

**CHAPTER 2**  
**ENFORCEMENT AND PENALTIES**

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## CHAPTER 2

### ENFORCEMENT AND PENALTIES

#### Sec. 2.01 Use Of Citations

- 1) Pursuant to the authority granted under Chapter 66.119 of the Wisconsin Statutes, the use of a citation outlined in this chapter may be issued for violations of this Municipal Code of the Village of Whiting.
- 2) Authorized Officials. Citations under this chapter may be issued by any of the following:
  - (a) Any law enforcement officer exercising lawful authority within the Village of Whiting to enforce this Municipal Code.
  - (b) Any peace officer designated by the Village Board to enforce this Municipal Code.
  - (c) Village President.
  - (d) The following officials exercising jurisdiction over areas directly related to their official responsibilities:
    - 1) Building Inspector
    - 2) Fire Chief
    - 3) Fire Marshall
    - 4) Humane Officers
    - 5) Those persons whose authority to issue citations has been delegated by the appropriate official listed above, so long as such authority is granted in writing and notice is provided to the Village Board, and so long as such authority has not been rescinded by the Village Board.

#### Sec. 2.02 Form Of Citation

Notwithstanding other provisions of this chapter, citations issued for violations of this Municipal Code shall conform with the requirements of Chapter 66.0113 of the Wisconsin Statutes.

#### Sec. 2.03 Designated Law Enforcement Agency

- 1) Other provisions of this ordinance notwithstanding, the Portage County Sheriff's Department have been designated as the law enforcement agency authorized to enforce, and to issue citations under, the ordinances of the Village.
- 2) Nothing in this section is to be construed as to limit the authority of any other lawful officer or agent of the Village to take appropriate and lawful enforcement sanction as otherwise provided for in this Municipal Code or by law.

#### Sec. 2.04 Penalties

- 1) A consolidated schedule of cash deposits for violations of this ordinance shall be established by the Village Board, and maintained by the Village Clerk. The schedule shall include any established forfeiture, plus all legal applicable fees, costs, and assessments authorized under the Wisconsin Statutes. The Village Clerk shall be authorized to make such technical adjustments to this schedule that may be required by law without approval of the Village Board so long as such changes are noticed to the Village Board. All current schedules of cash deposit that may be in this ordinance are hereby repealed and shall be incorporated under this consolidated schedule of cash deposits.
- 2) Standardized Forfeiture – First Offense. Should a violation of this Municipal Code be committed, and a forfeiture amount not to be specified above, the violator shall forfeit an amount not less than \$10, and not more than \$100, with the standard forfeiture amount to be set at \$20 plus all legal costs, fees and assessments added. 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 days.
- 3) Standardized Forfeiture – Second Offense. Should a violation of this Municipal Code be committed by a person who was previously found guilty of the same violation within a year's time, and a forfeiture amount not to be specified above, the violator shall forfeit an amount not less than \$25, and not more than \$1000, with the standard forfeiture amount to be set at \$100 plus all legal costs, fees and assessments added. 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 six months.
- 4) 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.

- 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.

**Sec. 2.05** Receipts Of Cash Deposits

The Portage County Clerk of this Circuit Court, or any authorized representative, shall be empowered to receive cash deposits for violations of this Municipal Code and issue receipts therefore. The Village Clerk shall be authorized to receive assessments made pursuant to this chapter, and issue receipts therefore.

**Sec. 2.06** Procedure

The following procedures shall be utilized in connection with this chapter:

- 1) The Wisconsin Statutes shall be adopted and incorporated herein by reference, relating to the violator's options and procedures upon default.
- 2) The official issuing a citation may optionally allow for the payment of an assessment in lieu of a citation being forwarded to the County Clerk of Courts, by so indication on the citation form issued. The citation shall indicate that the assessment must be received by the Village Clerk within seven calendar days, and such payment shall negate any further action under the Wisconsin Statutes. Failure to pay such an assessment shall result in the commencement of forfeiture action under the statutes. The amount of the optional assessment shall be equal to the forfeiture amount specified under in this section of the Municipal Code, with any of the specified fees, additional assessments, or other costs normally added.

**Sec. 2.07** Nonexclusivity Of Chapter

- 1) Application of this chapter does not preclude the Village Board from adopting any other ordinance providing for the enforcement of any other law or ordinance relating to the same or other matters.
- 2) The issuance of a citation under this chapter shall not preclude the Village or any authorized officer from proceeding under any other ordinance or law, or by any enforcement method to enforce any ordinance, resolution or order
- 3) In lieu of a procedure set forth in this chapter, and action for recovery of forfeitures resulting from violations of Village ordinances may be commenced according to the procedures set forth in Chapter 778 of the Wisconsin statutes.