

TOWN OF SAINT GERMAIN

CITATION WRITING POLICIES & PROCEDURES

A. POLICIES

1. Town officials authorized to write citations:

Only the Town Chairperson and the Animal Control Officer have the authority to issue citations. Each is assigned an "Officer Number" by the County Clerk of Circuit Court.

- a. The Animal Control Officer and the Town Chairperson may write citations for violations of "Chapter 11, Dog Licensing and Control", without prior approval by the town board. The Animal Control Officer may not write citations for other than Chapter 11 violations.
- b. Citations for violations of all town ordinances other than "Chapter 11, Dog Licensing and Control", must be discussed and approved by the town board at a properly noticed meeting.

2. Issuance of warnings before writing citations:

- a. It is the policy of the Town Board to attempt to bring non-compliant individuals into compliance with applicable ordinances before writing citations. Reasonable efforts must be undertaken to make individuals aware of the ordinance provision(s) not being complied with and to provide at least one warning (written or verbal) and to provide reasonable time for the individual to become compliant before issuing a citation.
- b. Even after a citation is written and delivered to the County Clerk of Circuit Court, it is possible for the citation to be withdrawn. Such an action requires:
 - i. Approval by the town board
 - ii. A letter from the Town Chairperson to the Vilas County Circuit Court Judge referencing the citation specifics and explaining why the town wishes to withdraw the citation.

B. PROCEDURE FOR WRITING CITATIONS

1. Execution of complaint (left side of form, see Exhibit A-1):

Examples are provided in bold script font

- a. STATE OF WISCONSIN – CIRCUIT COURT – VILAS COUNTY
DOB **11/23/1949**
- b. TOWN OF ST. GERMAIN VS. **John B Doe**
- c. The above-named..... the **12th** day of **February , 2017**
at p.m. violate TownOrdinance No. **Chpt 11.03(A)(1)**
to wit: **Failed to license one dog** at
1234 Somewhere Rd, St. Germain 54558
- d. Town of St. Germain, Wisconsin, in that (provide factual allegations):
Above named individual had been advised on (date)
of this ordinance and forewarned that

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a citation for non-compliance could follow if a license was not obtained for the dog.

2. Execution of summons (right side of form, see exhibit A-1):

a. Deposit and Costs **\$162.70**

b. You are herebyon the **13th** day of March, 2017
8:30 a.m.

NOTE: The designated day and time the individual is to appear in court is always a Monday at 8:30a.m. Select a Monday 2 or more weeks after date the citation is issued to allow the person cited the opportunity to pay the forfeiture in advance of the court date or perhaps to arrange for legal counsel if the citation is to be challenged.

c. **Charles Jones, Officer number XXXXXXXX**

d. Ignore the "Sworn to before me" portion of the form. There is no need for having your signature notarized

3. Distribution of citation copies:

White copy: Arrange for delivery to Vilas County Clerk of Circuit Court within 48 hours of citation writing. Delivery by US Mail is acceptable

Yellow copy: Give to recipient of citation immediately upon signing citation.

Pink copy: No designated recipient

Beige copy: Retain for town records

4. Record of citations issued:

Both the Animal Control Officer and the Town Chairperson are to record, on a log maintained by the Town Clerk, specific details about each citation issued, identifying the date, time and location of citations and the name of the party cited. Names and addresses of witnesses to the citation process should be recorded whenever possible. These records will serve as reasonable proof of a given citation being issued in the event a citation is challenged in court.

A suggested format for the log follows as Exhibit B.

5. Appearance in court:

On the Friday immediately preceding the Monday summoned date, the St. Germain Animal Control Officer, or the Town Board Chairman, or any other party as instructed by the town board, shall call the Clerk of Circuit Court office at 715-479-3632 to determine if the forfeiture for a specific citation has been paid.

a. If payment has been received by the Court, no further action by the town representative is necessary.

b. If payment of the forfeiture has not been received, a town board member shall appear in court the following Monday morning at 8:30 to observe whether the individual having received the citation appears as summoned.

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- i. If the cited party appears as summoned, further involvement in the proceeding by the town board representative may or may not be requested by the judge.
- ii. If the cited party fails to appear as summoned, the town board representative shall request a “Default Order” from the judge.

These Policies and Procedures are adopted this 13th day of February, 2017

Attest:

Tom Christensen
Town Chairman

Tom Martens
Town Clerk

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Exhibit A-1 Citation form, front

STATE OF WISCONSIN - CIRCUIT COURT - VILAS COUNTY	Deposit and Costs	Citation No. No. 1000
<div style="display: flex; justify-content: space-between;"> Name - First Middle Last </div> TOWN OF ST. GERMAIN VS.	CITATION AND COMPLAINT FOR ORDINANCE VIOLATION	
<div style="display: flex; justify-content: space-between;"> Address Post Office State Zip </div>	JUDGE NEAL NIELSEN	
The above-named did on or before the _____ day of _____, 20_____, at _____ a.m./p.m., violate Town of St. Germain Ordinance No _____ to wit: _____ _____ at _____ <div style="text-align: center;">(Name Offense)</div>	<div style="text-align: center;">SUMMONS</div> You are hereby notified to appear in the above named Court at the County Courtroom, Court House, Eagle River, Wisconsin on the _____ day of _____, 20_____, _____ a.m. _____ p.m. If you DO NOT WISH TO APPEAR you may make a cash deposit as set forth on the rear of this Summons. If you DO NOT APPEAR and DO NOT MAKE A CASH DEPOSIT an action may be commenced against you to collect the forfeiture.	
Town of St. Germain, Wisconsin, in that (provide factual allegations):	SIGNATURE	TITLE
	Sworn to before me _____	DAT
	My Commission Expires _____	

COMPLAINT AND SUMMONS COPY

**TOWN OF SAINT GERMAIN
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**Exhibit A-2
Citation form, back**

**INSTRUCTIONS FOR CASH DEPOSIT
- READ CAREFULLY -**

You may make a cash deposit in the amount specified below by paying or mailing it to the Clerk of Circuit Courts - Courthouse, 330 Court Street, Eagle River, WI 54521 prior to the date for your appearance specified on the reverse side.

If you fail to appear, the Court may forfeit your cash deposit on the ground that you have entered a plea of no contest and submitted to the forfeiture, or the court may summon you to Court to answer the Complaint.

Once you have made the cash deposit you need not appear unless you receive a later summons.

If you elect to make a cash deposit you must sign the stipulation below. The stipulation must be detached from the citation and sent to the Clerk of Courts with the cash deposit.

FORFEITURE STIPULATION

I HAVE READ AND UNDERSTAND THE INSTRUCTIONS ABOVE AND I DO HEREBY STIPULATE TO PLEAD NO CONTEST TO THE ORDINANCE VIOLATION ON THE FRONT OF THIS CITATION; I AGREE TO PAY \$ _____ BY FORFEITING MY CASH DEPOSIT AND COSTS IN THAT AMOUNT RATHER THAN APPEARING IN COURT.

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Exhibit B Citations issued

Town of St. Germain Record of Citations Issued				
Citation Number	Officer Number	Citation Date	Time of Issuance	Witness to Issuance of Citation