

Town Of Little Black, Taylor County, State Of Wisconsin
CHAPTER 10: Local Government

Section 12:01 Town of Little Black Citation Ordinance

SECTION I – TITLE AND PURPOSE

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

SECTION II – AUTHORITY

The Town Board of the Town of Little Black, Taylor County, Wisconsin, has the specific authority under s. 66.0113, Wis. stats., to adopt this ordinance.

SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides the authority for the town to issue citations for violations of Town of Little Black ordinances, including ordinances with statutory counterparts.

SECTION IV - SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

SECTION V – COVERAGE

A. Except as provided in subsections D and E, the form for citations to be issued in the Town of Little Black by the town board, or its designees, for violations of Town of Little Black 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 factual allegations describing the alleged violation.
3. The time and place of the alleged violation.
4. The number of the ordinance violated.
5. A designation of the offense in a manner that 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 that in essence informs the alleged violator of all of the following:
 - a. That the alleged violator may pay the fine to be mailed to the town clerk within a 30 days for the date of the citation.
 - b. That if the alleged violator does not make a fine payment within 30 days, violator will need to appear in court when subsequently summoned. The town clerk will contact the court for a court date. The subsequent court fees will be determined at the time of the court decision and are payable to the court. Other fees incurred at the time of the court decision will be paid to the township.
 - c. That if the alleged violator pays the fine and does not appear in court, the alleged violator 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, Wis. 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 pay the fine 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 s. 66.0113 (3) (d), Wis. stats., or the municipality may commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges imposed under chapter 814, Wis. 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 s. 800.093, Wis. stats.

8. A direction that if the alleged violator elects to pay the fine the alleged violator shall sign an appropriate statement that accompanies the citation to indicate that he or she read the statement required under s. 66.0113 (1) (b) 7., Wis. stats., and shall send the signed statement with the fine deposit.

9. Any other information as may be deemed necessary.

B. The town board adopts the following schedule of fine payments that are required for the various Town of Little Black ordinance violations, which includes for each listed violation the costs, fees, and surcharges imposed under chapter 814, Wis. Stats.:

Ordinance Title	Offense	Fine
Section 12-9-2003 TOWN OF LITTLE BLACK ORDINANCE ESTABLISHING FIRE PROTECTION CHARGES	Failure to Pay Bill	The failure to pay the bill within 60 days will result in interest being charged at the rate of 1 1/2% percent per month from the date of the bill. Those bills remaining outstanding & including interest, for more than 90 days as of November 1 of any given year shall become a lien against the real estate and shall be placed on the tax roll as a delinquent special charge
Section 23.03 EXCAVATIONS OF ROADS, PUBLIC RIGHT-OF-WAY AND GROUNDS	Failure to comply with the provisions of the ordinance or failure to obtain permit	Forfeiture of \$50 per day of offense, or by imprisonment not exceeding 6 months, or both, plus the applicable surcharges, assessments, and costs for each violation
Section 24.01 DRIVEWAY AND CULVERT AND UTILITY PERMIT ORDINANCE	Failure to obtain permit, or improper construction and size of driveway and culverts	Note B see end of chart
Section 25.01 PLACING SUBSTANCE ON HIGHWAY	Failure to prevent spillage of material on highway	Note B see end of chart
Section 26.01 PRIVATE ROADS ORDINANCE	Failure to obtain driveway and culvert permit. Failure to build road to standards.	Note B see end of chart
Section 28.01 Ordinance to designate class B highways.	Operating any vehicle on the above-noted highways, in violation of the weight limits set forth in s. 348.16 (2), Wis. Stats without a permit	For example of penalties: See Chapter 20 Section 28.01 (E)
Section 28.02. Ordinance Establishing Special or Seasonal Weight Limits	Operating without permit above 7500 pounds per axle March 15 to November 30	For example of penalties: See Chapter 20 Section 28.02 (E)
Section 29.01. All-terrain vehicle and utility terrain vehicle routes ordinance.	Note A see end of chart	The penalties under s. 23.33 (13) (a), Wis. Stats., are adopted by reference
Section 29.02 MOTOR VEHICLE PARKING REGULATIONS	Note A see end of chart	Note B see end of chart

Section 30.0 Ordinance For Adoption Of Wisconsin Uniform Dwelling Code	Failure to obtain building permit	Note B see end of chart
Section 31.03 Town Building Information Permit Ordinance	Note A see end of chart	Note B see end of chart
Section 37.01 Delinquent Utility Bills.		The fee for the collection of the bill in this manner will be a charge of 10% equal to the bill presented to the Township by Medford Electric Utility The fee be added to the bill and collected in the same manner as general taxes and added to the general funds of the township.
Section 40.03: High Capacity Wells, Licensing & Regulation	Note A see end of chart	Note B see end of chart
Section 41.01 Town of Little Black Wellhead Protection Ordinance	Note A see end of chart	Forfeit not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00) plus the costs of the prosecution for each violation, possible imprisonment of no more than 30 days.
Section 42.00 Ordinance Landfills	Note A see end of chart	Forfeiture of \$100 to 500 per day of violation plus costs of prosecution.
Section 43.00 High Volume Water Use Overlay and Licensing Ordinance	Note A see end of chart	Forfeiture of not less than \$50 nor more than \$500, plus the applicable surcharges, assessments and costs. Each day a violation exists or continues constitutes a separate offense under this ordinance
Section 61.00 ADULT-ORIENTED ESTABLISHMENTS		Late Fee of \$200 Applicant must obtain a license from Taylor County prior to receiving to receiving a permit from the Town of Little Black.
Section 62.01 Town of Little Black Public Nuisance Ordinance	Note A see end of chart	1st Offense. Forfeit not less than \$20 nor more than \$500 for each offense,plus costs, possible Jail time not greater than 90 days. Second and Subsequent Offenses:Forfeit not less than \$100 nor more than \$1,000 for each offense, plus costs, Jail time not greater than 6 months.
Section 70.01 SIGNS ORDINANCE	Note A see end of chart	Note B see end of chart
Note A. Failure to comply with the provisions of this ordinance Note B. Forfeiture of \$50, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance		

C. The town board names the Town Clerk to whom the fine are to be made and requires that receipts shall be given for fine payments.

D. The town board requires that in traffic regulation violation actions, except for parking regulation violations, the uniform traffic citation specified in s. 345.11, Wis. stats., shall be used by the Town of Little Black in lieu of the citation form described in subsection A.

E. The town board requires that in actions for violations of Town of Little Black ordinances enacted in accordance with s. 23.33 (11) (am) or 30.77, Wis. stats., the citation form specified in s. 23.54, Wis. stats., shall be used in lieu of the citation form described in subsection A.

SECTION VI – ISSUANCE AND SERVICE OF CITATION

A. Town of Little Black citations may be issued by the Town Board of the Town of Little Black or the Town Board of the Town of Little Black may designate certain Town of Little Black, Taylor County, County, or other municipal officials, with their written approval, to issue such citations.

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

SECTION VII – 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 Little Black 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. Proceeding under any other ordinance or law relating to the same or any other matter does not preclude the issuance of a citation under this ordinance.

SECTION VIII – 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 IX – EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly post or publish this ordinance as required under s. 60.80,

Adopted this 2nd day of August, 2019.

Town of Little Black Chairman

Daniel C. Hoffman

Town Supervisor

Bryan Jochemsen

Town Supervisor

Chad L. Smith

Attest: Town Clerk

Date

2nd August 2019

JoAnn Smith