

GENERAL PENALTY ORDINANCE
TOWN OF MINONG
ORDINANCE # 24

ORDINANCE FOR THE AUTHORITY TO ENFORCE A GENERAL PENALTY FOR
CITATIONS ISSUED BY THE TOWN OF MINONG

SECTION I - PURPOSE AND AUTHORITY:

The title of this ordinance is the Town of Minong General Penalty Ordinance. The purpose of this ordinance is for the safety of the community and residents of the Town of Minong, and to authorize the Town Board of the Town of Minong, or its designees, to enforce a penalty for any citations issued for violations of Town of Minong ordinances, including ordinances with statutory counterparts.

SECTION II – ADOPTION OF ORDINANCE:

The Town Board of the Town of Minong, by this ordinance, adopted on proper notice with a quorum and by a roll call vote by a majority of the town board present and voting, provides the authority for the Town of Minong to enforce a penalty for violations of Town of Minong ordinances, including ordinances with counterparts.

SECTION III – GENERAL PENALTY:

- A. General Penalty. Except where a penalty is provided elsewhere in this Code, any person who shall violate any of the provisions of this Code shall upon conviction of such violation, be subject to a penalty, which shall be as follows:
- (1) **First Offense – Penalty.** Any person who shall violate any provision of this Code shall, upon conviction thereof forfeit not less than Twenty-five Dollars (\$25.00) nor more than One Thousand Dollars (\$1000.00) 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 ninety (90) days.
 - (2) **Second Offense – Penalty.** Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall upon conviction thereof, forfeit not less that Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1000.00) for each such offense, together with costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, but not exceeding six (6) months.
- B. Continued Violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- C. Other Remedies. The Town shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution below.

- (1) That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time.
- (2) That if the alleged violator makes a cash deposit, he or she need not appear in court unless subsequently summoned.
- (3) That if the alleged violator makes a cash deposit and does not appear in court , he or she either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees, and surcharges imposed under *chapter 814 WI stats.*, not to exceed the amount of the deposit, or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.
- (4) That if the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment under *s 66.0113 (3) (d) WI stats*, or the municipality may commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges imposed under *chapter 814 WI stats*.
- (5) 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 alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under *s 800.093 WI stats*.

D. A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he read the statement required.

E. Such other information as may be deemed necessary.

SECTION IV – SCHEDULE OF CASH DEPOSITS

The schedule of cash deposits for the various ordinances for which a citation may be issued are as established on the deposit schedule adopted by the Town Board, a copy of which is on file with the Town Clerk. In addition to the deposit amount listed, the deposit must include a penalty assessment imposed by Sec. 165.87, WI Stats., and court costs as imposed by Sec. 800.10, WI Stats. The Town Board shall be provided a copy of all bond schedules and amendments thereto.

SECTION V – RECEIPT OF CASH DEPOSITS

Deposits shall be made in cash, money order, personal checks or certified check to the Clerk of Circuit Court. Receipts shall be given for all deposits received.

SECTION VI - PROCEDURE

Section 66.119(3) of Wisconsin Statutes relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

SECTION VII - RELATIONSHIP TO OTHER LAWS

The adoption and authorization for use of a citation under this ordinance does not preclude the Town Board of the Town of Minong from adopting any other ordinance or providing for the enforcement of any other law or ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this ordinance does not preclude proceeding under any other ordinance or law relating to the same of any other matter. Proceeding under any other ordinance or law relating to the same or any other matter does not preclude the issuance of a citation under this ordinance.

SECTION V VALIDITY

- (A) Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.
- (B) Adoption of this Chapter does not preclude the Town Board from adopting any other ordinance providing for the enforcement of any other law or ordinance relating to the same or other matters.
- (C) The issuance of a citation hereunder, shall not preclude the Town or any authorized office from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

SECTION VI EFFECTIVE DATE

- (A) Code. The code of Ordinances, Town of Minong, Wisconsin when adopted shall take effect as provided by state law.
- (B) Subsequent Ordinances. All Ordinances passed by the Town of Minong subsequent to the adoption of the Code of Ordinances, except when otherwise specifically provided, shall take effect from and after their publication.

State Law Reference: Code of Ordinances, *Sec. 66.035, Wis Stats.*

This ordinance shall be in full force and effective on the _____ day of _____ 2007, after proper notice and publication of said ordinance as required under *s 60.80 WI stats.*

Filed this _____ day of _____ 2007

**APPROVED BY:
TOWN BOARD TOWN OF MINONG**

CHAIRMAN

SUPERVISOR #1

SUPERVISOR #3

SUPERVISOR #2

SUPERVISOR # 4

Dated this _____ day of _____ 2007

**ATTESTED BY: TOWN CLERK
TOWN OF MINONG**