

ORDINANCE NO. 09-008

AN ORDINANCE TO CREATE SECTION 1.105  
OF THE CODE OF ORDINANCES OF THE TOWN OF SOMERS  
RELATING TO MUNICIPAL COURT CITATIONS

---

The Town Board of Supervisors of the Town of Somers, Kenosha County, Wisconsin, hereby creates Section 1.105 of the Code of Ordinances of the Town of Somers relating to Municipal Court citations to read as follows:

**1.105 MUNICIPAL COURT CITATIONS.**

(A) **Authority.** The Town Board of the Town of Somers, Kenosha, County, Wisconsin, has the specific authority under §66.0113, Wis. Stats., to adopt this ordinance.

(B) **Coverage.**

(1) Except as provided in subsections (2), (3) and (4), the form for citations to be issued in the Town of Somers by the Town Board, or its designees, for violations of Town of Somers ordinances 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.

(2) The Town Board requires that in traffic regulation violation actions, except for parking regulation violations, the uniform traffic citation specified in §345.11, Wis. Stats., shall be used by the Town of Somers in lieu of the citation form described in subsection (1).

(3) The Town Board requires that in actions for violations of Town of Somers ordinances enacted in accordance with § 23.33 (11) (am) or 30.77, Wis. Stats., the citation form specified in §23.54, Wis. Stats., shall be used in lieu of the

citation form described in subsection B.

(4) If the action for a violation of a municipal ordinance is to be in municipal court, the citation used shall be in compliance with §800.02(2), Wis. Stats. The service of the citations in municipal court shall conform with §800.01, Wis. Stats. The officers authorized to issue citations for municipal court actions are: Town Administrator, or his or her designee, Town Public Works Superintendent, Town Attorney, and Town Building Inspector(s). The citation for any violation to be heard in municipal court shall contain substantially all of the following information:

- (a) The name, address, and date of birth of the defendant.
- (b) The name and department of the issuing officer.
- (c) The violation alleged, the time and place of occurrence, a statement that the defendant committed the violation, the ordinance, resolution, or bylaw violated, and a designation of the violation in language that can be readily understood.
- (d) A date, time, and place for the court appearance, and a notice to appear.
- (e) Provisions for the amount of a deposit and stipulation in lieu of a court appearance, if applicable.
- (f) Notice that the defendant may make a deposit and thereby obtain release if an arrest has been made.
- (g) Notice that, if the defendant makes a deposit and fails to appear in court at the time fixed in the citation, the defendant is deemed to have tendered a plea of no contest and submits to a forfeiture, penalty assessment, jail assessment, and crime laboratories and drug law enforcement assessment, any applicable consumer protection assessment, and any applicable domestic abuse assessment plus costs, including the fee prescribed in §814.65(1), Wis. Stats., not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant rather than accept the deposit and plea.
- (h) Notice 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 defendant, the court may summon the defendant into court to determine if restitution shall be ordered under §800.093, Wis. Stats.

(i) 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.

(j) Any other pertinent information.

(C) **Issuance and Service of Citation.**

(1) Town of Somers citations may be issued by the Town Board of the Town of Somers, or the Town Board of the Town of Somers may designate certain Town of Somers, Kenosha County, or other municipal officials, with their written approval, to issue such citations.

(2) Town of Somers citations, in addition, may specifically be issued by any of the following: Town Attorney, Town Administrator, Town Public Works Superintendent or Town Building Inspector(s). This official may also designate a person to issue such Ordinances for the Town of Somers and this official may revoke this authority to issue anytime.

(D) **Relationship to Other Laws.** The adoption and authorization for use of a citation under this ordinance does not preclude the Town Board of the Town of Somers 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.

(E) **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.

Dated at Somers, Wisconsin, this 27 day of October, 2009.

TOWN OF SOMERS

By: James M. Smith  
James Smith, Chairperson

Attest: Tim Kitzman  
Tim Kitzman, Clerk/Treasurer

