

Town of Mosel, Sheboygan County, Wisconsin

**AN ORDINANCE REPEALING AND RECREATING SECTION 5.02 OF
THE MUNICIPAL CODE OF THE TOWN OF MOSEL
REGARDING CITATION AUTHORITY**

WHEREAS, pursuant to s. 66.0113, Wis. Stats., the Town Board may authorize the issuance of citations for violations of Town ordinances, including ordinances with statutory counterparts; and

WHEREAS, the Town Board determines that the enactment of this ordinance will protect and promote the health, safety, and general welfare of residents and landowners of the Town;

NOW, THEREFORE, the Board of Supervisors of the Town of Mosel does hereby ordain as follows:

Section 1. **Repealing Code**. Section 5.02 of the Municipal Code of the Town of Mosel, entitled "An Ordinance Prohibiting a Minor's Misrepresentation of Procure, Possess or Consume Intoxicating Liquor" is hereby repealed since it is no longer necessary.

Section 2. **Creating Code**. A new Section 5.02 of the Municipal Code of the Town of Mosel, concerning citation authority is created to read as follows:

5.02 Citation Authority

(1) Purpose. The purpose of this section is to authorize specific Town officials to issue citations for violations of this municipal code, including sections with statutory counterparts.

(2) Authority. This section is adopted pursuant to §66.0113, Wis. Stats., and except as otherwise provided herein, its provisions and any future amendments describing and defining procedures with respect to the issuance and resolution of citations for code violations are adopted by reference as if fully set forth herein.

(3) Form.

(a) General citations issued pursuant to this section shall be on the "Wisconsin Uniform Municipal Citation" or a locally printed form which is substantially similar, and which includes all of the information required pursuant to §66.0113(1)(b), Wis. Stats.

(b) For traffic violations, except for parking violations, the uniform traffic citation specified in §345.11, Wis. Stats., shall be used in lieu of the citation form described in the preceding paragraph.

(4) Bond; Cash Deposits. For any non-traffic citation issued pursuant to this section, the required bond/cash deposit shall be the minimum forfeiture amount allowed for the violation, plus applicable statutory costs, fees, surcharges and assessments. Cash deposits are to be made to, and a receipt obtained from, the Sheboygan County Clerk of Court.

- (5) Issuance and Service -
- (a) Citations may be issued by the:
1. Town Chair.
 2. Town Clerk, as specifically directed by the Town Board on a case by case basis.
 3. Town Constable, but only for matters related to Town roads, parking, noise, littering and dogs.
- (b) Citations may be served by the Town Constable or the Sheboygan County Sheriff.
- (c) For any citation issued to a minor, a copy of the citation shall be mailed or delivered to the child's parent or legal guardian within seven (7) days of issuance.
- (6) Relationship to Other Laws. The authorization granted pursuant to this section and any citation issued hereunder does not preclude nor mandate the Town to enforce any code, ordinance, rule, or regulation in any manner it deems appropriate.

Section 3. Severability. Should any portion of this Ordinance or the affected municipal code sections be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 4. Effective Date. This Ordinance shall take effect the day after its publication or posting.

Enacted: December 21, 2016.

TOWN OF MOSEL

By: Dirk J. Zylman
Dirk Zylman, Town Chair

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Board of Supervisors of the Town of Mosel on the date indicated above.

Dated: December 21, 2016

Sue Born
Sue Born, Town Clerk/Treasurer

Posted on December 21, 2016 by Sue Born.