
CHAPTER 25: ENFORCEMENT AND PENALTIES

25.100 TITLE

This Subchapter shall be known as the "Town of Lyndon Enforcement Ordinance" or the "Enforcement Ordinance," except as referred to herein, where it shall be known as "this Chapter."

25.101 AUTHORITY

This Chapter is enacted pursuant to Chapters 60 and 66, specifically including (but not limited to) § 60.23(23), and § 66.0107 through § 66.0119, Wis. Stats.

25.102 PURPOSE

The purposes of this Chapter are to establish procedures for the enforcement of this Ordinance, to identify the remedies available to the Town, and to establish penalties for violations.

25.103 RESERVED FOR FUTURE USE

25.104 PENALTY PROVISIONS

- (1) **FORFEITURES:** Except as otherwise provided herein, any person who shall violate any provision 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 Twenty-five Dollars (\$25) nor more than One Thousand Dollars (\$1,000) together with the costs of prosecution, and in default of payment of such forfeiture and 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 provision of this Code, who has previously been convicted of the same violation within one year, shall, upon conviction thereof, forfeit not less than Fifty Dollars (\$50) nor more than One Thousand Dollars (\$1,000) for such violation, 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 six (6) months.
- (2) **MONEY JUDGMENT AND EXECUTION:** Whenever any person fails to pay any forfeiture or the costs of prosecution, the Court, in lieu of imprisonment or in addition to imprisonment or after release from imprisonment, may do the following:
 - (a) The Court may render a money judgment against the defendant in favor of the Town for such forfeiture and costs of prosecution, and said judgment may then be docketed and collected by the Town in any manner permitted by law; and/or
 - (b) The Court may issue an execution against the property of the defendant for the payment of such forfeiture and costs, pursuant to the procedures set forth in Chapter 815 of the Wisconsin Statutes.
- (3) **ABATEMENT OF VIOLATIONS:** In addition to any other penalty provided herein, the Town may seek the removal, prevention and/or abatement of any violation of any provision of this Code. Such remedies may be joined with any action seeking a forfeiture, or may be separately commenced and maintained. When any such remedy is sought by the Town, the

Court may order, in addition to any forfeiture authorized herein, the removal, prevention and/or abatement of a violation as follows:

- (a) By the violator at the violator's sole expense, and/or
- (b) If the violator fails to remove, prevent and/or abate the violation within the time limits established by the Court, then by the Town at the sole expense of the violator. If the Town incurs expenses in the removal, prevention and/or abatement of any violation, the Town may collect said expenses by application to the Court for one or more of the following:
 - 1. The Court may impose upon the violator a new or additional forfeiture in the amount not to exceed the expenses incurred, and in default of payment of such forfeiture, the Court may imprison the violator in the county jail until such forfeiture is paid, but not exceeding 90 days; and/or
 - 2. The Court may issue an execution against property of the violator for such expenses pursuant to Chapter 815 Wis. Stats.; and/or
 - 3. The Court may render a money judgment against the violator in favor of the Town for such expenses, and said judgment may then be docketed and collected by the Town in any manner permitted by law.
- (4) **RESTITUTION:** In addition to any other penalty provided herein, the Court may order the payment of restitution for violations of this Code in conformity with § 943.24 and §943.50 Wis. Stats., and shall use the restitution procedures as provided therein.
- (5) **MULTIPLE VIOLATIONS:** Each violation and each day a violation continues or occurs, shall constitute a separate offense. Prosecution of two or more offenses committed by the same violator may be joined into one action, and the prosecution of two or more violators for the same offense may be joined into one action.

25.105 RESERVED FOR FUTURE USE

25.106 CITATION METHOD OF ENFORCEMENT

- (1) **ADOPTION:** The Town hereby adopts and authorizes the use of a citation, more particularly described below, to be used for violations of any and all Town Ordinances, including those violations for which a statutory counterpart exists.
- (2) **CONTENT:** Citations for all other violations shall conform with the requirements of '66.0113(1)(b) Wis. Stats.
- (3) **BOND SCHEDULE:** Except as otherwise provided in this Code, the Town may accept from any person arrested for a violation of this Code, a bond, pursuant to '66.0111 Wis. Stats. The amount of the bond may be set by the Town Board by resolution, and the bond amounts may be different for different violations. The bond schedule shall be on file with the Town Clerk. The bond for any violation not covered by the bond schedule shall be not less than \$50 (plus Court costs applicable to a \$50.00 forfeiture) nor more than \$250 (plus Court costs applicable to a forfeiture of \$250.00) as determined by the Town agent issuing the citation.
- (4) **ISSUANCE:** Citations authorized under this Section may be issued by the following Town personnel for the following violations:
 - (a) Any Town law enforcement officer may issue a citation for any violation of this Code.

- (b) The Town Supervisors may issue citations for any violation of this Code.
 - (c) The Town Attorney may issue citations for any violation of this Code.
 - (d) The Zoning Administrator may issue a citation for any violation of Chapter 22.
 - (e) The Town Building Inspector may issue citations for any violation of Chapter 17.
- (5) **PROCEDURE:** Section 66.0113(3) Wis. Stats., and all future amendments thereto, relating to a violator's options and procedure on default, is hereby adopted and fully incorporated herein by reference.
- (6) **NON-EXCLUSIVITY:** This Section shall not preclude the Town from adopting any other Ordinance which provides for the enforcement of any law or Ordinance in a different manner or through a different procedure. The issuance or non-issuance of a citation hereunder shall not preclude the Town from proceeding under any other Ordinance or law or by any other enforcement method available to the Town, to enforce any Ordinance, regulation or order.
- (7) **SEPARABILITY:** If any Court of competent jurisdiction shall adjudge any provision of this Chapter, or the provision of any other Code Section which imposes penalties, remedies or procedures, to be invalid, said Judgment shall not affect the other provisions of this Chapter or Code not specifically included in said Judgment. Furthermore, no provision of this Code shall be interpreted to violate § 66.0109, Wis. Stats.

25.107 COLLECTION OF FORFEITURES, RESTITUTION AND COSTS

In addition to all other collection methods authorized by law, in the event that forfeitures, restitution and/or costs remain unpaid for more than 90 days past due, the Town Treasurer shall place such delinquent amounts as a special charge on one or more of the real estate tax bills (if any) of the person delinquent in paying said amounts, and the same shall then be collected as authorized by law.

25.108 WITHHOLDING LICENSES AND PERMITS

In the event that a person applying for a license or permit from the Town is delinquent in the payment of real estate taxes, personal property taxes, forfeitures, restitution, costs and/or any other amounts due to the Town, the Town shall neither act on nor issue any such license or permit until all such delinquent amounts are paid in full.

