

ORDINANCE NO. 2023-011
AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWN OF
LINN, WALWORTH COUNTY, WISCONSIN, S. 9-13(B) ENFORCEMENT
PROCEDURE

§ 9-13 Enforcement Procedure.

A.

This chapter shall be enforced according to §§ 66.0114 and 345.20 to 345.53 and Ch. 800, Wis. Stats., including § 345.28(4) and (5) for nonmoving violations.

B.

Deposit. Any person arrested for a violation of this chapter may make a deposit of money as directed by the arresting officer at the police station, the [Town of Linn Municipal Court at W3728 Franklin Walsh Street, P.O. Box 130, Zenda, WI, 53195](#) ~~Linn Geneva Court's office at 626 Geneva Street, Lake Geneva, Wisconsin 53147~~, or by mailing the deposit to such places.¹¹

(1)

The arresting officer or the person receiving the deposit shall notify the arrested person, orally or in writing, that:

(a)

If he fails to appear in Court at the time fixed in the citation, he will be deemed to have tendered a plea of no contest and submitted to a forfeiture plus costs not to exceed the amount of the deposit; or

(b)

If he fails to appear in Court at the time fixed in the citation and if the Court does not accept the deposit as a forfeiture, he will be summoned into Court to answer the complaint.

(2)

The amount of the deposit shall be determined in accordance with the deposit schedule established by the Wisconsin Judicial Conference and shall include the penalty assessment established under § 757.05, Wis. Stats., and costs. If a deposit schedule has not been established, the arresting officer shall require the alleged defendant to deposit the forfeiture established by the Chief of Police, which shall include the penalty assessment established under § 757.05, Wis. Stats. Deposits for nonmoving violations shall not include the penalty assessment.

(3)

The arresting officer or the person receiving the deposit shall issue to the arrested person a receipt therefor as required by § 345.26(3)(b), Wis. Stats.

[1]

Editor's Note: Amended at time of adoption of Code (see Code Adoption Ordinance).

C.

Stipulation of no contest. Any person charged with a violation of this chapter, except §§ 346.62(1) and 346.63(1), Wis. Stats., adopted by reference in § **9-1**, may make a stipulation of no contest pursuant to § 345.27, Wis. Stats., which shall be received at the police station or the office of the Clerk of Court within 10 days of the date of the alleged violation. Such person shall, at the time of entering into the stipulation, make the deposit required under Subsection **B** of this section if he has not already done so. A person who has mailed or filed a stipulation under this subsection may, however, appear in Court on the appearance date and may be relieved from the stipulation for cause shown as required in § 345.37, Wis. Stats.

D.

Citations.^[2]

(1)

Uniform citation and complaint. The Wisconsin Uniform Traffic Citation and Complaint described and defined in the Wisconsin Statutes shall be used for enforcement of all provisions of this code except those provisions which describe or define nonmoving traffic violations.

(2)

Parking citations. The Chief of Police shall recommend a citation for use in enforcing the nonmoving traffic offenses of this code. When approved by the Town Board, such citation shall be used for enforcement of nonmoving traffic regulations created or adopted by this code, including violations of nonmoving traffic regulations defined and described in the Wisconsin Statutes adopted by reference in § **9-1** and all provisions of §§ **9-5** and **9-6** of this code. The citation for nonmoving traffic violations shall contain a notice that the person cited may discharge the forfeiture for violation of a nonmoving traffic regulation and penalty thereof by complying with Subsection **B** of this section. Nonmoving traffic citations may be issued by law enforcement officers.

[2]

*Editor's Note: Original § 9.13(d)1, Authority to issue citations, which appeared at the beginning of this subsection, has been moved to Ch. **1**, General Provisions.*

E.

Nonmoving traffic offenses; direct payment of penalty permitted. Persons cited for violation of nonmoving traffic offenses described and defined in this code may discharge the penalty thereof and avoid court prosecution by forwarding within five days of the issuance of the citation to the Town Police Department the minimum penalty specified for the violation. If not so forwarded, the penalty may be discharged by forwarding within 30 days of the date of the citation to the above-named office the amount of \$20. When payment is made as provided in this subsection, no court costs shall be charged. If the alleged violator does not deliver or mail a deposit as provided herein within 30 days of the date of the citation, the Chief of Police shall forward a copy of the citation to the Town Attorney for prosecution according to law.

Dated at the Town of Linn, Wisconsin, this 13th day of November,
2023.

TOWN OF LINN

ATTEST

Alyson Morris
Alyson Morris, Clerk

James Weiss
James Weiss, Chairman