ORDINANCE NO. 07-1999-28

Ashland County, Wisconsin

AN ORDINANCE AUTHORIZING THE ISSUANCE OF CITATIONS FOR CERTAIN ORDINANCE VIOLATIONS IN ASHLAND COUNTY

The County Board of Supervisors of the County of Ashland does ordain as follows:

Section 1. Purpose. The purpose of this ordinance is to achieve greater efficiency and economy in the enforcement of certain Ashland County ordinances and to guarantee fairness and consistency of enforcement procedures.

Section 2. Authority.

(a) This ordinance is adopted as per §66.119, Wisconsin Statutes, which is incorporated herein by reference.

(b) Nothing contained in this ordinance shall be construed to prevent the use of any other method of enforcing Ashland County ordinances, including, but not limited to, the use of a summons and complaint or a petition under Chapter 938, Wisconsin Statutes.

Section 3. Ordinances Affected. Citations may be issued in the enforcement of any of the following Ashland County ordinances:

(a) An Ordinance Prohibiting Habitual Truancy.

(b) An Ordinance Prohibiting Truancy.

(c) An Ordinance Prohibiting Contributing to Truancy.

Section 4. Persons Authorized to Issue Citations. Citations authorized under this ordinance may be issued by any officer with jurisdiction in Ashland County.

Section 5. Citations. A citation issued pursuant to this ordinance shall provide for 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 such manner as 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 which in essence informs the alleged violator:

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 such a deposit, he or she need not appear in court unless subsequently summoned.

c. That if the allege 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, a penalty assessment imposed by §165.87, a jail assessment imposed by §302.46(1), a crime laboratories and drug law enforcement assessment imposed by §165.755 and any applicable domestic abuse assessment imposed by §973.055(1) 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 sub. (3)(d), or the municipality may commence an action against the alleged violator to collect the forfeiture, the penalty assessment imposed by §165.87, the jail assessment imposed by §302.46(1), the crime laboratories and drug law enforcement assessment imposed by §165.755 and any applicable domestic abuse assessment imposed by §973.055(1).

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 statutes 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.

Section 6. Form of Citation. The form of the citation issued under this ordinance shall be approved by the Ashland County District Attorney.

Section 7. Schedule of Deposits. The schedule of cash deposits, penalty assessments, jail assessments, crime laboratories and drug law enforcement assessments which are set forth in the annexed Exhibit A is incorporated herein by reference as a part of this ordinance.

Section 8. Procedure. The procedural provisions of §66.119, Wisconsin Statutes, and all subsequent amendments to said section, including the section number, subsection numbers and paragraph letters as therein contained, are adopted and incorporated herein by reference.

Section 9. Nonexclusivity. If any section or provision of this ordinance is declared unconstitutional or invalid or is repealed, the constitutionality or validity of the remainder shall not be affected.

Section 10. Publication. This ordinance is effective the day after its publication. This ordinance shall be immediately published as a Class 1 notice under Chapter 985, Wisconsin Statutes, and the Clerk shall procure and distribute copies of this ordinance to the several Town clerks, who shall file it in their respective offices as per §59.14(1), Wisconsin Statutes.

Dated at the City of Ashland, Wisconsin, this 22nd day of July, 1999.

Gary LaPean, Chairperson
Ashland County Board of Supervisors

Patricia A. Somppi
Ashland County Clerk

Ordinance No. #07-1999-28

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