

**TOWN OF ELLSWORTH CITATION ORDINANCE  
ORDINANCE 2013-4  
STATE OF WISCONSIN  
COUNTY OF PIERCE**

**The Board of the Town of Ellsworth hereby repeals Ordinance 1995-1, the town's Citation Ordinance and hereby adopts Ordinance 2013-4, Town of Ellsworth Citation Ordinance.**

**Ordinance 2015-3 adopted June 1, 2015 amended Ordinance 2013-4 as follows:**

**Section 4. A. 1.** The name and address of the alleged violator.

**Section 4. B.** The Town Board adopts the following schedule of cash deposits that are required for the various Town of Ellsworth ordinance violations unless specified otherwise in a town ordinance: The citation schedule is attached and will be updated as needed by resolution.

**Section 5. Issuance and Service of Citations.**

The following is hereby created and added to the end of the second paragraph:

**Citations shall be served personally or by regular mail at least 10 days prior to the court date. The Town Chair, Clerk, or Attorney may at their discretion, issue a warning letter prior to issuance of a citation.**

**Exhibit A Schedule of Deposits and Enforcement Officials updated**

**Section 1. Title and Purpose**

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

**Section 2. Authority.**

The Town Board of the Town of Ellsworth has the specific authority under WI Stats. 66.0111 and 66.0113 to adopt this ordinance.

**Section 3. Adoption of Ordinance**

The Town Board of the Town of Ellsworth, 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 Ellsworth to issues citations for violations of Town of Ellsworth ordinances, including ordinances with statutory counterparts.

#### **Section 4. Coverage**

- A. The form for citations to be issued in the Town of Ellsworth by the Town Board or its designees, for violations of the Town of Ellsworth 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 name and department of the issuing officer.**
  - 3. The violation alleged, and the section of the ordinance violated.**
  - 4. The factual allegations describing the alleged violation, including the time and place of the violation.**
  - 5. The designation of the violation in a manner than can be readily understood by a person making a reasonable effort to do so.**
  - 6. A date, time, and place for the court appearance and a notice to appear.**
- 7. A statement that in essence informs the alleged violator of all 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 Chapter. 814, WI 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 consider the nonappearance to be a plea of no contest and enter judgment under WI Stats 66.0113(d), or the municipality may commence an action against the alleged violator to collect the forfeiture, plus courts, fees and surcharges imposed under Ch 814, WI 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 WI Stats 800.093.**

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 WI Stats 66.0113(1)(b)7, and shall send the signed statement with the cash deposit.

9. Any other information as may be deemed necessary.

B. The Town Board adopts the following schedule of cash deposits that are required for the various Town of Ellsworth ordinance violations unless specified otherwise in a town ordinance: The citation schedule is attached and will be updated as needed by resolution.

C. The Town Board names the Pierce County Clerk of Circuit Court as the person to whom cash deposits are to be made, and requires that receipts be given for cash deposits.

### **Section 5. Issuance and Service of Citation**

Town of Ellsworth citations may be issued by the Town of Ellsworth Board Chairperson, or the Town of Ellsworth Board may designate certain Town of Ellsworth, Pierce County, or municipal officials, with their written approval, to issue such citations. Persons authorized to issue citations shall have discretion to issue a warning ticket in lieu of a citation.

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

Citations shall be served personally or by regular mail at least 10 days prior to the court date. The Town chair, Clerk, or Attorney may at their discretion, issue a warning letter prior to issuance of a citation.

### **Section 6. 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 Ellsworth from adopting any other 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.

### **Section 7. Severability**

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given

effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

**Section 8. Amendments**

Any future amendments, revisions, or modifications of WI Statutes 66.0111 or 66.0113 or any other statutes referred to in this ordinance are intended to be made part of this ordinance as such amendments, revisions, or modifications are made to said statutes.

**Section 9. Effective date**

This ordinance is effective upon publication or posting.

The town clerk shall properly post or publish this ordinance as required under WI Stats. 60.80.

Adopted this 1st day of April, 2013.

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Barry J Foy, Chair

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Everett S Muhlhausen, Supervisor

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Jeffrey Redding, Supervisor

Attest:

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Phyllis J Beastrom, Clerk

Posted April 5, 2013 at Town Hall, T-Bar, Transfer station, and on  
Town Website  
Published Pierce County Herald April 17, 2013 issue

**ORDINANCE 2015-3**  
**To Amend the Town of Ellsworth Citation Ordinance**

**The Board of the Town of Ellsworth hereby amends Ordinance 2013-4, the Town of Ellsworth Citation Ordinance as follows:**

**Section 4. A. 1.** The name and address of the alleged violator.

**Section 4. B.** The Town Board adopts the following schedule of cash deposits that are required for the various Town of Ellsworth ordinance violations unless specified otherwise in a town ordinance: The citation schedule is attached **and will be updated as needed by resolution.**

**Section 5. Issuance and Service of Citations.**

The following is hereby created and added to the end of the second paragraph:

**Citations shall be served personally or by regular mail at least 10 days prior to the court date. The Town Chair, Clerk, or Attorney may at their discretion, issue a warning letter prior to issuance of a citation.**


This ordinance is effective upon publication or posting. The Town Clerk shall properly post or publish this ordinance as required under WI Stats 60.80

Adopted the 1<sup>st</sup> day of June, 2015.

  
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Roger Billeter, Chair

  
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Mark Erlandson, Supervisor

  
\_\_\_\_\_  
Jeffrey Redding, Supervisor

Attest:   
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Phyllis J Beastrom, Clerk

Posted June 2, 2015 at Town Hall, Transfer Station, Town Website, and Countryside Cooperatives.  
Published Pierce County Herald June 10, 2015

### **Exhibit A: Schedule of Deposits and Enforcement Officials**

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

<b>Ordinance and Violation</b>	<b>Enforcement Official</b>	<b>Deposits</b>
Driveway Ordinance 1991	Town Board	\$500 plus current court costs
Private Road Standards 2006-1	Town Board	Not applicable
Animal Control Ordinance 1993-1 & amended 1995-3, 1995-4, 1996-2, 1998-1, 1998-2, 1991-1, 2003-3, 2006-3, 2007-1.	Town Board	Not less than \$100 nor more than \$500 plus current court costs. The minimum penalty which shall be assessed for multiple violations in any twelve (12) consecutive months as follows: First violation \$100; Second violation \$200; Third violation \$300; Fourth violation \$400; fifth violation \$500.
Building Code Ordinance 2008-1	Building Inspector	Not less than \$25 nor more than \$500 plus current court costs. Each day a violation exists or continues constitutes a separate offense.
Building Permit Ordinance 2008-5	Town Board; Building Inspector	Not less than \$25 nor more than \$100 plus current court costs. Each day a violation exists or continues constitutes a separate offense
Non Metallic Mining Licensing Ordinance 2013-1	Town Board	First offense in a year \$1000 plus current court costs; Second and all other offenses in a year \$5000 each plus court costs. Each day a violation exists or continues constitutes a separate offense.
All Terrain Vehicle Routes Ordinance 2008-4 & amended 2010-1, 2012-2	Town Board	See WI Stats 23.33(13)(a); 23.54

Intoxicating Beverages & Liquor Ordinance 1996-1	Town Board	Not less than \$50 nor more than \$500 plus current court costs.
Sec 8e of Intoxicating Beverages & Liquor Ordinance 1996-1 Improper Exhibitions	Town Board	\$500 plus current court costs, 1 <sup>st</sup> offense; \$1000 plus current court costs 2 <sup>nd</sup> offense; \$1500 plus current court costs 3 <sup>rd</sup> offense; each subsequent violation \$1500 plus current court costs. Each day violation continues or occurs is separate offense.
Ordinance 2006-2 Prohibiting issuance of Alcohol Beverage License for nonpayment of taxes	Town Board	Not applicable
Ordinance 2015-1 IOH to comply with Statutory weight limits	Town Board	Not applicable
Ordinance 2015-2 Procedures for alternate forms of testimony at Board of Review	Town Board	Not applicable
Uniform Dwelling Code Ordinance 2004-2	Building Inspector	Not applicable
Underground Tank Removal Ordinance 1995-1		\$250 plus current court costs
Confidentiality of Income & Expenses Ordinance 2000-2	Not applicable	Not applicable
Comprehensive Plan Ordinance July 2009	Town Board	Not applicable
Plan Commission Ordinance Aug 2008	Not applicable	Not applicable
Placing Unpaid Personal Property tax on Real Estate tax bill 2008-6	Town Treasurer	Not applicable
Fire Protection Ordinance 11 (1984)	Town Board	Not applicable
Fair and Open Housing Ordinance (1998)	Town Board	Not applicable
Alternate Members to Board of Review Ordinance 2000-1	Town Board	Not applicable
Village Ellsworth ETZ Ordinance Oct 2006	Not applicable	Not applicable