

1979 Senate Bill 152

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CHAPTER 151, Laws of 1979

AN ACT to amend 66.119 (1) (a), (2) (a) and (3) (c) of the statutes, relating to town authority to enforce town ordinance by issuing citations.

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

SECTION 1. 66.119 (1) (a), (2) (a) and (3) (c) of the statutes are amended to read:

66.119 (1) (a) The governing body of any county, town, 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.

(2) (a) Citations authorized under this section may be issued by law enforcement officers of the county, town, city or village. In addition, the governing body of a county, town, city or village may designate by ordinance or resolution other county, town, 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.

(3) (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 and the penalty assessment imposed by s. 165.87 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 the appearance to withdraw the plea of no contest, open the judgment and enter a plea of not guilty if the defendant shows to the satisfaction of the court that the 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 may be taxed against the violator, but a penalty assessment shall be assessed. 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 and penalty assessment may be commenced. A city or village may commence action under s. 66.12 (1) and a county or town may commence action under s. 288.10. The citation may be used as the complaint in the action for the collection of the forfeiture and penalty assessment.
