

TOWN OF ROCK
ORDINANCE NO. 2008-01

AN ORDINANCE TO REPLACE EXISTING ORDINANCE NOS. 003 AND 2005-02, ADOPTING AND AUTHORIZING THE USE OF A CITATION TO BE USED FOR VIOLATIONS OF CERTAIN ORDINANCES.

THE TOWN BOARD OF THE TOWN OF ROCK, ROCK COUNTY, WISCONSIN, ORDAINS AS FOLLOWS:

ORDINANCE NOS. 003 and 2005-02 OF THE TOWN OF ROCK, COUNTY OF ROCK, STATE OF WISCONSIN, ARE HEREBY RESCINDED AND RECREATED AS ORDINANCE NO. 2008-01, TO READ AS FOLLOWS:

SECTION I: Adoption of Citation

The Town of Rock does hereby adopt and authorize the use of a citation to be used for certain violations of certain ordinances of the Town of Rock.

SECTION II: Form of Citation

The citation issued hereunder shall include 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 offense.
- D. The number and section of the ordinance violated.
- E. A designation of the offense in such manner as 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 which in essence informs the alleged violator:
 1. That the alleged violator may make a cash deposit as set forth in Section III of this ordinance to be mailed to the Clerk of Courts of Rock County within five days after issuance of the citation;
 2. That if the alleged violator makes such a 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 will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty surcharge imposed by § 757.05 of the Wisconsin Statutes (2005-06), a jail surcharge imposed by § 302.46(1) of the Wisconsin Statutes (2005-06), and a crime laboratories and drug law enforcement surcharge imposed by § 165.755 of the Wisconsin Statutes (2005-06) 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 non-appearance to be a plea of no contest and enter judgment under § 66.0113(3)(d) of the Wisconsin Statutes (2005-06), or the Town of Rock may commence an action against the alleged violator to collect the forfeiture, the penalty surcharge imposed by § 757.05 of the Wisconsin Statutes (2005-06), the jail surcharge imposed by § 302.46(1) of the Wisconsin Statutes (2005-06) and the crime laboratories and drug law enforcement surcharge imposed by § 165.755 of the Wisconsin Statutes (2005-06);

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 § 800.093 of the Wisconsin Statutes (2005-06).

H. A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he or she read the statement required under subsection II G of this ordinance and shall send the signed statement with the cash deposit.

SECTION III: Schedule of Cash Deposits

The following cash deposits are required for violations of the following ordinances:

Ordinance	Violation Penalty	Penalty Surcharge	Jail Surcharge	Crime Laboratories & Drug Law Enforcement Surcharge	Total Deposit
Ordinance No. 784 – Stop Signs at Railroad Crossing	\$40 for first offense, \$100 for second or subsequent conviction within a year	\$9.60 for the first offense and \$24 for second or subsequent convictions within a year	\$10.00	\$7.00	1. \$66.60 for first offense 2. \$141 for second or subsequent convictions within a year

Ordinance No. 943 – Abandoned, disabled and unlicensed vehicles	\$200 for single day or \$50 per day for multiple days, whichever is larger	\$48 for single day or \$12 for multiple days, whichever is larger	\$10.00	\$7.00	1. \$265.00 for single day 2. per formula for multiple days, whichever is larger
Ordinance No. 712 – Starting of Fires	\$50.00	\$12.00	\$10.00	\$7.00	\$79.00
Ordinance No. 982 – Paintball guns, air guns and BB guns	\$250.00	\$60.00	\$10.00	\$7.00	\$327.00
Ordinance No. 955 - Shooting	\$150.00	\$36.00	\$10.00	\$7.00	\$203.00
Ordinance No. 843 - Dogs	\$100.00	\$24.00	\$10.00	\$7.00	\$141.00
Ordinance No. 831 – Wild animals and reptiles	\$200.00	\$48.00	\$10.00	\$7.00	\$265.00
Ordinance No. 691 - Bees	\$25.00	\$6.00	\$10.00	\$7.00	\$48.00
Ordinance No. 782 – All-terrain vehicles	\$150.00	\$36.00	\$10.00	\$7.00	\$203.00
Ordinance No. 951 – No wake zone on Rock River	150% of minimum penalty under § 30.80 of the Wisconsin Statutes, but not exceeding maximum penalty under that statute	24% of penalty	\$10.00	\$7.00	per formula to left
Zoning Ordinance	\$100 for each day of violation	\$24.00	\$10.00	\$7.00	\$141 for each day of violation
Ordinance No. 2005-02	\$300 for single day or \$150 per day for multiple days, whichever is larger	\$72 for single day or \$36 for multiple days, whichever is larger	\$10.00	\$7.00	1. \$389 for single day 2. \$203 per day for multiple days

SECTION IV: Court

Cash deposits hereunder are to be made to the Clerk of Courts for Rock County, who shall issue a receipt for any such cash deposits.

SECTION V: Enforcement

Citations authorized under this ordinance may be issued by law enforcement officers of the County of Rock and the Town of Rock, and may also be issued by the Town Chairperson. The Town Chairperson may delegate authority to issue citations to an employee of the Town, including, but not limited to, an off-duty law enforcement officer employed by the Town for such purpose.

SECTION VI: Severability

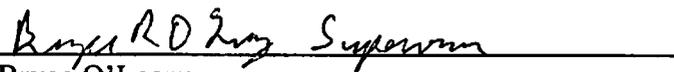
The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

SECTION VII: Effective Date

This ordinance shall take effect and be in full force from and after its passage and publication as provided by law.



Mark Gunn, Chair



Bryce O'Leary



Dean Connell

Attest:



Deborah Bennett, Clerk

CERTIFICATE

I hereby certify that the above ordinance was adopted by the Town Board of the Town of Rock on the _____ day of _____, 2008, and that on the _____ day of _____, 2007, a copy of the ordinance was published in *The Janesville Gazette*, the official newspaper of the Town of Rock.

Deborah Bennett, Town Clerk
Town of Rock, Rock County, WI

Subscribed and sworn to before me
this _____ day of _____, 2008.

Notary Public, Rock County, WI
My Commission is permanent or
expires _____