

TOWN OF BAYVIEW
ORDINANCE #16-01

ORDINANCE RELATING TO ISSUANCE OF CITATIONS FOR VIOLATIONS OF TOWN
PARK AND PRESERVE ORDINANCE
NO# 12-04

The Town Board of Supervisors of the Town of Bayview, Bayfield County, does ordain as follows:

SECTION 1- STATUTORY AUTHORITY

Pursuant to Section 66.0113 of Wisconsin Statutes, the Town Board hereby elects to use the citation method of enforcement described herein, or in Ordinance No. 12-04, including those for which a statutory counterpart exists.

SECTION 2 – FORM OF CITATION

The citation shall contain the following:

- a) The name and address of the alleged violator;
- b) The factual allegations describing the alleged violation;
- c) The Time and place of the offense;
- d) The section of the ordinance violated;
- e) A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so;
- f) The time at which the alleged violator may appear in court;
- g) A statement which in essence informs the alleged violator;
 1. That a cash deposit based on the schedule established by this shall be delivered to the Clerk of Court prior to the time of the scheduled court appearance.
 2. That if a deposit is made, no appearance in court is necessary unless the defendant is subsequently summoned.
 3. That if a cash deposit is made and alleged violator does not appear in court, he will be deemed to have entered a plea of no contest, and submitted to a forfeiture with applicable penalty assessment, or if the court does not accept the plea of no contest, a summons will be issued commanding him to appear in court to answer the complaint.
 4. 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 warrant for defendant's arrest or consider the non-appearance to be a plea of no contest and enter judgement, or an action may be commenced to collect the forfeiture.
- h) 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 "g" above has been read. Such statement shall be sent or brought with the cash deposit;

- i) A statement that if the court finds that the violation involves an offense that prohibits conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in property damage or physical injury to a person other than the alleged violator, the court may summon the defendant into court to determine if restitution shall be ordered under Section 800.093 (municipal court).
- j) Such other information as the town deems necessary.

SECTION 3 – SCHEDULE OF DEPOSITS

The following schedule of cash deposits is established for use with citation issued under this ordinance,

<u>ORDINANCE TITLE</u>	<u>OFFENSE</u>	<u>DEPOSITS & COSTS</u>
Ordinance Prohibiting Destruction of Property No 12-04 (A)	Violation	\$100.00 plus current court costs
Ordinance Prohibiting dumping Rubbish No 12-04 (B)	Violation	\$100.00 plus current court costs
Ordinance Prohibiting washing vehicles or clothing No 12-04 (C)	Violation	\$100.00 plus current court costs
Ordinance prohibiting dogs running at large No 12-04 (D)	Violation	\$100.00 plus current court costs
Ordinance prohibiting campfires on Park- Preserve lands except at designated fire rings and/or grills No 12-04 (E)	Violation	\$100.00 plus current court costs
Ordinance prohibiting non- authorized peddling or soliciting No 12-04 (F)	Violation	\$100.00 plus current court costs
Ordinance prohibiting Improper vehicle Use No12-04 (G)	Violation	\$100.00 plus current court costs
Ordinance prohibiting loudspeakers No 12-04 (H)	Violation	\$100.00 plus current court costs
Ordinance prohibiting unattended vehicles for more than 48 hours w/out permit No 12-04 (I)	Violation	\$100.00 plus current court costs

Ordinance prohibiting remaining in Bayview Park 12 AM to 4:00 AM No 12-04 (J)	Violation	\$100.00 plus current court costs
Ordinance prohibiting remaining in Houghton Falls nature Preserve sunset to Sunrise No 12-04 (K)	Violation	\$100.00 plus current court costs
Ordinance prohibiting discharging a firearm without permit from the Town Board No 12-04 (L)	Violation	\$100.00 plus current court costs
Ordinance prohibiting improper conduct in Park or Preserve No 12-04 (M)	Violation	\$100.00 plus current court costs
Ordinance adherence to State Statutes No 12-04 (N)	Violation	\$100.00 plus current court costs
Ordinance prohibiting loud noise or disturbance at Bayview Park 10PM to 7:00 AM No 12-04 (O)	Violation	\$100.00 plus current court costs
Ordinance prohibiting camping No 12-04 (P)	Violation	\$100.00 plus current court costs
Ordinance prohibiting commercial boat launching without written permit No 12-04 (Q)	Violation	\$100.00 plus current court costs
Ordinance prohibiting placement of Unaesthetic objects No 12-04 (R)	Violation	\$100.00 plus current court costs

Deposits shall be made in cash, money order or certified check to Clerk of Circuit Court Who shall provide a receipt therefore.

SECTION 4- ISSUANCE OF CITATION

The following officials may issue citations with respect to specified ordinance which are directly related to their official responsibilities.

ORDINANCE TITLE

Town Park – Preserve 12-04

ENFORCEMENT OFFICIAL

County Sheriff’s Department Officer
Constables or Board Members

SECTION 5 – PROCEDURE

Section 66.0113(3) Wisconsin Statutes relating to violator’s options and procedures on default is hereby adopted and incorporated by reference.

SECTION 6 – NONEXCLUSIVITY

A. OTHER ORDINANCE

Adoption of this ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

B. OTHER REMEDIES

The issuance of a citation hereunder shall not preclude the Town Board or any authorized office from proceedings under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

SECTION 8 – EFFECTIVE DATE

This ordinance shall take effect upon its passage and publication or posting as provided by law.

The foregoing ordinance was adopted at a regular meeting of the Town Board of the Town of Bayview on February 9th, 2016

Charly Ray

Charly Ray, Chairman

Donald Jenicek

Supervisor Donald Jenicek

Larry Nelson

Supervisor Larry Nelson

Posted within 30 days of passage on 02/16/2016 at the following public locations:

Bayview Town Park
Houghton Falls Nature Preserve
<http://www.townofbayview.org>

wanda Hyde

Clerk Wanda Hyde