

Chapter 42

LAW ENFORCEMENT*

Sec. 42.100. Establishment of joint police department.

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Sec. 42.105. State Statutes Adopted by Reference.

* **Cross References**--Administration, ch. 2; emergency alarm systems, § 18.115 et seq.; civil emergencies, ch. 22; offenses and miscellaneous provisions, ch. 54; traffic and vehicles, ch. 82.

ARTICLE I. IN GENERAL

Sec. 42.100. Establishment of joint police department.

There shall be a joint police department operated by the village, the Town of Weston and the City of Schofield. It shall be organized in accordance with joint agreements made from time to time between the three municipalities, or as set forth by mutual resolution by the three municipalities in accordance with state law and the ordinances of the municipalities.

(Ord. of 11-1-1993, § 1)

ARTICLE II. COMMENCEMENT OF ACTION AND FORM OF CITATION IN MUNICIPAL ORDINANCE VIOLATION CASES

Sec. 42.101. Commencement of Action.

(a) In Village of Weston municipal ordinance violation cases personal jurisdiction is obtained when the Defendant is served with a Citation, and the Citation is filed with or transmitted to the Municipal Court, or when the Defendant is arrested and brought before the Court personally, or voluntarily appears before a Municipal Judge.

(b) Service of the Citation shall be as provided in Wis. Stats. §801.11 or 968.04(3)(b)2. Or by personal service by an adult who is a resident of the state where the service is made, but who is not a party to the action. If the Citation is personally served, the law enforcement officer or municipal employee serving the Citation shall sign a statement of personal service on the Citation. The signature required herein does not apply to a traffic citation issued under Wis. Stats. §345.11.

(c) Upon the commencement of an action by a Citation, a deposit may be taken from the Defendant. The Defendant may be released on his or her own recognizance. A nonresident Defendant who does not make a deposit may be detained in jail to be brought before the Court at the earliest opportunity.

(Ord. of 11-1-1993, and 01-16-06 § 1)

Sec. 42.102. Form of Citation.

(a) *Action.* An action in Municipal Court for violation of a municipal ordinance is a civil action and the forfeiture or penalty imposed by any ordinance of the Village of Weston may be collected in an action in the name of the VILLAGE OF WESTON.

(b) *Citation Form.*

(a) The Citation shall be signed by a peace officer or endorsed by the municipal attorney, or by the Village Administrator, the Director of Public Works, the Zoning Administrator, or by Weston's Community Development Director. Officials granted the authority to issue citations may delegate, with the approval of the Village Board, the authority to employees. The Citation shall contain substantially the following information:

1. The name, address and date of birth of the Defendant.
2. The name and department of the issuing officer.
3. The violation alleged, the time and place of occurrence, a statement that the Defendant committed the violation, the ordinance violated, and a designation of the violation in language, which can be readily understood.
4. A date and place for the Court appearance, and a notice to appear.
5. Provisions for amount of deposit and stipulation in lieu of Court appearances, if applicable.
6. Notice that the Defendant may make a deposit and thereby obtain release if an arrest has been made.
7. Notice that the Defendant may by mail, prior to the Court appearance, enter a plea of Not Guilty and may within 10 days after entry of the plea request a jury trial.
8. Notice that, if the Defendant makes a deposit and fails to appear in Court at the time fixed in the citation, the Defendant is deemed to have tendered a plea of No Contest and submits to a forfeiture plus costs, fees, and surcharges imposed under ch. 814 Wis. Stats., not to exceed the amount of the deposit. The notice shall also state that the Court may decide to summon the Defendant rather than accept the deposit and plea.
9. Notice 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 Defendant, the Court may summon the Defendant into Court to determine if restitution shall be ordered under Wis. Stats. §800.093.

10. Notice that if the Defendant does not make a deposit and fails to appear in Court at the time fixed in the Citation, the Court may issue a summons or a warrant for the Defendant's arrest or may enter a default judgment against the Defendant.

11. Any other pertinent information.

(b) Except for parking violations, in traffic regulation actions, in Municipal Court, the Uniform Traffic Citation specified in sec. 345.11, Wis. Stats., shall be used in lieu of the Citation form specified in subparagraph (a) hereinabove. In actions for violations of local ordinances enacted in accordance with sec. 23.33 (11)(am) or 30.77, Wis. Stats., the Citation form specified in sec. 23.54 shall be used in lieu of the Citation form specified in subparagraph (a) hereinabove.

(Ord. of 11-1-1993, and 01-16-06 § 1)

Sec. 42.103 Amended Citation.

The Citation may be amended once as a matter of course prior to the initial appearance of the Defendant. Otherwise the Citation may be amended only by leave of the Court or by written consent of the Defendant.

(Ord. of 11-1-1993, and 01-16-06 § 1)

Sec. 42.104 Plea of No Contest Prior to Initial Appearance.

(a) If a person is issued a Citation, the person may make a plea of No Contest and deposit as follows:

(i) In traffic regulation cases, as provided in sec. 345.26, Wis. Stats.

(ii) In boating violations, as provided in sec. 23.67, Wis. Stats.

(iii) In other violations, the person may make such a plea and deposit only if the Village Board has approved a deposit schedule. The person may make the plea of No Contest and deposit to the Municipal Court at any time prior to the initial appearance.

(b) The person who has made a plea and deposit under sub. (a) may appear in Court, in such case, the Court shall allow the person to withdraw his or her plea of No Contest. The person need not appear in Court.

(c) The amount of the deposit shall be set by the Municipal Judge, but shall not be effective until approved by the Village Board. The amount shall not exceed the maximum penalty for the offence, plus costs, fees, and surcharges imposed under ch. 814, Wis. Stats.

(d) Notwithstanding the provisions of subsection (a) hereinabove, a Court appearance may be required by a representative of the Village for a violation of a local ordinance in conformity with sec. 346.63(1). If a person fails to make a required appearance under this subsection and the Judge issues an arrest warrant, the law enforcement agency, which filed or transmitted the Uniform Citation shall file a detailed description of the warrant with the Department of Justice.

(e) Notwithstanding subsection (a) hereinabove, a Court appearance may be required if the Court finds that the violation involves 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 that the violation resulted in damage to property of or physical injury to a person other than the alleged violator.

(Ord. of 11-1-1993, and 01-16-06 § 1)

Section 42.105. State Statutes Adopted by Reference.

All of the provisions of Chapter 800 of the Wisconsin Statutes entitled “Municipal Court Procedure,” including any subsequent amendments thereto, are hereby adopted by reference as if fully set forth herein at length, including sections 800.01 (Commencement of Action), 800.02 (Form of Citation, Complaint, Summons and Warrant in Municipal Ordinance Violation Cases), 800.025 (Amended Citation and Complaint), 800.03 (Plea of No Contest Prior to Initial Appearance), 800.04 (Initial Appearance; Stipulation of Guilt; Deposit), sec. 800.05 (Substitution of Municipal Judge), 800.06 (Illness, Absence or Vacancy; Pending Actions Triable by Court which Received Papers; Continuance on Vacancy and Notice of Trial), 800.065 (Temporary Reserve Judges; Service), 800.07 (Discovery in Municipal Court), 800.08 (Procedure at Trial), 800.09 (Judgment; Failure to Appear; Plea of Guilty), 800.095 (Nonpayment of Judgment or Noncompliance with Work Order; Further Proceedings), 800.10 (Fees and Costs in Municipal Court), 800.11 (Municipal Court Record and Transcript Entries), 800.115 (Relief From Judgment), 800.12 (Municipal Court Contempt Procedure), 800.13 (Recording in Municipal Court), and 800.14 (Appeal From Municipal Court Decision).

(Ord. of 11-1-1993, and 01-16-06 § 1)