

TOWN OF HARMONY

CHAPTER 5 OF THE MUNICIPAL CODE OF THE TOWN OF HARMONY, WISCONSIN

CITATIONS

SECTION 1: ADOPTION OF CITATION

The Town of Harmony does hereby adopt and authorize the use of a citation for certain violations of certain provisions of the Town of Harmony Municipal Code.

SECTION 2: FORM OF CITATION

The citation issued hereunder shall include 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 number and section of the chapter allegedly violated.
- (5) A designation of the offense in such a 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 as set forth in Section 3 of this Chapter to be mailed to the Clerk of Courts of Rock County within 5 days after issuance of the citation;
 - (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 alleged violator makes a cash deposit and does not appear in court, he or she will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty surcharge imposed by Section 757.05(1) of the Wisconsin Statutes, a jail surcharge imposed by Section 302.46(1) of the Wisconsin Statutes, and a crime laboratories and drug law enforcement surcharge imposed by Section 165.755 of the Wisconsin Statutes, 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 alleged violator’s arrest or consider the non-appearance to be a plea of no contest and enter judgment under Section 66.0113(3)(d) of the Wisconsin Statutes, or the Town of Harmony may commence an action against the alleged violator to collect the forfeiture, the penalty surcharge imposed by Section 757.05(1) of the Wisconsin Statutes, the jail surcharge imposed by Section 302.46(1) of the Wisconsin Statutes, and the crime laboratories and drug law enforcement surcharge imposed by Section 165.755 of the Wisconsin Statutes; and
 - (E) That if the court finds that the violation involves a Chapter or provision thereof 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 Section 800.093 of the Wisconsin Statutes.
- (8) A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he or she read the statement required under subsection (7) and shall send the signed statement with the cash deposit.

SECTION 3: SCHEDULE OF CASH DEPOSITS

The following cash deposits are required for violation of the following Chapters:

Chapter	Violation Forfeiture	Penalty Surcharge	Jail Surcharge	Crime Labs and Drug Law Enforcement Surcharge	Total Deposit
Chapter 1 – Zoning Ordinance	\$150.00 per day	\$39.00 per day	\$10.00 per day	\$8.00 per day	\$207.00 per day
Chapter 4 – Abandoned, Disabled, and Unlicensed Vehicles and Equipment	\$150.00 per day	\$39.00 per day	\$10.00 per day	\$8.00 per day	\$207.00 per day
Chapter 8 – Small Motor-Driven Vehicles	\$200.00 per day	\$52.00 per day	\$10.00 per day	\$8.00 per day	\$270.00 per day
Chapter 9 – Regulation of Dogs	\$125.00 per day	\$32.50 per day	\$10.00 per day	\$8.00 per day	\$175.50 per day

(Schedule Amended by Ordinance 120604)

SECTION 4: COURT

Cash deposits under this Chapter are to be made to the Clerk of Courts for Rock County, who shall issue a receipt for any such cash deposits.

SECTION 5: ENFORCEMENT

Citations authorized under this Chapter may be issued by law enforcement officers of the County of Rock and the Town of Harmony, and may also be issued by the Town Chairperson. The Town Chairperson may delegate authority to issue citations to an employee of the Town, including, but not limited to, an off-duty law enforcement officer employed by the Town for such purpose.

SECTION 6: SEVERABILITY

The provisions of this Chapter shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this Chapter irrespective of whether one or more provisions may be declared invalid. If any provision of this Chapter or the application to any person or circumstances is held invalid, the remainder of the Chapter and the application of such provision to other persons or circumstances shall not be affected.

(Chapter Created by Ordinance 110600)