

ORDINANCE NO. 2016-02

An Ordinance Authorizing the Washington County Sheriff's Department to Enforce Certain Town of Kewaskum Ordinances

WHEREAS, the Town of Kewaskum Town Board has previously adopted a code of ordinances for the protection, safety and well-being of the residents and visitors of the Town and the protection and preservation of the property located in the Town; and

WHEREAS, the Town of Kewaskum Town Board has considered the options for the enforcement of said ordinances; and

WHEREAS, the Town of Kewaskum Town Board has determined that the most efficient and fiscally responsible way to enforce said ordinances is through an existing law enforcement agency; and

WHEREAS, the Washington County Sheriff's Department has personnel trained in the enforcement of ordinances who are on duty 24 hours per day, 7 days per week, 365 days per year; and

WHEREAS, the Washington County Sheriff has expressed a willingness to assist municipalities in Washington County in enforcing local ordinances;

NOW THEREFORE, the Town of Kewaskum Town Board does hereby ordain the following:

1. The Town of Kewaskum Town Board delegates the authority to enforce the Town of Kewaskum code of ordinances to the Washington County Sheriff's Department
2. That this ordinance is not intended to infringe upon otherwise replace any other enforcement options that the Town of Kewaskum has, to enforce its ordinances.
3. That this ordinance shall become effective upon its passage and publication per WI Stats.
4. That a copy of this approved ordinance shall be forwarded to the Washington County Sheriff's Department, Washington County Clerk of Circuit Court, Washington County Counsel, Washington County District Attorney, and the Washington County Clerk.
5. Penalty provisions.
 - a. General penalty. 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 Ordinance/Code, shall upon conviction, forfeit not less than \$5 nor more than \$1,000 together with the costs of prosecution. In default of payment of such forfeiture and costs of prosecution, 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 \$50 for each day of imprisonment including imprisonment after arrest.
 2. Second offense penalty. Any person found guilty of violating any provision of this Code or of an ordinance and who previously has been convicted of a violation of the same provision or ordinance within one year, shall upon conviction, forfeit not less than \$10 nor more than \$2,000 for each such offense together with all costs of prosecution. In default of payment of such forfeiture and costs of prosecution, such person shall be imprisoned in the county jail until such forfeiture and costs of prosecution 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 \$50 for each day of imprisonment after arrest.


- 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. 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 provision of this Code or ordinance of the Town, 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.
6. Uniform citation method adopted.
- a. Creation. Pursuant to Wis. Stats. § 66.0113, the Town elects to use the citation method of enforcement of ordinances other than those for which a statutory counterpart exists.
 - b. If the alleged violator makes a cash deposit and does not appear in court, he either will be deemed to have a plea of no contest and submitted to a forfeiture. A mandatory fee will be imposed as provided by Wis. 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.

This Ordinance shall take effect upon its passage.

Dated this 16th of May, 2016



Scott J. Wollner, Town Chairperson




Michael Otten, Town Supervisor



Mark Herriges, Town Supervisor

Adopted: 5-16-16

Attest: 

Nancy Boden, Town Clerk