

## **PART I ADMINISTRATIVE LEGISLATION**

### **Chapter 2 GENERAL PENALTY AND CITATIONS**

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#### **2.01 Use of citations**

Pursuant to the authority of s. 66.119(1), Wis. Stats., the village board authorizes issuing citations for ordinance violations, including ordinances for which a statutory counterpart exists.

#### **2.02 Issuing citations**

The following village employees and officials may issue citations to enforce any provisions of this code.

- A. Any law enforcement officer may issue a citation for the violation of any ordinance.
- B. The following village officials may issue a citation for the violation of any section of this code that is directly related to the official's capacity:
  - 1. Fire chief and deputy fire inspectors
  - 2. Building inspector
  - 3. Zoning administrator
  - 4. Village attorney
  - 5. Public works director

#### **2.03 Citation form and procedure**

The Uniform Municipal Citation and Complaint shall be the form of the citation authorized herein. Any amendments or alterations to that form as a result of subsequent legislation or court rule shall not reduce or impair its use under the terms of this ordinance.

#### **2.04 Schedule and payment of cash deposits**

Except as provided in this code, the schedule of cash deposits for violating provisions of the code are adopted from time to time by resolution of the village board. Deposits shall be made in cash, money order, check or credit card to the clerk of circuit court, village police department or the village clerk, for which they shall provide a receipt.

**Cross references:** See appendix B of this Code.

#### **2.05 Violator's options and default procedure**

The provisions of s. 66.119(3), Wis. Stats., relating to the violator's options and procedure on default are hereby adopted and incorporated in this section by reference.

## 2.06 Non-exclusivity of chapter enforcement provisions

Adopting this code in no way precludes the adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter.

## 2.07 Penalty provisions

Except where a penalty is provided elsewhere in this code, any person who shall violate any of this code's provisions shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

A. First offense, penalty. Any person who shall violate any provision of this code or an ordinance shall, upon conviction, forfeit not less than \$20.00 nor more than \$1,000.00, together with the prosecution costs. In default of payment of such forfeiture and prosecution costs such person shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days; and not exceeding the penalty authorized by statute, except that the person reduces the amount owed at a rate of at least \$25.00 for each day of imprisonment, including imprisonment after arrest.

B. Second offense, penalty. Any person found guilty of violating any provision of this code or of an ordinance who was previously convicted of violating the same provision or ordinance within one year shall, upon conviction, forfeit not less than \$40.00 nor more than \$2,000.00 for each such offense, together with prosecution costs. In default of payment of such forfeiture and prosecution costs such person shall be imprisoned in the county jail until such forfeiture and costs are paid, not to exceed 90 days; and not to exceed the amount authorized by statute, except that the person reduces the amount owed at a rate of at least \$25.00 for each day of imprisonment, including imprisonment after arrest.

C. Continued violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this code shall preclude the village from maintaining any appropriate action to prevent or remove a violation of any provision of this code.

D. Execution against defendant's property. Whenever any person fails to pay any forfeiture and prosecution costs upon the order of any court for violating any provision of this code or village ordinance, 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.

E. Other remedies .The court shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.

F. Juvenile penalties. The village elects to come under the jurisdiction of the following statutes as they pertain to juvenile penalties:

1. s. 938.343, Wis. Stats., disposition of juvenile adjudged to have violated a civil law or ordinance.
2. s. 938.344, Wis. Stats., disposition, certain intoxicating liquor, beer or drug violations; and s. 938.355 (6) (d) 2, Wis. Stats., pertaining to the suspension or limitation on the use of a juvenile's vehicle operating privilege. See Harvey's Title 1, Chapter 1 use and construction, Sec. 1-1-6 general penalty for extension provisions on juveniles. **State law references:** Penalty for violation of ordinances, s. 66.115, Wis. Stats.; bail generally, s. 66.114, Wis. Stats; outstanding unpaid forfeitures, s. 66.117, Wis. Stats; actions for violations of municipal ordinances, s. 814.65, Wis. Stats; collection of forfeitures generally, s. 778.10, Wis. Stats.

