

SHEBOYGAN COUNTY ORDINANCE NO. 14 (2014/15)

Re: **Amending Chapter 90 - Citation Enforcement**

WHEREAS, Chapter 90 of the County Code provides for a method of enforcement of County ordinances through the issuance of citations rather than through the more cumbersome and expensive process of issuing summonses and complaints, and

WHEREAS, changes to the statutes governing the use of citations require an updating of Chapter 90 to continue in compliance with state requirements, and

WHEREAS, it is in the best interests of Sheboygan County to update our Code provisions to be in conformity with state law;

NOW, THEREFORE, the County Board of Supervisors of the County of Sheboygan does ordain as follows:

Section 1. **Amending Chapter 90.** Chapter 90 of the Sheboygan County Code of Ordinances is hereby amended as follows (additions indicated by redlining, deletions by strikeouts):

CHAPTER 90
~~LAW~~CITATION ENFORCEMENT

- 90.01 CITATIONS FOR COUNTY ORDINANCE VIOLATIONS. Except as otherwise specifically provided in this Code, the statutory provisions of Wis. Stat. § ~~66.119~~66.0113 describing and defining procedure with respect to violations of these Ordinances, are hereby adopted and by reference made a part of this Code as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Code. Any further amendments, revisions, or modifications of the statutes incorporated herein are intended to be made a part of this Code in order to secure uniform state-wide regulation of the procedure as to citations for certain ordinance violations.
- 90.02 ADOPTION OF ~~FORM MSC 1~~CITATION. ~~The~~A form captioned "~~Wisconsin~~Sheboygan County Uniform Municipal Citation" (in compliance with the provisions of Wis. Stat. § ~~66.119~~66.0113) as approved by the Sheriff and Corporation Counsel is hereby adopted ~~as hereinafter set forth~~for use to enforce Sheboygan County ordinance violations. Any future amendments, revisions, or modifications of this form done by the County of Sheboygan is intended to be made a part of this Code in order to secure uniform county-wide administration of citations for certain ordinance violations. Only such provisions of personally identified information by this form that are reasonably related to the enforcement to the ordinance shall be completed by the issuing officer or official. If applicable, the uniform traffic citation developed under Wis. Stat. § 345.11 or the Natural Resources citation developed under Wis. Stat. § 23.54 may be used instead. Filing of the form with the County Clerk ~~should~~shall serve as the recognition of that form as the form approved by this Section.

(The rest of this page intentionally left blank.)

UNIFORM MUNICIPAL CITATION & COMPLAINT STATE OF WISCONSIN COUNTY OF SHEBOYGAN		DEPOSIT \$	ASSESS \$	COURT COSTS \$	RESTITUTION \$	TOTAL DEPOSIT \$	FOR COURT USE ONLY
<input type="checkbox"/> CITY of _____ <input type="checkbox"/> VILLAGE of _____ <input type="checkbox"/> TOWN of _____		STATE OF WISCONSIN CIRCUIT COURT ROOM B-10 COUNTY OF SHEBOYGAN					
		INCIDENT NO. _____					
COUNTY OF SHEBOYGAN VS	THE UNDERSIGNED, AN OFFICER FOR AND IN BEHALF OF THE COUNTY OF SHEBOYGAN BEING DULY SWORN, STATES UPON INFORMATION AND BELIEF THAT THE SAID DEFENDANT DID ON _____ AT _____ AM/PM VIOLATE ORD. NO. _____ TO WIT:						
	NAME _____ LAST, FIRST, MIDDLE INITIAL						DESCRIBE VIOLATION:
ADDRESS (RESIDENCE) _____ APT. NO. _____ POST OFFICE/STATE _____ ZIP _____							
PHONE	AGE	BIRTHDATE		PLACE OF BIRTH			
M _____ F _____ <input type="checkbox"/> _____ <input type="checkbox"/>	WHT _____ BLK _____ NAT. _____ ASN. _____ AM. _____	HSP _____ NON HSP _____ 1- <input type="checkbox"/> 2- <input type="checkbox"/> 3- <input type="checkbox"/> 4- <input type="checkbox"/>		EYES	HAIR	WEIGHT	HEIGHT
DRIVER'S LICENSE _____ STATE _____ EXP. _____				SOCIAL SECURITY NO. _____		ON HWY/STREET _____ PRIVATE/PUBLIC PROPERTY _____	
VEHICLE PLATE	EXP.	STATE	MAKE	YEAR	MODEL	COLOR	AT
COMPLAINT NO. _____						COUNTY OF SHEBOYGAN; City/Village/Town of: _____	
YOU ARE HEREBY NOTIFIED TO APPEAR IN THE ABOVE NAMED COURT							OFFICER'S SIGNATURE (PRINT)
ON _____ 19 _____ AT _____				A.M. P.M.			
LOCATED AT 615 N. 6TH ST., SHEBOYGAN, WI 53084						DATE	PAGE
IMPORTANT: READ NOTICE ON BACK						1	

SCF-1010

WHITE/COURT

PINK/DEFENDANT

MANILA/AGENCY

- 90.03 STIPULATION OF GUILT OR NO CONTEST. Stipulations of "Guilty" or "No Contest" may be made by persons to whom a citation has been issued for violation of an ordinance. Stipulations shall conform to the form contained in Wis. Stat. § ~~66.19(3)~~66.0113. It may be accepted within ten (10) days of the date of the alleged violation. Stipulations may be accepted by the Clerk of Courts of Sheboygan County, Wisconsin.
- 90.04 DEPOSIT. Any person stipulating "Guilty" or "No Contest" under Subsection 90.03 of this Code must make the deposit required under Wis. Stat. § ~~66.19(3)~~66.0113 as determined under Subsection 90.05 of this Code. Deposits may be brought or mailed to the Clerk of Courts' Office of Sheboygan County, Wisconsin, as directed by the ~~arresting officer~~issuing officer or official. If a citation is issued at a time when the Clerk of Courts' Office is not open, the cash deposits may be accepted at a stationary law enforcement office where a receipt can be issued. Receipts shall be given for all cash deposits.
- 90.05 BOND AND DEPOSIT SCHEDULE. The cash deposits herein referred to, together with the taxable costs and disbursements and ~~the levy of the penalty assessments~~ surcharges where applicable according to Wis. Stat. § ~~165.87~~ shall be set forth in a "Bond Schedule" and shall be filed with the Clerk of Circuit Courts and thereupon is made a part of this Ordinance by reference.
- (1) The cash deposit amounts on said "Bond Schedule" shall be determined by a majority of the Circuit Judges for Sheboygan County, and where no specific amount is so set by said Judges, then the State of Wisconsin Revised Uniform State Traffic Deposit Schedule ~~and related schedules~~ or Alcohol Beverages,

~~Harassment and Safety Violations Deposit Schedule, or Uniform Misdemeanor Bail Schedule, or Trespass to Land Deposit Schedule~~ or the Revised Uniform Deposit and Bail Schedule for Conservation, Environmental Protection, Boating, Snowmobile, ATV, UTV, and Captive Wildlife Violations in existence at the time of the violation shall be utilized, and in the absence of any schedule or applicable amount, the bond shall be Fifty Dollars (\$50.00) plus the penalty assessment, and court costs.

(2) The deposits or forfeited penalties under this Chapter shall be delivered to the Sheboygan County Clerk of Courts as soon as practical.

90.06 ISSUANCE OF CITATIONS. As authorized by Wis. Stat. § ~~66.419(2)~~66.0113(2) any County law enforcement officer may issue the citations authorized by this Chapter. ~~In addition, those persons who are correctional supervisors of the jail or who hold the position of Planning and Conservation Director or the Director's designee or Check Fraud Investigator may issue citations with respect to Ordinances which are directly related to their official responsibilities.~~ In addition, unless otherwise provided for in this Code, the Sheriff may designate County officials who shall be authorized to issue citations with respect to County ordinances which are directly related to the official responsibilities of those officials.

Section 2. **Effective Date.** The herein Ordinance shall take effect upon enactment.

Respectfully submitted this 17th day of February, 2015.

LAW COMMITTEE

Thomas V. Epping
Thomas V. Epping, Chairperson

Vernon Koch
Vernon Koch, Vice-Chairperson

Mark S. Winkel
Mark S. Winkel, Secretary

Steven Bauer
Steven Bauer

Fay Uraynar
Fay Uraynar

Opposed to Introduction:

Countersigned by:

Roger Te Stroete, Chairperson

ENACTED 03.17.2015

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