

## **CHAPTER 21**

### **UNIFORM CITATION & PENALTY ORDINANCE**

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#### **21.01 AUTHORIZATION AND PURPOSE.**

Pursuant to s. 66.0113, Wis. Stats., the County of Trempealeau adopts and authorizes the use of a citation to be issued for violation of ordinances, including ordinances for which a statutory counterpart exists.

(History: Res. 2016-06-04)

#### **21.02 PERSONS AUTHORIZED TO ISSUE CITATIONS.**

- (1) Trempealeau County Law Enforcement officers shall have the authority to issue citations for all county ordinances.
- (2) In addition to section (1), the Trempealeau County Board of Supervisors specifically authorizes the following county officials to issue citations for violations with respect to ordinances which are directly related to the official responsibility of the officials:
  - (a) Zoning Administrator/Department of Land Management director or his/her designee.
  - (b) Environmental Sanitarian.
  - (c) County Health Officer/Public Health Director or his/her designee.
  - (d) Highway Commissioner.
  - (e) Park Manager.
  - (f) County Clerk.

(History: Res. 2016-06-04)

#### **21.03 CITATION FORM.**

The citation shall contain the following:

- (1) The name and address of the alleged violator.

- (2) Factual allegations describing the alleged violation.
- (3) The time and place of the offense.
- (4) The section of the statute or ordinance violated.
- (5) A designation of the offense in such manner as can readily be 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 which, in essence, informs the alleged violator:
  - (a) That a cash deposit based on the schedule established by this section may be made which shall be delivered or mailed to the Clerk of the Trempealeau County Circuit Court prior to the time of the scheduled court appearance;
  - (b) That if a deposit is made, no appearance in court is necessary unless he or she is subsequently summoned;
  - (c) 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, plus costs, fees, and surcharges imposed under ch. 814, Wis. Stats., not to exceed the amount of the total deposit or, if the court does not accept the plea of no contest, a summons will be issued commanding him or her to appear in court to answer the complaint;
  - (d) 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 a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment, or an action may be commenced to collect the forfeiture, plus costs, fees, and surcharges imposed under ch. 814, Wis. Stats.
- (8) 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 section (7), above has been read. Such statement shall be sent or brought with the cash deposit.
- (9) Such other information as the County deems necessary.

(History: Res. 2016-06-04)

#### **21.04 PROCEDURE ON DEFAULT.**

The procedures contained in Section 66.0113(3) of the Wisconsin Statutes, as it is from time to time amended, relating to the options of an alleged violator and default are adopted and incorporated herein by reference.

(History: Res. 2016-06-04)

#### **21.05 RELATIONSHIP TO OTHER LAWS.**

This section does not preclude the County 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.

(History: Res. 2016-06-04)

#### **21.06 SEVERABILITY.**

If any provision of this Code or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Code that can be given effect without the invalid provision or application, and to this end the provisions of this Code are severable.

(History: Res. 2016-06-04)

#### **21.07 PROSECUTION OF ORDINANCE VIOLATIONS.**

Except as otherwise provided by law, the Trempealeau County District Attorney shall prosecute all alleged County traffic actions and actions concerning violation of County ordinances which are in conformity with state criminal laws and the courts of Trempealeau County. The Trempealeau County Corporation Counsel shall prosecute those actions which are outside the scope of the duties of the Trempealeau County District Attorney pursuant to Wis. Stat. s. 978.05(2).

(History: Res. 2016-06-04)

#### **21.08 GENERAL PENALTY PROVISION.**

- (1) **General Penalty.** Any person who shall violate any of the provisions of this Code, which does not contain a specific penalty provision, shall upon conviction of such violation be subject to a forfeiture, which shall be as follows:
  - (a) *First Offense.* Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$25.00 nor more than \$300.00, together with the costs of prosecution and assessments.

(b) *Second Offense.* Any person found guilty of violating any ordinance or part of this Code who shall previously have been convicted of a violation of this Code within one year shall, upon conviction thereof, forfeit not less than \$100.00 nor more than \$500.00 for each such offense, together with costs of prosecution and assessments.

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

(History: Res. 2016-06-04; 2017-02-08)

**21.09 SCHEDULE OF CASH DEPOSITS.**

The county board adopts the following schedule of cash deposits that are required for the various Trempealeau County ordinance violations. The base deposit amounts are set forth below. All applicable costs, fees, and surcharges imposed under chapter 814, Wis. stats., as established, and amended from time to time, by the Wisconsin Judicial Conference shall be added to the base deposit amounts. The sum of the base deposit and all costs, fees, and surcharges shall be the forfeiture amount placed on the citation.

The county board names the Trempealeau County Clerk of Court to whom cash deposits are to be made and requires that receipts shall be given for cash deposits.

<i>Ordinance Section</i>	<i>Name of Ordinance</i>	<i>Base Deposit</i>
<b>Chapter 5</b>	<b>County Parks</b>	
5.01	Management and Use of Parks	<b>\$300.00</b>
<b>Chapter 6</b>	<b>Large Gatherings</b>	
6.01	Regulate Large Gatherings	<b>\$2,500.00</b>
<b>Chapter 7</b>	<b>Traffic Code</b>	
7.01	State Traffic Laws Adopted	<b>Use Uniform Schedule of Deposits</b>
7.07(1)(a)	State ATV Laws Adopted	<b>Use Uniform Schedule of Deposits</b>
7.07(2)(a)1.-2., & (4)(a) & (4)(b)	County Highway ATV Routes/Crossings	<b>\$150.00</b>
7.07(7)	County Highway ATV Routes/Crossings	<b>\$250.00</b>
<b>Chapter 8</b>	<b>Truancy</b>	
8.01(4)(b)	Truant	<b>\$50.00</b>
8.01(5)(h)	Habitually Truant	<b>\$100.00</b>
8.01(11)		
	1 <sup>st</sup> Violation	<b>\$20.00</b>
	2 <sup>nd</sup> Violation (within one year of previous violation)	<b>\$30.00</b>
<b>Chapter 9</b>	<b>Peace and Order</b>	
9.01(1)	Smoking Prohibited	<b>Use Uniform Schedule of Deposits</b>
9.01(2)	License or Permit When Required – [Ch. 125.04(1)]	<b>\$100.00</b>
9.01(2)	License and Permit Framed/Posted – [Ch. 125.04(10)]	<b>\$50.00</b>
9.01(3)	Alcohol Offenses – [Ch. 125.07(1)(a)1.-4.]	
	1 <sup>st</sup> Violation	<b>\$250.00</b>

	2 <sup>nd</sup> Violation (within 30 months of previous violation)	<b>\$300.00</b>
9.01(3)	Underage and Intoxicated Persons; Presence on Premises; Possession [Ch. 125.07(3), 125.07(4)(a) & (4)(b)]	Use <b>Uniform Schedule of Deposits</b>
9.01(4)	Identification Card Violations (alteration or misrepresentation) [Ch. 125.085(3)]	Use <b>Uniform Schedule of Deposits</b>
9.01(5)	School-Related Possession of Alcohol [Ch. 125.09(2)]	Use <b>Uniform Schedule of Deposits</b>
9.01(5)	General Alcohol Restrictions [Ch. 125.09(1), (3) & (6)]	<b>\$75.00</b>
9.01(6)	Closing Hours (fermented malt beverages) [Ch. 125.32(3)]	<b>\$100.00</b>
9.01(7)	Closing Hours (intoxicating liquor) [Ch. 125.68(4)]	<b>\$100.00</b>
9.01(7m)	Restrictions on Sale or Give of Cigarettes or Nicotine or Tobacco Products [Ch. 134.66(4)(a)]	
	1 <sup>st</sup> Violation	<b>\$100.00</b>
	2 <sup>nd</sup> Violation (within 12 months of previous violation)	<b>\$300.00</b>
	Violation [Ch. 134.66(4)(b)]	<b>\$25.00</b>
9.01(8)	Purchase/Possession Tobacco – Minors [Ch. 254.92(1), (2)]	Use <b>Uniform Schedule of Deposits</b>
9.01(9)	Battery [Ch. 940.19(1)]	<b>\$300.00</b>
9.01(10)	Damage to Property [Ch. 943.01(1)]	<b>\$200.00</b>
9.01(11)	Trespass to Land [Ch. 943.13]	<b>\$100.00</b>
9.01(12)	Trespass to Dwelling [Ch. 943.14]	<b>\$150.00</b>
9.01(13)	Theft [Ch. 943.20]	<b>\$125.00</b>
9.01(14)	Fraud on Hotel or Restaurant Keeper [Ch. 943.21(1m)(a),(b)&(c)]	<b>\$75.00</b>
9.01(14)	Fraud on Gas Station [Ch. 943.21(1m)(d)]	Use <b>Uniform Schedule of Deposits</b>
9.01(15)	Use of Cheating Tokens	<b>\$50.00</b>
9.01(16)	Operate Auto without Owner's Consent [Ch. 943.23]	<b>\$200.00</b>
9.01(17)	Issuance of Worthless Checks [Ch. 943.24]	
	Under \$500.00 <b>Add Restitution</b>	<b>\$100.00</b>
	\$500.00 and Over <b>Add Restitution</b>	<b>\$150.00</b>
9.01(18)	Receiving Stolen Property [Ch. 943.34]	<b>\$100.00</b>
9.01(19)	Retail Theft (Shoplifting) [Ch. 943.50]	<b>\$100.00</b>
9.01(20)	Theft of Library Material [Ch. 943.61]	<b>\$50.00</b>
9.01(21)	Resisting or Obstructing an Officer [Ch. 946.41]	<b>\$200.00</b>
9.01(22)	Disorderly Conduct [Ch. 947.01]	<b>\$100.00</b>
9.01(23)	Unlawful Use of Telephone [Ch. 947.012]	<b>\$50.00</b>
9.01(24)	Harassment [Ch. 947.013]	Use <b>Uniform Schedule of Deposits</b>
9.01(25)	Contributing to Truancy [Ch. 948.45]	
	1 <sup>st</sup> Violation	<b>\$50.00</b>
	2 <sup>nd</sup> Violation (within 12 months)	<b>\$100.00</b>
9.01(26)	Possession of Marijuana [Ch. 961.41]	<b>\$100.00</b>
9.01(27)	Possession of Drug Paraphernalia [Ch. 961.573]	<b>\$100.00</b>
9.01(27)	Possession of Drug Paraphernalia – Under 17 yrs. [Ch. 961.573(2)]	Use <b>Uniform Schedule of Deposits</b>
9.02	Misuse of E-911	<b>\$50.00</b>
9.03	Curfew	<b>\$25.00</b>
9.04	Electronic Message Harassment	<b>\$50.00</b>
9.05	Littering	Use <b>Uniform Schedule of Deposits</b>
9.06	Regulation of Fireworks	<b>\$50.00</b>
9.07	Disorderly Conduct with a Motor Vehicle	<b>\$100.00</b>
9.08	False Alarm <b>Add Unpaid Charge(s)</b>	<b>\$100.00</b>
9.09	Carry Concealed Weapon in County Buildings	<b>\$100.00</b>

9.10	Tobacco Use Prohibited in Courthouse and Jail	\$50.00
9.11	Courthouse Security Screening Required	\$50.00
<b>Chapter 10</b>	<b>Animals</b>	
10.01	Abatement Order; Compliance	\$150.00
10.03	Domestic Livestock Running At Large	
	1 <sup>st</sup> Violation	\$25.00
	2 <sup>nd</sup> Violation (within 12 months)	\$75.00
	3 <sup>rd</sup> or more Violation(s) (within 12 months)	\$150.00
10.04	Animals Damaging or Destroying Property.	\$50.00
10.05	Prohibiting Animals Running At Large	\$50.00
10.06	Harboring or Keeping Barking Dogs	\$50.00
10.07	Dog License Required	
	1 <sup>st</sup> Violation	\$50.00
	2 <sup>nd</sup> Violation (within 12 months)	\$100.00
10.08(1)	Abandonment of Animals	
	1 <sup>st</sup> Violation	\$75.00
	2 <sup>nd</sup> Violation (within 12 months)	\$150.00
10.08(4)(c)	Abandonment of Animals – Causes Damage	\$100.00
10.08(4)(d)	Abandonment of Animals – Attacks or Injures Person	\$200.00
10.09	Mistreating Animals	\$100.00
10.10	Shining Wild Animals	
	1 <sup>st</sup> Violation	\$50.00
	2 <sup>nd</sup> Violation (within 12 months)	\$100.00
10.11	Disposal of Carcasses	\$75.00
10.12	Rabies Control	\$200.00
<b>Chapter 11</b>	<b>Public Health</b>	
11.01	Human Health Hazard	\$100.00
11.02	Environmental Health and Sanitation	\$100.00
<b>Chapter 16</b>	<b>Emergency Management</b>	
16.01	Emergency Management	\$200.00
<b>Chapter 17</b>	<b>Sanitary and Private Sewage System</b>	
17.01-17.44	All Chapter 17 Violations	\$55.00
<b>Chapter 18</b>	<b>Uniform Numbering</b>	
18.09(1)	All Chapter 18 Violations except 18.09(3)	\$50.00
18.09(3)	Removal, Defacing, etc. Uniform Address Sign	
	1 <sup>st</sup> Violation	\$100.00
	2 <sup>nd</sup> or more Violation(s) within 3 years	\$200.00
<b>Chapter 22</b>	<b>Animal Waste Management</b>	
22.01-22.33	All Chapter 22 Violations	\$55.00
<b>Chapter 23</b>	<b>Uniform Dwelling Code</b>	
23.01	All Chapter 23 Violations	\$55.00
<b>Chapter 24</b>	<b>Subdivision Ordinance</b>	
24.01-24.10	All Chapter 24 Violations	\$55.00
<b>Chapter 25</b>	<b>Floodplain Ordinance</b>	
25.01-25.34	All Chapter 25 Violations	\$50.00
<b>Chapter 26</b>	<b>Private Water Systems (Well) Ordinance</b>	
26.01-26.13	All Chapter 26 Violations	\$55.00
<b>Chapter 27</b>	<b>Shoreland Protection Ordinance</b>	
27.01-27.65	All Chapter 27 Violations	\$55.00

For any violation of an ordinance in this code of ordinances where a specific forfeiture amount has not been established, the scheduled base deposit shall be \$100.00.

(History: Res. 2016-06-04; Res. 2017-01-01; Res. 2017-02-07; Res. 2017-02-08)