

1975 Assembly Bill 201

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CHAPTER 201, Laws of 1975

AN ACT to create 66.119 of the statutes, authorizing the use of citations for certain ordinance violations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

66.119 of the statutes is created to read:

66.119 Citations for certain ordinance violations. (1) ADOPTION; CONTENT. (a) The governing body of any county, city or village may by ordinance adopt and authorize the use of a citation to be issued for violations of ordinances other than those for which a statutory counterpart exists.

(b) An ordinance adopted under par. (a) shall prescribe the form of the citation which shall provide for 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 section of the ordinance violated.

5. A designation of the offense in such 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 he may make a cash deposit of a specified amount to be mailed to a specified official within a specified time.
 - b. That if he makes such a deposit, he need not appear in court unless he is subsequently summoned.
 - c. That if he does make 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 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.
 - d. That if he does not make a cash deposit and does not appear in court at the time specified, an action may be commenced against him to collect the forfeiture.
8. A direction that if the alleged violator elects to make a cash deposit, he shall sign an appropriate statement which accompanies the citation to indicate that he read the statement required under subd. 7 and shall send the signed statement with the cash deposit.
9. Such other information as may be deemed necessary.

(c) An ordinance adopted under par. (a) shall contain a schedule of cash deposits which are to be required for the various ordinance violations for which a citation may be issued. The ordinance shall also specify the court, clerk of court or other official to whom cash deposits are to be made and shall require that receipts be given for cash deposits.

(2) ISSUANCE; FILING. (a) Citations authorized under this section may be issued by law enforcement officers of the county, city or village. In addition, the governing body of a county, city or village may designate by ordinance or resolution other county, city or village officials who may issue citations with respect to ordinances which are directly related to the official responsibilities of the officials. Officials granted the authority to issue citations may delegate, with the approval of the governing body, the authority to employes. Authority delegated to an official or employe shall be revoked in the same manner by which it is conferred.

(b) The issuance of a citation by a person authorized to do so under par. (a) shall be deemed adequate process to give the appropriate court jurisdiction over the subject matter of the offense for the purpose of receiving cash deposits, if directed to do so, and for the purposes of sub. (3) (b) and (c). Issuance and filing of a citation does not constitute commencement of an action. Issuance of a citation does not violate s. 946.68.

(3) VIOLATOR'S OPTIONS; PROCEDURE ON DEFAULT. (a) The person named as the alleged violator in a citation may appear in court at the time specified in the citation or may mail or deliver personally a cash deposit in the amount, within the time and to the court, clerk of court or other official specified in the citation. If a person makes a cash deposit, he may nevertheless appear in court at the time specified in the citation, provided that the cash deposit may be retained for application against any forfeiture which may be imposed.

(b) If a person appears in court in response to a citation, the citation may be used as the initial pleading, unless the court directs that a formal complaint be made, and such appearance confers personal jurisdiction over the person. The person may plead guilty, no contest or not guilty. If the person pleads guilty or no contest, the court

shall accept the plea, enter a judgment of guilty and impose a forfeiture. A plea of not guilty shall put all matters in such case at issue, and the matter shall be set for trial.

(c) If the alleged violator makes a cash deposit and fails to appear in court, the citation may serve as the initial pleading and the violator shall be deemed to have tendered a plea of no contest and submitted to a forfeiture not exceeding the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly or reject the plea. If the court accepts the plea of no contest, the defendant may move within 10 days after the date set for his appearance to withdraw the plea of no contest, open the judgment and enter a plea of not guilty if he shows to the satisfaction of the court that his failure to appear was due to mistake, inadvertence, surprise or excusable neglect. If the plea of no contest is accepted and not subsequently changed to a plea of not guilty, no costs or fees shall be taxed against the violator. If the court rejects the plea of no contest or if the alleged violator does not make a cash deposit and fails to appear in court at the time specified in the citation, an action for collection of the forfeiture may be commenced. A city or village may commence action under s. 66.12 (1) and a county may commence action under s. 288.10. The citation may be used as the complaint in the action for the collection of the forfeiture.

(4) RELATIONSHIP TO OTHER LAWS. The adoption and authorization for use of a citation under this section shall not preclude the governing body 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 section shall not preclude the proceeding under any other ordinance or law relating to the same or any other matter. The proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this section.
