

STATE OF WISCONSIN
Town of Martell, Pierce County

Citation Ordinance

2013-03

SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of Martell Citation Ordinance. The purpose of this ordinance is to authorize the Town Board of the Town of Martell (“Town”), or its designees, to issue citations for violations of Town ordinances, including ordinances with statutory counterparts.

SECTION II – AUTHORITY

The Town Board of the Town of Martell, Pierce County, Wisconsin, has the specific authority under s. 66.0113, Wis. Stats., to adopt this ordinance.

SECTION III – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides the authority for the Town to issue citations for violations of Town ordinances, including ordinances with statutory counterparts.

SECTION IV – COVERAGE

- A. Except as provided in subsections D and E, the form for citations to be issued in the Town of Martell by the town board, or its designees, for violations of Town of Martell ordinances shall be as provided in this subsection and shall include all of 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 alleged violation.
 4. The number of the ordinance violated.
 5. A designation of the offense in a manner that 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 that in essence informs the alleged violator of all of the following:
 - a) That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time.
 - b) That if the alleged violator makes a cash deposit, he or she need not appear in court unless subsequently summoned.
 - c) 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.

- d) 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 s. 66.0113 (3) (d), Wis. stats., 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.
 - e) 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 s. 800.093, Wis. stats.
- 8. 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 s. 66.0113 (1) (b) 7., Wis. stats., and shall send the signed statement with the cash deposit.
 - 9. Any other information as may be deemed necessary.
- B. The town board has adopted or will adopt a schedule of cash deposits that are required for the various Town of Martell ordinance violations, which includes for each listed violation the costs, fees, and surcharges imposed under chapter 814, Wis. stats.
 - C. The town board 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: Pierce County Clerk of Court.
 - D. The town board requires that in traffic regulation violation actions, except for parking regulation violations, the uniform traffic citation specified in s. 345.11, Wis. stats., shall be used by the Town of Martell in lieu of the citation form described in subsection A.
 - E. The town board requires that in actions for violations of Town of Martell ordinances enacted in accordance with §. 23.33 (11) (am) (ATV and UTV) or § 30.77 (Local regulation of boating), Wis. Stats., the citation form specified in §. 23.54, Wis. Stats., shall be used in lieu of the citation form described in subsection A.

SECTION V – ISSUANCE AND SERVICE OF CITATION

- A. Town of Martell citations may be issued by any law enforcement officer, by any member of the Town Board of the Town of Martell, or the Town Board of the Town of Martell may designate certain Town of Martell, Pierce County, or other municipal officials, with their written approval, to issue such citations.
- B. The Town of Martell Town Board has designated the Town Chair or any person approved by the Town Board to serve any citations for the Town of Martell upon issuance. Any person

specifically authorized by the Town Board to issue citations by the Town Board of the Town of Martell may also serve such citations.

SECTION VI – 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 Martell 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.

SECTION VII – 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.

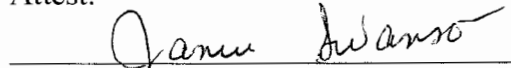
SECTION VIII – EFFECTIVE DATE

This ordinance is effective on publication or posting. The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this 5th day of March, 2013.


Arby Linder, Town Chair

Attest:


Janet Swanson, Town Clerk

TOWN OF MARTELL SCHEDULE OF CASH DEPOSITS

An addendum of Citation Ordinance 2013-03

Category	Fine, Fee or other	Amount	Ordinance / Resolution
Driveway Permit Fee	Base Fee	\$250	Ordinance 2025-08 Driveway Permits
Field Access Fee	Base Fee	\$25	Ordinance 2025-08 Driveway Permits
Driveway Permit Fine (Violation)	Fine	\$250-500	Ordinance 2025-08 Driveway Permits
	Double permit fee	\$500	Ordinance 2025-08 Driveway Permits
Building Permit Fee	Base building permit fee	Set by Resolution	Ordinance 2025-07 Building Inspection & Permits
Building Permit Violation	Double permit fee		Ordinance 2025-07 Building Inspection & Permits
Occupancy / Road Damage Deposit	Building inspection/permit deposit	\$1,500	Ordinance 2025-07 Building Inspection & Permits
	Occupied prior to issuance of Occupancy Permit	\$100/day	Ordinance 2025-07 Building Inspection & Permits
Dog License – Unspayed/uneutered	Annual license Fee	\$10.00	Ordinance 2021-02 Dog Ordinance
Dog License – Spayed or Neutered	Annual license Fee	\$5.00	Ordinance 2021-02 Dog Ordinance
Kennel License (4–11 dogs)	First-year kennel license Fee	\$100.00	Ordinance 2021-02 Dog Ordinance
Dog Ordinance Violation	Citation - 1st offense - Fine	\$100-\$500	Ordinance 2021-02 Dog Ordinance
	Citation - 2nd & subsequent offenses - Fine	\$250-\$1,000 daily	Ordinance 2021-02 Dog Ordinance
	all costs incurred to the town		Ordinance 2021-02 Dog Ordinance
Dog Seizure	all costs incurred to the town		Ordinance 2021-02 Dog Ordinance
Public Records Access Fees	Public records access fees		Resolution 2025-03 Setting Public Records Access Fees
	Copying	\$0.20/pg	
	Labor	\$16/hr	
	Delivery	of mailing/shipping	
Liquor License	Class "A" and "B" Fermented Malt Beverages	\$100/yr	Resolution 2024-02 Fermented Malt Beverage and Intoxica
	Class "A" and "B" Intoxicating Liquors	\$500/yr	
	Class "C" Retailers	\$100/yr	
	Operator's License	\$5/yr	
NSF Fees	Non-sufficient funds fee	\$40	Resolution 2006-04 Regarding NSF Fees
Road Restriction Weight Limits	Citation - each offense	\$50 - \$100	Resolution 2026-01 - Spring Road Weight Restrictions

Town of Martell, Pierce County, Wisconsin

MUNICIPAL ORDINANCE CITATION

Citation Number: _____ Date of Issuance: _____

I. ALLEGED VIOLATOR INFORMATION

Name: _____

Address: _____

City/State/ZIP: _____

Date of Birth (optional): _____

II. VIOLATION INFORMATION

Date of Violation: _____ Time: _____

Location of Violation: _____

Town Ordinance Number Violated: _____

Offense Description (designation readily understandable):

III. FACTUAL ALLEGATIONS

(Describe the facts constituting the alleged violation)

IV. CASH DEPOSIT / FORFEITURE

Base Forfeiture Amount: \$ _____

Statutory Court Costs, Fees, and Surcharges: As required by law

NOTE: In addition to the base forfeiture, mandatory statutory court costs, fees, and surcharges will be imposed by the Pierce County Clerk of Circuit Court pursuant to Chapters 302, 757, and 814, Wisconsin Statutes. The total amount due may exceed the base forfeiture listed above.

V. COURT APPEARANCE OR PAYMENT OPTION AND NOTICE

You are required to appear in Pierce County Circuit Court, Pierce County Courthouse, 414 W. Main St., Ellsworth, Wisconsin 54011, to answer to these charges on _____ at _____ a.m./p.m.

If you choose not to appear in Court, you must make a cash deposit in the amount of Five Hundred Dollars (\$500) plus costs for each Court, a total amount for each charge of \$830.50. Payment shall be mailed to the

Pierce County Clerk of Circuit Court, Jamie Feuerhelm, 414 W. Main St., Ellsworth, WI 54011. If a cash deposit is made as specified above, you need not to appear at the Court date listed unless you are subsequently summoned to do so. If you make a cash deposit as set forth above and do not appear in Court, you will be deemed to have tendered a plea of No Contest and submit to a forfeiture plus costs, fees, and surcharges imposed under Wis. Stat. Chapter 814 not to exceed the amount of the deposit or, you may be summoned into Court if the Court does not accept the plea of No Contest.

If you do not make a cash deposit and you do not appear in Court at the time specified, the Court may issue a Summons or Warrant for your arrest or consider the non-appearance to be a plea of No Contest and enter a Judgment under §66.0113(3)(b). The Town of Martell may also commence an action against you to collect the forfeiture plus costs, fees, and surcharges imposed under Chapter 814 of Wis. Stat.

If the Court finds the violation involved is an ordinance that prohibits conduct that is the same or similar to conduct prohibited by State Statute punishable by fine or imprisonment or both, and if the violation resulted in damage to property or physical injury to a person other than yourself, the Court may summon you into Court to determine if restitution shall be ordered under §800.093.

If you elect to make a cash deposit you must sign where indicated below on this Long Form Citation indicating that you have read the statement required under §66.011(1)(b)7 of Wis. Stat. Your signed copy of this Long Form Citation must accompany your cash deposit as set forth above.

VI. IMPORTANT NOTICE TO ALLEGED VIOLATOR

By making a cash deposit:

- You are **not required to appear in Court**, unless later summoned;
- You will be deemed to have entered a **plea of no contest**, and judgment may be entered against you;
- The forfeiture, together with Court costs, fees, and surcharges, shall not exceed the amount of the deposit unless ordered by the Court.

If you **do not make a cash deposit and do not appear in court**, the Court may issue a summons or warrant, consider the nonappearance a plea of no contest, or the Town may commence an action to collect the forfeiture, costs, fees, and surcharges.

If the violation involves conduct similar to a state statute and resulted in property damage or personal injury to another, the Court may order **restitution** pursuant to Wis. Stat. §800.093.

VII. SIGNATURE REQUIRED FOR CASH DEPOSIT OPTION

I acknowledge that I have read and understand the statements above regarding my options and the consequences of making a cash deposit.

Signature of Alleged Violator: _____ Date: _____

VIII. ISSUING OFFICIAL

Issued By (Name and Title): _____

Town Clerk Town Board Member Animal Control Officer Authorized Designee

Signature: _____ Date: _____

VIII. SERVICE OF CITATION

Personally served on alleged violator

Served by authorized Town official

Date of Service: _____