

**TOWN OF TROY  
ST. CROIX COUNTY, WISCONSIN**

**Chapter 39  
CITATIONS**

**§ 39-1. Statutory Authority.**

Pursuant to § 66.0113, Wis. Stats., the Town Board of Supervisors of the Town of Troy, St. Croix County, Wisconsin, hereby elects to use the citation method of enforcement of Town ordinances described herein, other than those for which a statutory counterpart exists.

**§ 39-2. Form of Citation.**

The citation shall contain 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 section of the ordinance violated.
- E. A designation of the offense in such language as can readily be 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 that:
  - 1) A cash deposit based on the schedule established by this chapter may be made which shall be delivered or mailed to the Town Clerk/Treasurer prior to the time of the scheduled court appearance.
  - 2) If a deposit is made, no appearance in court is necessary unless he is subsequently summoned.
  - 3) If a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest or, if the court does not accept the plea of no contest, a summons will be issued commanding him to appear in court to answer the complaint.
  - 4) If no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture.
  - 5) 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, Wis. Stats.
- H. A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under Subsection G above has been read. Such statement shall be sent or brought with the cash deposit.
- I. Such other information as the Town deems necessary.

**§ 39-3. Forfeiture Amounts and Schedule of Deposits.**

A. The following schedule of daily forfeiture amounts/cash deposits is established for use with citations issued under this chapter.

<b>TITLE</b>	<b>OFFENSE</b>	<b>DEPOSITS AND COSTS</b>
Building Construction (Ch. 27)	Violation	Not less than \$100 nor more than \$500
Burning, Outdoor (Ch. 32)	1 <sup>st</sup> Violation	\$100 plus the cost of any fire and/or emergency service call that results, fine is doubled if violation occurs during a burning ban.
	Subsequent Violations	\$400 plus the cost of any fire and/or emergency service call that results, fine is doubled if violation occurs during a burning ban.
Developer's Agreement (Ch. 135, Art. III)	Violation	\$500
Dogs (Ch. 8, § 8-3)	1 <sup>st</sup> Violation	\$50
	Subsequent Violations	\$100
Dogs (Ch. 8, § 8-4A)	1 <sup>st</sup> Violation	\$100
	Subsequent Violations	\$400
Driveways (Ch. 125, Art I)	Violation	\$100
Fences (Ch. 135, Art II)	Violation	\$100
Parks and Recreational Facilities (Ch. 109)	Violation	\$100
	Parking Violation	\$50
Intoxicating Liquor and Fermented Malt Beverages (Ch. 74)	Violation	Not less than \$200 nor more than \$700
Littering (Ch. 85)	Violation	\$300
Mobile Homes and Mobile Home Parks (Ch. 92)	Violation	\$100

Parking Restrictions (Ch. 156)	Violation	\$100
Regulation of Adult Entertainment and Adult Oriented and Sexually Oriented Establishments (Ch. 115)	Violation	Not less than \$2,500 nor more than \$5,000
Riverway Zoning (Ch. 171)	Violation	Not less than \$2,500 nor more than \$5,000
Road Standards (Ch. 125, Art II)	Violation	\$500
Speed Limits (Ch. 156)	1 <sup>st</sup> Violation	Not less than \$100 nor more than \$300, doubled if violation occurs in work area while workers are present.
	Subsequent Violations	Not less than \$200 nor more than \$600, doubled if violation occurs in work area while workers are present.
Speed Limits (Ch. 156), Violations by bicycle and electric personal assistive mobility device operators	Violation	Not more than \$20 (per state law)
Subdivision Regulations (Ch. 135, Art I)	Violation	\$500
Transient Merchants and Solicitor (Ch. 144)	Violation	Not less than \$100 nor more than \$500
Utilities, Installation of (Ch. 149, Art I)	Violation	Not less than \$100 nor more than \$250
Weight Limits (Ch. 156, Art I)	Violation	Not less than \$200 nor more than \$500
Zoning (Ch. 170)	Violation	Not less than \$200 nor more than \$5,000

- B.** In addition to the daily forfeiture amounts set forth herein, ordinance violators shall also be responsible for all court cost, as well and the Town’s actual legal and professional expenses.
- C.** Deposits shall be made in cash, money order or certified check to the Town Clerk/Treasurer, who shall provide a receipt therefore.

**§ 39-4. Issuance of Citation.**

The ordinances set forth below being directly related to the official responsibilities of the designated officials, the following officials are authorized to issue citations for alleged violations of the ordinances specified below:

<b>TITLE</b>	<b>ENFORCEMENT OFFICIAL</b>
Building Construction (Ch. 27)	Building Inspector
Burning, Outdoor (Ch. 32)	Town Board Supervisors or Chairperson and/or its designee
Developer’s Agreement, (Ch. 135, Art. III)	Town Board Supervisors or Chairperson
Dogs (Ch. 8)	Animal Control Officer, Park Ranger or any St. Croix County Sheriff’s Deputy
Driveways (Ch. 125, Art I)	Town Board Supervisors or Chairperson and/or its designee
Fences (Ch. 135, Art II)	Town Board Supervisors or Chairperson
Parks and Recreational Facilities (Ch. 109)	Park Ranger or any St. Croix County Sheriff’s Deputy
Intoxicating Liquor and Fermented Malt Beverages (Ch. 74)	Town Board Supervisors or Chairperson and/or its designee or any St. Croix County Sheriff’s Deputy
Littering (Ch. 85)	Any St. Croix County Sheriff’s Deputy
Mobile Homes and Mobile Home Parks (Ch. 92)	Town Board Supervisors or Chairperson
Parking Restrictions (Ch. 156)	Town Board Supervisors or Chairperson and/or its designee or any St. Croix County Sheriff’s Deputy

Regulation of Adult Entertainment And Adult Oriented and Sexually Oriented Establishments (Ch. 115)	Town Board Supervisors or Chairperson and/or its designee or any St. Croix County Sheriff's Deputy
Riverway Zoning (Ch. 171)	Town Board Supervisors or Chairperson or Building Inspector
Road Standards (Ch. 125, Art II)	Town Board Supervisors or Chairperson
Speed Limits (Ch. 156)	Any St. Croix County Sheriff's Deputy
Subdivision Regulations (Ch. 135, Art 1)	Town Board Supervisors or Chairperson or Building Inspector
Transient Merchants and Solicitors (Ch. 144)	Town Board Supervisors or Chairperson or any St. Croix County Sheriff's Deputy
Utilities, Installation of (Ch. 149, Art I)	Town Board Supervisors or Chairperson
Weight Limits (Ch. 156)	Any St. Croix County Sheriff's Deputy
Zoning (Ch. 170)	Zoning Administrator, Town Board Supervisors or Chairperson, Park Ranger or Building Inspector

**§ 39-5. Procedure on Default.**

Section 66.0113(3), Wis Stats., relating to violator's options and procedure on default, it hereby adopted and incorporated by reference.

**§ 39-6. Chapter and Remedies not Exclusive.**

- 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 relating to the same or other matter.
- B. Other remedies. The issuance of a citation hereunder shall not preclude the Town Board or any authorized office from proceedings under any other ordinance, regulation or order.

**§ 39-7. General Penalty.**

Any person who shall violated any provision of any Town ordinance for which a forfeiture is not otherwise provided shall be subject to a forfeiture which shall be as follows:

- A. First offense. Any persona who shall violate any ordinance or part of an ordinance of this Town shall, upon conviction thereof, forfeit not less than \$1 nor more than \$500, 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 90 days. Each day that such violation continues will constitute a separate offense.

- B. Second offense. Any person found guilty of violating any ordinance or part of an ordinance of this Town who shall previously have been convicted of a violation of the same ordinance shall, upon conviction thereof, forfeit not less than \$10 nor more than \$500 for each such offense, together with the costs of prosecution. Each day that such violation continues will constitute a separate offense.
- C. Execution against defendant's property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of any ordinance of the Town, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

**§ 39-8. Severability.**

A judicial determination that any portion of this Chapter is invalid shall not invalidate the entire Chapter but only the portion identified by the court. Any such determination of invalidity shall not operate retroactively.