

CHAPTER 12 - PENALTIES

Contents

12.01 STATE LAWS ADOPTED. (CR. 1986)..... 189

12.02 CITATION. (CR. 1986)..... 189

12.03 PENALTY PROVISIONS. (CR. 1986)..... 190

12.01 STATE LAWS ADOPTED. (Cr. 1986).

The Village of Ridgeway hereby declares that violations of the ordinances of this Village are subject to civil action and hereby adopts the provisions of Wis. Stat. §§ 66.0114, 66.0119, 66.0111, 66.0109, 66.0115, and 66.0113, by reference.

12.02 CITATION. (Cr. 1986).

(1) Form of Citation. Violations of Village ordinances shall be enforced by the issuance of a municipal citation, which shall contain:

- (a) Name and address of the alleged violator.
- (b) Factual allegations describing the alleged violation.
- (c) Time and place of the offense.
- (d) Section of the Code violated.
- (e) Designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so.
- (f) Time at which the alleged violator may appear in Court.
- (g) A statement which in essence informs the alleged violator:
 1. That a cash deposit based on the schedule established by this chapter may be made which shall be delivered or mailed to the Iowa County Clerk of Court prior to the time of the scheduled Court appearance.
 2. That if a deposit is made, no appearance in Court is necessary unless he/she is subsequently summoned.
 3. That if a cash deposit is made and the alleged violator does not appear in Court, he/she 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/her to appear in Court to answer the complaint.
 4. That 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.
 - (a) 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 (g) above has been read. Such statement shall be sent or brought with the cash deposit.

(b) Such other information as the Village deems necessary.

(2) Other Remedies. The issuance of a citation hereunder shall not preclude the Village or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

(3) Issuance of a Citation.

(a) Who May Issue. Any law enforcement officer may issue citations authorized under this section.

(b) Village Officials. The following village officials may issue citations with respect to those specified ordinances which are directly related to their official responsibilities:

1. Village Marshal
2. Building Inspector
3. Director of Public Works

(4) Non-Exclusivity. The authorization for the issuance of a citation under this section shall not preclude the village or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

12.03 PENALTY PROVISIONS. (Cr. 1986).

(1) General Penalty. Except as otherwise provided, 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:

(a) First Offense. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$25.00 nor more than \$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.

(b) Second Offense. Any person found guilty of violating any ordinance or part of an ordinance of this Code who has previously been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$50.00 nor more than \$2000.00 for each such offense, together with the 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 are paid, but not exceeding six (6) months.

(2) 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.

(3) Execution Against Defendant's Property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any Court for violation of any ordinance of the Village, 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.

(4) Dispositional Alternatives and Sanctions for Juveniles. (Cr. Feb. 26, 2008)..

(a) As an alternative to subsection (1) of this section, in juvenile matters, the following sanctions and dispositions are authorized and adopted by reference:

Jurisdiction and Proceedings:

Wis. Stat. § 938.17

Wis. Stat. § 938.237

Dispositional Alternatives:

Wis. Stat. § 938.342 Truancy/School Dropout Ordinance Violations

Wis. Stat. § 938.343 Civil Law or Ordinance Violations

Wis. Stat. § 938.344 Liquor, Beer and Drug Violations

Sanctions:

Wis. Stat. § 938.355(6)

(b) This subsection is enacted under the authority of Wis. Stat. § 938.17(2)(cm).

(5) Other Remedies. The Village shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.