

**TOWN OF RED CEDAR SCHEDULE OF FEES AND CITATIONS (FORFEITURES)
FOR LICENSES, PERMITS, OR OTHER SERVICES PROVIDED**

ORDINANCE NO.: 2015-6

PART I. FEE SCHEDULE

Section 1 – Schedule of Fees/Payment of Fees

All fees required by Town of Red Cedar ordinances shall be paid to the Town of Red Cedar in amounts set forth in Section 2 of this ordinance. Fees shall not be refundable.

Section 2 – See Addendum A for Table of Fees

PART II. CITATIONS (FORFEITURES)

Section 1 – Statutory Authority

Pursuant to W.S.A s. 66.119, the Town of Red Cedar elects to use the citation method of enforcement of ordinances, including those for which a statutory counterpart exists, and s. 66.119 is hereby incorporated and made a part of this chapter.

Section 2 – Contents of Citation (Forfeitures)

The citation shall contain the following:

- A. The name and address of the alleged violator;
- B. Factual allegations describing the alleged violation;
- C. Time and place of the offense;
- D. Number and section of 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. Time and date in which the alleged violator may appear in court;
- G. A statement which informs the alleged violator that:
 - (1) That a cash deposit based on the established schedule may be delivered or mailed to a specified official within a specified time.
 - (2) That if a deposit is made, no appearance in court is necessary unless he is subsequently summoned.
 - (3) If the violator makes a cash deposit and does not appear in court, either he will be deemed to have tendered a plea of no contest and submitted to a forfeiture [a penalty assessment imposed by W.S.A. s. 165.87 and a jail assessment imposed by W.S.A.s. 302.46(1) not to exceed the amount of the deposit] or he will be summoned into court to answer the complaint if the court does not accept the plea of no contest.
 - (4) If the violator does not make a cash deposit and does not appear in court at the time specified, an action may be commenced against the alleged violator to collect the forfeiture, the penalty assessment imposed by W.S.A. s. 165.87 and the jail assessment imposed by W.S.A. s. 302.46(1).

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 required statement has been read. Such statement shall be sent or brought with the cash deposit.

Section 3 – Form of Citation

The town adopts for use the Uniform Municipal Citation, Form MC2000, consisting of a five-part citation, a sample of which is on file in the office of the Town Clerk and adopted by reference as if fully set forth herein; provided, however, that all court proceedings shall occur under the jurisdiction of the Dunn County Circuit Court.

Section 4 – Schedule of Citation (Forfeiture) Deposits and Enforcement Officials

A. The Town Clerk shall deposit with the Clerk of Courts of Dunn County and the Town a schedule of cash deposits which are to be required for the various ordinance violations and for the penalty assessment imposed by W.S.A. s. 302.46(1) for which a citation may be issued.

B. The following schedule of cash deposits is established for use with citations issued under this chapter plus court costs set by the Dunn County Circuit Court.

C. Any law enforcement officer in the Town may issue citations authorized under this ordinance, and the following town officials may issue citations with respect to those specified sections which are directly related to their official responsibilities:

- (1) Building Inspector
- (2) Town Board, or designee

See Addendum B for Table of Forfeitures

Section 5 – Payment of Deposit; Receipt

Deposits shall be in cash, money order or certified check. There shall be two options for payment. The alleged violator may pay the cash deposit directly to the Town Clerk on or before a deadline established by the Town Clerk and before the Town forwards the citation to Dunn County Circuit Court for processing. If the citation is paid directly to the Town Clerk by the deadline and the citation is not processed through Dunn County Circuit Court, the alleged violator can pay the amount of the cash deposit established under this ordinance excluding the court costs. If the citation is not paid directly to the Town by the deadline established by the Town Clerk, the cash deposit plus court costs must be paid to the Dunn County Clerk of Court. In either case, the Town or the County shall provide a receipt for the payment.

Section 6 – Options and Procedures on Default

Section 66.119(3) of the Wisconsin Statutes, relative to a violator's options and procedures on default, is hereby adopted and incorporated herein by reference.

Section 7 – Effect on Other Ordinances and Remedies

A. Other Ordinances. This ordinance does not preclude the Town of Red Cedar from adopting any other ordinance or providing for the enforcement of any law or ordinance relating to the same or other matters.

B. Other remedies. The issuance of a citation hereunder shall not preclude the Town 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.

Section 8 – Severability

If any section, clause, provision, or portion of this ordinance, or if the application of this ordinance to any person or circumstance, be adjudged unconstitutional or invalid, unlawful, or unenforceable by final order of a court of competent jurisdiction, including all applicable appeals, the remaining provisions or application of this ordinance shall remain in full force and effect.

Section 9 – Effective Date

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

The foregoing Schedule of Fees and Citations (Forfeitures) for Licenses, Permits, or Other Services Provided Ordinance was enacted by a majority vote of the Town Board of the Town of Red Cedar on the **13th day of April, 2015**.

Original Ordinance Attested to:

*Ron Robelia, Town Chairman
Deb Gotlibson, Supervisor 1
Andrew Gansberg, Supervisor 2 (Absent)
Dave Leach, Supervisor 3
Doug Miller, Supervisor 4
Cheryl Miller, Clerk*

*Published on 04/22/2016
Dunn County News*

Historical Information

Adopted: 04/13/2015 (Replaces Citation Ordinance No. 1213-2004)

Amendment No. 2016-1 Adopted: 01/18/2016 (Addition of Forfeiture for Failure to Obtain a Permit to Discharge Fireworks)

Format Change: 05/24/2016 (Fee Schedule and Citation Schedule Removed from Body and Added as Addendums)