

SEWER USE ORDINANCE OF THE TOWN OF NEENAH SANITARY DISTRICT NO.2
WINNEBAGO COUNTY, WI

Chapter 7 CITATION ENFORCEMENT

1.01 TITLE AND PURPOSE

The title of this ordinance is Citation Enforcement. The purpose of this ordinance is to authorize the District Commissioners of the Town of Neenah Sanitary District #2 or its designees, to issue citations for violations of the Town of Neenah District #2 Ordinance, including ordinance with statutory counterparts.

2.01 AUTHORITY

The District Commission of the Town of Neenah Sanitary District #2, Winnebago County, Wisconsin, has the specific authority under s. 66.0113, Wis. Stats., to adopt this ordinance.

3.01 ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the District Commission on a roll call vote with a quorum present and voting and proper notice having been given, provides the authority for the District Commission to issue citations for violations of Town of Neenah Sanitary District #2, including ordinance with statutory counterparts.

4.01 COVERAGE

- (1) The form for citations to be issued in the Town of Neenah Sanitary District #2 by the District Commissioners, or its designees, for violations of the Town of Neenah Sanitary District #2 ordinance shall be as provided in this subsection and shall include all of the following:
 - (a) The name and address of the alleged violator.
 - (b) The factual allegations describing the alleged violation.
 - (c) The time and place of the alleged violation.
 - (d) The number of the ordinance violated.
 - (e) A designation of the offense in a manner that can be readily understood by a person making a reasonable effort to do so.
 - (f) The time at which the alleged violator may appear in court.
 - (g) A statement that in essence informs the alleged violator of all of the following:

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- (1) That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time.
 - (2) That if the alleged violator makes a cash deposit, he or she need not appear in court unless subsequently summoned.
 - (3) That if the alleged violator makes a cash deposit and does not appear in court, he or she 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.
 - (4) That if the alleged violator does not make a cash deposit 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 Wis. Stat. §66.0113 (3) (d), 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.
 - (5) 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 Wis. Stat. §800.093.
 - (6) A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement that accompanies the citation to indicate that he or she read the statement required under Wis. Stat. §66.0113 (1) (b) 7, and shall send the signed statement with the cash deposit.
 - (7) Any other information as may be deemed necessary.
- (2) The District Commission adopts the following schedule of cash deposits that are required for the various Town of Neenah Sanitary District #2 Ordinance violations:

ORDINANCE TITLE	OFFENSE	DEPOSITS AND COSTS
2.02(1)	Violation	\$50.00 per day plus current court costs and fees
3.01(2)(d)(3)	Violation	\$100.00 per day plus current court costs and fees

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6.05	Violation	\$50.00-\$150.00 plus current court costs and fees
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Deposits shall be made in cash, money order or certified check to the Clerk of Circuit Court.

- (3) The District Commission names the following court, clerk of court, or other official to whom cash deposits are to be made and requires that receipts shall be given for cash deposits: Winnebago County Circuit Clerk of Court.
- (4) Notice that if the defendant does not make a deposit and fails to appear in court at the time fixed in the citation, the court may issue a summons or a warrant for the defendant's arrest or may enter a default judgment against the defendant.

5.01 ISSUANCE AND SERVICE OF CITATION

- (1) Town of Neenah Sanitary District #2 citations may be issued by the District Commissioners of the Town of Sanitary District #2.

6.01 REALTIONSHIP TO OTHER LAWS

The adoption and authorization for use of a citation under this ordinance does not preclude the District Commission of the Town of Neenah Sanitary District #2 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.

7.01 SEVERABILITY

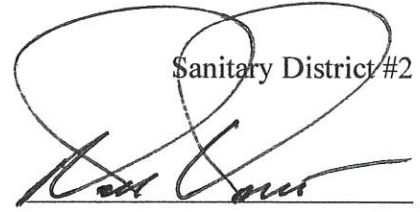
If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

8.01 EFFECTIVE DATE

This ordinance is effective on publication or posting.
The Town Deputy Clerk-Treasurer will properly post or publish this ordinance as required under Wis. Stat. §60.80.

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Adopted this 8 day of September 2020.

Sanitary District #2


Dan Osero, President

Attest:



Elizabeth Peterman, Deputy Clerk-Treasurer