalties as found in Wis. Stats. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, with all references to fines amended to forfeitures and all references to imprisonment deleted, (plus court costs). Note - a uniform bond schedule may be obtained from the DNR Recreational Safety Warden.	Dunn County Sheriff or Deputy, Department of Natural Resources Warden, or designee of the Town Board

§Speed Limit and No Parking Area Ordinances

Speed Limit Violations	Amounts set in the current State of Wisconsin Uniform State Traffic Deposit Schedule, (plus court costs).	Town Board, Dunn County Sheriff or Deputy, or designee of the Town Board
No Parking Violations	Amounts set in the current State of Wisconsin Uniform State Traffic Deposit Schedule, (plus court costs).	Town Board, Dunn County Sheriff or Deputy, or designee of the Town Board

§Subdivision Ordinance

Failure to comply	\$100.00 per day per lot not in compliance (plus court costs)	Town Board, Dunn County Sheriff or Deputy, or designee of the Town Board
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§Uniform Dwelling Code Ordinance

Failure to obtain a building permit	\$50.00 per day (plus court costs)	Town Board, Dunn County Sheriff or Deputy, or designee of the Town Board
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Section 5 – Schedule of Fees

Fees shall be made in cash, money order, or certified check to the Treasurer, Town of Tainter who shall provide a receipt. The Town of Tainter establishes the following schedule of fees for licenses, permits, or other services provided:

DESCRIPTION	FEE
§Bar and Retailer License(s) (annual, expires June 31st)	
“Class B” license for the retail sale of intoxicating liquor (Wis. Stats. 125.51)	\$500.00
Class “B” license for the sale of fermented malt beverages (Wis. Stats. 125.26)	\$100.00
Publication Costs	Cost
Non-intoxicating beverages license (Wis. Stats. 66.0433(1))	\$5.00
Cigarette and Tobacco Products Retailer License (Wis. Stats. 134.65)	\$5.00
Bartender Operator License (Wis. Stats. 125.32(2) and 125.68(2) & Town Ordinance)	\$15.00
§Dog License (annual, expires December 31st)	
Non-neutered male or non-spayed female dog (Wis. Stats. 174.05)	\$10.00
Neutered male or spayed female dog (Wis. Stats. 174.05)	\$5.00
Late fee if the owner fails to obtain a license prior to April 1 (Wis. Stats. 174.05)	\$5.00
§Highway Access Permit Ordinance	
Town Highway Access Permit Application (Driveway)	\$50.00
Town Highway Access Permit Application (Road)	\$100.00
§Highway Ordinance	
Town Highway Application	\$100.00
§Manufactured and Mobile Home Community Ordinance	
License Application	\$100.00
§ Nonmetallic Mine Operator’s License Ordinance	
License Application	\$100.00
§Subdivision Ordinance	
Minor Subdivision Application	\$50.00
Major Subdivision Application	\$50.00

§Table and Chair Reservation	
Town Resident Deposit	\$75.00
Nonresident Deposit	\$100.00
§Town Hall Rental Fees	
Town Resident	\$100.00
Town Resident Cleaning Deposit	\$100.00
Nonresident	\$200.00
Nonresident Cleaning Deposit	\$100.00
§ Miscellaneous Fees	
NSF Fee	\$25.00