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Town of Cady

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# **Code of Ordinances**

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Ordained and Published  
By Authority of the  
Town Board

2006

## **Community Code Service**

Alan J. Harvey, Attorney  
3900 Vinburn Road  
DeForest, WI 53532  
(608) 846-5897

# Foreword

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WE ARE PLEASED to provide this new Code of Ordinances for the Town of Cady, St. Croix County, Wisconsin. This codification provides a complete revision and codification of all Ordinances of a general and permanent nature of the Town. All amended Ordinances are brought up to date. The Code also includes certain new Ordinances that were prepared to fill gaps not covered by existing Ordinances.

The Code also includes several features that will facilitate its use. The various chapters and articles follow one another in a natural, logical order. The table of contents, with a complete outline of this order, will often provide sufficient reference points for the reader. In addition, the reader may consult the alphabetical index at the end of the volume. At the beginning of each chapter there is a section-by-section analysis of the articles within the chapter.

Nontextual provisions such as severability clauses, repeals and enacting clauses are omitted from the text but are covered by Title 1 of the Code. In most instances, references to "this ordinance" in the text of an ordinance have been changed to "this chapter" or "this article" as deemed appropriate. Various editorial notes, state law references and amendment notes have been included throughout the Code to clarify its provisions.

We gratefully acknowledge the cooperation and assistance rendered by Town of Cady officials in the preparation of this Code.

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# Preface

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**D**EMOCRACY IS a government of laws. Good democracy requires not only good laws, but laws which are readily available in written form to all who are subject to them, to the public officials and police officers who must administer them and to the judges and attorneys who must interpret and apply them. It is for this reason that the Town Board of the Town of Cady has adopted this Code of Ordinances. This Code represents the contribution of the Town Board to the democratic and efficient administration of the government and affairs of the Town of Cady.

## TOWN OFFICERS

|                    |                            |
|--------------------|----------------------------|
| <b>Chairperson</b> | Dennis Blegen              |
| <b>Supervisors</b> | Hugh Hampton<br>Roger Timm |
| <b>Clerk</b>       | Carla Greiber              |
| <b>Treasurer</b>   | Teresa Trealoff            |

# Open Meeting Law Guide

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## General Requirements

1. Wisconsin's Open Meeting Law provides that all meetings of governmental bodies, including subcommittees, shall be open to all citizens at all times. Sec. 19.81(2), Wis. Stats.
2. Meetings of local governing bodies or their subunits must be held in places reasonably accessible to the public.
3. Meetings are open to all members of the public unless specifically provided otherwise by law.
4. When members of a governmental body gather in sufficient numbers to compose a quorum, that meeting is presumed to be convened for the purpose of conducting official business. Such a meeting is in violation of The Open Meeting Law if proper notice was not given and the meeting is not open to the public. Sec. 19.82(2), Wis. Stats.
5. The Open Meeting Law applies when members of a governmental body meet with a purpose to engage in government business and the number of members present is sufficient to determine the parent body's course of action regarding the proposal being discussed. State ex rel. Newspapers v. Showers, 135 Wis.2d 77, 398 N.W.2d 154 (1987).
6. A meeting is covered by the Open Meeting Law even where the governmental body is not empowered to exercise the final powers of its parent body (ex. advisory committee to governing body). State v. Swanson, 92 Wis.2d 310, 284 N.W.2d 655 (1979).
7. A private home may qualify as a "meeting place" under Sec. 19.82(3), Wis. Stats. 67 Atty. Gen. 125.
8. A telephone conference call involving members of a governmental body is a "meeting" under the Open Meeting Law and it shall be reasonably accessible to the public and proper notice of such meeting must be given. 69 Atty. Gen. 143.
9. No duly elected or appointed member of a governmental body may be excluded from any meeting of such body. Sec. 19.89, Wis. Stats.

## Public Notice

1. **Who Must Receive Notice.** For any meeting, the presiding officer, or his/her designee, shall give notice to the official newspaper and to any other members of the news media who have filed a written request to receive such notices, or if neither exists, in a manner likely to give notice to the public. News media who have filed written requests for notices of public meetings cannot be charged fees by governmental bodies for sending such media notices. 77 Atty. Gen. 312. However, a newspaper (or other media outlet) is not obligated to print a notice received under such a standing meeting notice request, nor is the governmental body obligated to pay for the publication of such a notice. (*Martin v. Wray*, 473 F. Supp. 1131 (1979)). Notice must also be given as required by any other state statutes.
2. **Construction of Notice.** The notice for the meeting shall include:
  - a. The governmental body holding the meeting;
  - a. The time, date and place of the meeting; and
  - b. The subject matter of the meeting, including subject matter to be considered in closed session.
3. **Time for Notice.** Notice must be given at least twenty-four (24) hours prior to the commencement of the meeting unless for good cause such notice is impossible or impractical, in which case shorter notice may be given. In no case may notice be provided less than two (2) hours in advance of the meeting. Sec. 19.84(3), Wis. Stats.
4. **Committees and Subunits Exemption to Notice Requirement.** A legally constituted subunit of a parent government body may conduct a meeting during the recess of the governing body's meeting or immediately after the lawful meeting to act or deliberate upon a matter which was the subject of that meeting. For this exemption to apply, the presiding officer must publicly announce the time, place and subject matter of the subunit's meeting in advance at the meeting of the governing body.

## Procedure for Closed Sessions.

1. Required notice must be given if the presiding officer or his/her designee knows that a closed session is being contemplated. Notice is required regardless of whether a majority of members will or will not support going into closed session at the meeting. Sec. 19.84(2), Wis. Stats.

2. After first meeting in open session, with proper notice, a motion made and recorded, supported by majority vote, is required to close, with the vote of each member recorded in the minutes. Sec. 19.85(1), Wis. Stats.
3. If the motion to go into closed session is carried, the presiding officer shall announce to those present at the meeting (to be recorded in the minutes) the nature of the business to be considered in the closed session and the specific exemption(s) relied upon in Sec. 19.85, Wis. Stats., under which the closed session is permitted.
4. Only matters contained in the presiding officer's announcement of the closed session may be considered during the closed session.
5. An open session, with adequate notice, must precede a closed session, even where it was decided at a prior open session to go into a closed session at a subsequent meeting.
6. A governmental body may vote to go into closed session at a properly convened open session, for a permitted purpose, where specific notice of intent to consider going into closed session was not included on the agenda at the time notice of the open session was given. However, such procedure requires that the presiding officer or his/her designee did not contemplate or have knowledge that any of the other members contemplated a closed session at the time notice of the agenda was given.

### **Specific Exemptions Allowing Closed Sessions**

1. Sec. 19.85(1)(a), Wis. Stats., creates an exemption for governmental bodies deliberating after quasi-judicial trials or hearings. However, boards of review cannot rely on this exemption, for Sec. 70.47(2m), Wis. Stats., requires all board of review meetings to be held in open session.
2. Sec. 19.85(1)(b), Wis. Stats., is a limited exception to the Open Meeting Law allowing the use of a closed session when a governmental body is considering the demotion, dismissal, licensing, discipline or tenure of a public employee or a person licensed by a board or commission. This exception permits preliminary discussion and investigation without the necessity of providing actual notice to the individual involved. However, before any evidentiary hearing can be conducted or formal action taken, notice must be given to the person involved so that he or she can exercise his or her right to request an open session for those purposes.
3. Sec. 19.85(1)(c), Wis. Stats., sanctions the use of closed sessions where governmental bodies are considering employment, promotion, compensation or performance evaluation of any public employee. Governmental bodies should exercise caution when considering performance to avoid discussing matters that are covered by Sec. 19.85(1)(b), Wis. Stats.

4. Sec. 19.85(1)(c), Wis. Stats., permits the use of closed sessions when applications for parole or probation are being considered, or when crime detection or prevention strategy is to be discussed.
5. Sec. 19.85(1)(e), Wis. Stats., allows closed sessions for the purpose of deliberating or negotiating the purchase of public properties, the investing of public funds, or the conducting of other specified public business, as long as competitive or bargaining reasons require a closed session. Under this exception, a governmental body could meet in closed session for the purpose of forming negotiation strategies, although the body must give notice that an open session will be held for the purpose of taking a vote to convene in closed session for the purpose of discussing labor negotiation strategies.
6. Discussions by governmental bodies considering the financial, medical, social or personal histories or disciplinary data of specific persons which, if conducted in public, would have a "substantial adverse effect upon the reputation of any person referred to" may be held in closed session under Sec. 19.85(1)(f), Wis. Stats. However, this exemption is unavailable where Sec. 19.85(1)(b), Wis. Stats., is applicable.
7. Sec. 19.85(1)(g), Wis. Stats., allows a governmental body to confer with its legal counsel in closed session for the purpose of obtaining oral or written advice concerning strategy to be adopted by the body with respect to present and prospective litigation directly involving the governmental body.
8. Closed sessions may be utilized by governmental bodies to consider requests for confidential written advice from ethics boards under Sec. 19.85(1)(h), Wis. Stats.

### **Limitations on Closed Sessions**

1. Sec. 19.85(2), Wis. Stats., makes it impermissible for a governmental body to reconvene in open session within twelve (12) hours after a closed session, unless public notice of the subsequent open session was given at the same time and in the same manner as was required for the original open session.
2. Final ratification or approval of a collective bargaining agreement is required to be in open session under Sec. 19.85(3), Wis. Stats. However, a governmental body can vote to preliminarily approve bargaining proposals in closed session, in order to reach a consensus, as long as final ratification occurs in open session.

## **Ballots, Votes and Records**

1. Unless provided elsewhere by statute, no secret ballot may be utilized by a governmental body to determine any election or decision, except the election of the officers of such body. This narrow exception does not permit the use of secret ballots to elect members of committees, officers of the governmental units such as department heads, or fill vacancies on the body itself.
2. Any member may require the ascertainment and recording of each vote.
3. Records of motions and roll-call votes must be preserved and open for public inspection.

## **Use of Equipment in Meetings**

1. A governmental unit must make a reasonable effort to accommodate the media's equipment.
2. Any person may record, film or photograph a meeting in open session, provided that the use of this equipment does not interfere with the conduct of the meeting(s).
3. A member of a governmental body does not have the right to tape record a closed session of the governmental body.



# Adopting Ordinance

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An Ordinance Adopting and Enacting a New Code of Ordinances for the Town of Cady, St. Croix County, Wisconsin; Establishing the Same; Providing for the Repeal of Certain Ordinances Not Included Therein, Except as Herein Expressly Provided; Providing for the Manner of Amending Such Code of Ordinances; Providing a Penalty for the Violation Thereof; and Providing When This Ordinance Shall Become Effective.

The Town Board of the Town of Cady, St. Croix County, Wisconsin, Do Ordain as Follows:

## Section 1.

The Code of Ordinances is hereby adopted and enacted as the "Code of Ordinances of the Town of Cady, Wisconsin," and shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent Ordinances of the Town passed on or before 27 July 2006, to the extent provided in Section 2 hereof.

## Section 2.

All provisions of the Code shall be in full force and effect from and after 27 July 06, and all Ordinances of a general and permanent nature of the Town of Cady, enacted on final passage on or before 26 July 06, and not included in such Code or recognized and continued in force by reference therein are hereby repealed from the Code after 27 July 06, except as hereinafter provided. No resolution of the Town, not specifically mentioned, is hereby repealed.

## Section 3.

- (a) The repeal provided for in Section 2 hereof shall not affect the following, except that some of the following provisions existing at the time of adoption may be amended by this recodification:
- (1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance;
  - (2) Any ordinance or resolution promising or guaranteeing the payment of money for the Town, or any contract or obligations assumed by the Town;
  - (3) The administrative Ordinances or resolutions of the Town not in conflict or inconsistent with the provisions of the Code;

- (4) Any appropriation ordinance or resolution;
  - (5) Any right or franchise granted by the Town Board to any person, firm or corporation;
  - (6) Any ordinance or resolution dedicating, naming, establishing, locating relocating, opening, closing, paving, widening, vacating, etc., any street or public way in the Town;
  - (7) Any ordinance or resolution establishing the prescribing of street grades of any streets in the Town;
  - (8) Any ordinance or resolution providing for local improvements or assessing taxes or special assessments therefor;
  - (9) Any ordinance or resolution dedicating or accepting any plat or subdivision in the Town;
  - (10) Any ordinance consolidating territory to the Town;
  - (11) Any ordinance or resolution regulating the erection, alteration, repair, demolition, moving or removal of buildings or other structures, except that these ordinances have been amended as part of this recodification;
  - (12) Zoning ordinances; one- and two-family dwelling building code; and any other building codes except that these ordinances have been amended as part of this recodification.
  - (13) The issuance of corporate bonds and notes of the Town of whatever name or description.
- (b) Nor shall the repeal be construed to revive any ordinance or part of an ordinance that has been repealed by a subsequent ordinance which is repealed by this ordinance.

#### **Section 4.**

A copy of the Code shall be kept on file in the office of the Town Clerk, preserved in loose-leaf form, or in such other form as the Town Clerk may consider most expedient. It shall be the express duty of the Town Clerk or someone authorized by the Town Clerk, to insert in their designated places all amendments, ordinances or resolutions which indicate the intention of the Town Board to make the same a part of the Code when the same have been printed or reprinted in page form, and to extract from the Code all provisions which may be repealed from time to time by the Town Board. This copy of the Code shall be available for all persons desiring to examine it.

#### **Section 5.**

All ordinances or parts in conflict herewith are, to the extent of such conflict, hereby repealed.

**Section 6.**

This ordinance shall become effective on July, 20 06.

Passed, Approved and Adopted by the Cady Town Board on This 27<sup>th</sup> Day of July, 20 06, Pursuant to Section 66.0103, Wis. Stats.

Attest:

Dennis S. Blegen  
Chairperson

Carl Greber  
Town Clerk

# **Code of General Ordinances**

## **Key to Section Numbering:**

**TITLE - CHAPTER - SECTION**

**1 - 1 - 1**

# TITLE 1

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## **General Provisions for Use of Code of Ordinances**

- Chapter 1**      Use and Construction of Code of Ordinances
- Chapter 2**      Use of Citation
- Chapter 3*

# Title 1 ► Chapter 1

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## Use and Construction of Code of Ordinances

|       |  |
|-------|--|
| 1-1-1 | Title of Code; Citation  |
| 1-1-2 | Principles of Construction   |
| 1-1-3 | Conflict of Provisions   |
| 1-1-4 | Separability of Provisions   |
| 1-1-5 | Effective Date of Ordinances                                       |
| 1-1-6 | General Penalty  |
| 1-1-7 | Clerk to Maintain Copies of Documents Incorporated<br>by Reference |

### Sec. 1-1-1 Title of Code; Citation.

These collected Ordinances shall be known and referred to as the "Code of Ordinances, Town of Cady, St. Croix County, Wisconsin." References to the Code of Ordinances, Town of Cady, Wisconsin, shall be cited as follows: "Sec. 2-1-1, Code of Ordinances, Town of Cady, Wisconsin."

### Sec. 1-1-2 Principles of Construction.

The following rules or meanings shall be applied in the construction and interpretation of Ordinances codified in this Code of Ordinances unless such application would be clearly inconsistent with the plain meaning or intent of the Ordinances:

- (a) **Acts by agents.** When an Ordinance requires an act be done by a person which may be legally performed by an authorized agent of that principal person, the requirement shall be construed to include all acts performed by such agents.
- (b) **Code and Code of Ordinances.** The words "Codes," "Code of Ordinances" and "Municipal Code" when used in any Section of this Code shall refer to this Code of Ordinances of the Town of Cady unless the context of the Section clearly indicates otherwise.
- (c) **Computation of time.** In computing any period of time prescribed or allowed by these Ordinances, the day of the act or event from which the period of time begins to run shall not be included, but the last day of the period shall be included, unless it is a Saturday, a

Sunday or a legal holiday. If the period of time prescribed or allowed is less than seven (7) days, Saturdays, Sundays and legal holidays shall be excluded in the computation. As used in this Section, "legal holiday" means any statewide legal holiday specified by state law.

- (d) **Fine.** The term "fine" shall be the equivalent of the word "forfeiture," and vice versa.
- (e) **Gender.** Use has been made of masculine pronouns in these Ordinances solely for the sake of brevity. Unless specifically stated to the contrary, this Code of Ordinances is gender neutral and words in these Ordinances referring to the masculine gender shall also be construed to apply to females, and vice versa.
- (f) **General Rule.** All words, phrases and ordinances shall be construed according to their plain meaning in common usage and shall be liberally construed in favor of the Town. However, words or phrases with a technical or special meaning shall be understood and construed according to that technical or special meaning if such is the intent of the Ordinances. Unless specifically defined below, words and phrases used in this Code of Ordinances shall have the same meaning as they have at common law and to give this Code of Ordinances its most reasonable application. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.
- (g) **Joint Authority.** All words purporting to give a joint authority to three (3) or more Town officers or employees shall be construed as giving such authority to a majority of such officers or other persons.
- (h) **Officers.** The term "officers" shall refer solely to local offices created by state statute.
- (i) **Officials.** The term "officials" shall mean all Town officers and employees.
- (j) **Person.** The word "person" shall mean any of the following entities: natural persons, corporations, partnerships, associations, limited liability companies, firms, bodies politic, joint venture, joint stock company, association, public or private corporation, the United States, the State of Wisconsin, including any unit or division thereof, any county, city, village, town, municipal utility, municipal power district or other governmental unit, cooperative, estate, trust, receiver, executor, administrator, any other fiduciary, any representative appointed by order of any court or otherwise acting on behalf of others, or any other entity of any kind which is capable of being sued (includes singular as well as plural).
- (k) **Repeal.** When any Ordinance having the effect of repealing a prior Ordinance is itself repealed, such repeal shall not be construed to revive the prior Ordinance or any part thereof, unless expressly so provided.
- (l) **Singular and plural.** Every word in these Ordinances referring to the singular number only shall also be construed to apply to several persons or things, and every word in these Ordinances referred to the plural number shall also be construed to apply to one (1) person or thing.
- (m) **Tense.** The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.

- (n) **Town.** The term "Town" shall mean the Town of Cady, St. Croix County, Wisconsin.
- (o) **Wisconsin Statutes.** The term "Wisconsin Statutes" and its abbreviation as "Wis. Stats." shall mean, in these Ordinances, the Wisconsin Statutes for the year 2003-2004, as amended.
- (p) **Wisconsin Administrative Code.** The term "Wisconsin Administrative Code" and its abbreviation as "Wis. Adm. Code" shall mean the Wisconsin Administrative Code as of the adoption of this Code, as amended or renumbered from time to time.

*State Law Reference:* Legal Holidays, Section 256.17, Wis. Stats.

### **Sec. 1-1-3 Conflict of Provisions.**

- (a) If the provisions of different Chapters conflict with each other, the provisions of each individual Chapter shall control all issues arising out of the events and persons intended to be governed by that Chapter.
- (b) If the provisions of different Sections of the same Chapter conflict with each other, the provision which is more specific in its application to the events or persons raising the conflict shall control over the more general provision.

### **Sec. 1-1-4 Separability of Provisions.**

If any provision of this Code of Ordinances is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other provisions of these Ordinances.

### **Sec. 1-1-5 Effective Date of Ordinances.**

- (a) **Code.** The Code of Ordinances, Town of Cady, St. Croix County, Wisconsin, shall take effect as provided by state law.
- (b) **Subsequent Ordinances.** All Ordinances passed by the Town Board subsequent to the adoption of the Code of Ordinances, except when otherwise specifically provided, shall take effect from and after their publication or legal posting.

*State Law Reference:* Code of Ordinances, Section 66.0103, Wis. Stats.



## **Sec. 1-1-6 General Penalty.**

- (a) **General Penalty.** Except where a penalty is provided elsewhere in this Code, any person who shall violate any of the provisions of this Code shall upon conviction of such violation, be subject to a penalty, which shall be as follows:
- (1) **First Offense — Penalty.** Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00), together with the costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.
  - (2) **Second Offense — Penalty.** Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall upon conviction thereof, forfeit not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00) for each such offense, together with costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, but not exceeding six (6) months.
- (b) **Continued Violations.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- (c) **Other Remedies.** The Town shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above, including those specifically prescribed in Secs. 66.0109, 66.0114 and 66.0115, Wis. Stats., incorporated herein by reference.
- (d) **Court Authority to Impose Alternative Juvenile Dispositions and Sanctions.**
- (1) For a juvenile adjudged to have violated an ordinance, a court is authorized to impose any of the dispositions listed in Sec. 938.343 and 938.344, Wis. Stats., in accordance with the provisions of those statutes and this Section.
  - (2) For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court under Sections 938.343 or 938.344, Wis. Stats., a Court is authorized to impose any of the sanctions listed in Sec. 938.355(6)(d), Wis. Stats., in accordance with the provisions of those statutes.
  - (3) This Section is enacted under the authority of Sec. 938.17(2)(cm), Wis. Stats.
- (e) **Juvenile Disposition Alternatives for Alcohol/Drug Offenses.**
- (1) If a juvenile is found to have engaged in underage drinking of alcohol, drinking of alcohol on school premises or at a school sponsored activity, falsifying proof of age, possessing drug paraphernalia, delivery of drug paraphernalia to a minor in violation of Town ordinances, the Court may order any of the following:

- a.
    1. A forfeiture;
    2. Suspension or revocation of the juvenile's driver's license;
    3. Participation in a supervised work program;
  - b. After ordering any of the above penalties, the Court may, with the juvenile's agreement, enter an additional order staying the execution of the penalty order and suspending or modifying the penalty imposed and may require the juvenile to do any of the following:
    1. Submit to an Alcohol or Other Drug Abuse (AODA) assessment;
    2. Participate in an outpatient AODA treatment program if an AODA assessment recommends treatment;
    3. Participate in an AODA education program.
- (2) In addition to the dispositions listed above, the Court may order a juvenile to participate in a teen court program if the following conditions are satisfied:
- a. The chief judge of the judicial administrative district has approved a teen court program established in juvenile's county of residence and the judge determines that participation in the court program will likely benefit the juvenile and the community;
  - b. The juvenile admits or pleads no contest to the allegations that the juvenile was truant in open court with the juvenile's parent, guardian or legal custodian present;
  - c. The juvenile has not successfully completed participation in a teen court program during the two (2) years before the date of the alleged violation.
- (3) If the Court finds that a juvenile's parent or guardian is unable to provide or refuses to provide a court-ordered AODA services for the juvenile through his or her health insurance or other third (3rd) party payments, the Court may order the parent or health insurer to pay.
- (4) If payment is not attainable as described in Subsection (e)(3) above, the Court may order the municipality to pay for any AODA services so ordered.
- (f) **Dispositional Alternatives for Other Ordinance Violations.** The Court may impose one (1) or more of the following dispositional alternatives against a juvenile found to have violated a municipal ordinance, for which no penalty is otherwise provided, as follows:
- (1) Counseling for the juvenile and/or the parent or guardian;
  - (2) A forfeiture not to exceed the maximum forfeiture that may be imposed on an adult for committing the same violation.
  - (3) If the forfeiture is for a violation that is only applicable to a juvenile, the maximum forfeiture amount is Fifty Dollars (\$50.00) plus costs;
  - (4) Suspend a fishing, hunting or driving license from ninety (90) days to five (5) years for failure to pay the forfeiture;
  - (5) Order the juvenile to participate in a supervised work program or other community service work;

- (6) Order participation in an AODA assessment, an outpatient AODA treatment or an AODA education program;
- (7) Order participation in a pupil assistance program provided by the juvenile's school provided the juvenile's school agrees;
- (8) In addition to the dispositions listed above, the Court may order a juvenile to participate in a teen court program if the following conditions are satisfied:
  - a. The chief judge of the judicial administrative district has approved a teen court program established in juvenile's county of residence and the judge determines that participation in the court program will likely benefit the juvenile and the community;
  - b. The juvenile admits or pleads no contest to the allegations that the juvenile was truant in open court with the juvenile's parent, guardian or legal custodian present;
  - c. The juvenile has not successfully completed participation in a teen court program during the two (2) years before the date of the alleged violation.
- (g) **Violation of Juvenile Dispositional Orders.** The Court may impose the following sanctions on a juvenile who has violated a Town ordinance and who has violated a condition of his or her dispositional order:
  - (1) Suspend the juvenile's operating privilege for a period not more than ninety (90) days;
  - (2) Detain the juvenile in his or her home or current residence for not more than thirty (30) days without electronic monitoring;
  - (3) Order no more than twenty-five (25) hours of community service work in a supervised work program.

*State Law Reference:* Secs. 66.0014, 66.0015 and 66.0109, Wis. Stats.

### **Sec. 1-1-7 Clerk to Maintain Copies of Documents Incorporated by Reference.**

Whenever any standard code, rule, regulation, statute or other written or printed matter is adopted by reference, it shall be deemed incorporated in this Code as if fully set forth herein, and the Town Clerk shall maintain in his/her office a copy of any such material as adopted and as amended from time to time. Materials on file at the Town Clerk's office shall be considered public records open to reasonable examination by any person during the office hours of the Town Clerk subject to such restrictions on examination as the Clerk imposes for the preservation of the material.

## Title 1 ► Chapter 2

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# Issuance of Citations

|              |                       |
|--------------|-----------------------|
| <b>1-2-1</b> | Method of Enforcement |
| <b>1-2-2</b> | Form of Citation      |
| <b>1-2-3</b> | Schedule of Deposits  |
| <b>1-2-4</b> | Issuance of Citations |
| <b>1-2-5</b> | Procedure             |
| <b>1-2-6</b> | Nonexclusivity        |

### **Sec. 1-2-1 Method of Enforcement.**

The Town of Cady hereby elects to use the citation method of enforcement of ordinances. All law enforcement officers and other Town personnel charged with the responsibility of enforcing the provisions of this Code of Ordinances are hereby authorized pursuant to Sec. 66.0113, Wis. Stats., to issue citations for violations of this Code of Ordinances, including ordinances for which a statutory counterpart exists.

### **Sec. 1-2-2 Form of Citation.**

The form of the citation to be issued by law enforcement officers or other designated Town officials is incorporated herein by reference and shall provide for the following information:

- (a) The name and address of the alleged violator;
- (b) The factual allegations describing the alleged violation;
- (c) The date and place of the offense;
- (d) The 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 of a specified amount to be mailed to a specified official within a specified time;
  - (2) That, if the alleged violator makes such a deposit, he/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 will be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment imposed by Section 165.87, Wis. Stats., and court costs as imposed by Section 800.10, 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, an action may be commenced against the alleged violator to collect the forfeiture and the penalty assessment imposed by Section 165.87, Wis. Stats.
- (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 read the statement required under Subsection (g) and shall send the signed statement with the cash deposit;
- (i) A statement that if the court finds the violation involves an offense that prohibits conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in property damage or physical injury to a person other than the alleged violator, the Court may summon the defendant into court to determine if restitution shall be ordered under Sec. 800.093, Wis. Stats., for Municipal Court (if applicable).
- (j) Such other information as may be deemed necessary.

### **Sec. 1-2-3      Schedule of Deposits.**

- (a) The schedule of cash deposits shall be established by the Town Board for use with citations issued under this Chapter according to the penalty provision in Section 1-1-6 of this Code of Ordinances, a copy of which is on file with the Town Clerk.
- (b) Deposits shall be made in cash, money order or certified check to the Clerk of Court who shall provide a receipt therefor. Sections 66.0114, 66.0115 and 66.0117, Wis. Stats., are adopted and incorporated herein by reference.

### **Sec. 1-2-4      Issuance of Citation.**

- (a) **Law Enforcement Officer.** Any law enforcement officer may issue citations authorized under this Chapter.
- (b) **Town Officials.** The following Town officials may issue citations with respect to those specified Ordinances which are directly related to their official responsibilities:
  - (1) Building Inspector.
  - (2) Fire Inspector.

- (3) Code Enforcement Officer.
  - (4) Animal Control Officer.
  - (5) Anyone authorized by majority vote of the Town Board to issue citations, including a member(s) of the Town Board..
  - (6) Wisconsin Department of Natural Resources (DNR) wardens.
- (c) **Delegated Authority.** The Town officials named in Subsection (b) above may delegate their authority to issue citations to their subordinates, provided such delegation is authorized by the Town Board.

### **Sec. 1-2-5 Procedure.**

Section 66.0113, Wis. Stats., relating to violator's options and procedure on default is hereby adopted and incorporated herein by reference.

### **Sec. 1-2-6 Nonexclusivity.**

- (a) **Other Ordinance.** Adoption of this Chapter does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance, including, but not limited to, summons and complaint, relating to the same or other matter.
- (b) **Other Remedies.** The issuance of a citation hereunder shall not preclude the Town or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

# TITLE 11

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## **Offenses and Nuisances**

(Reserved for Future Use)