

COMMON COUNCIL

CITY OF WAUPUN, WISCONSIN

ORDINANCE #2024-006

**AN ORDINANCE TO AMEND CHAPTER EIGHTEEN OF THE MUNICIPAL CODE OF THE CITY OF WAUPUN
ENTITLED PENALTY PROVISIONS**

THE COMMON COUNCIL OF THE CITY OF WAUPUN ORDAINS:

SECTION 1: Section 18.04 of the Municipal Code of the City of Waupun entitled Penalty Provisions is amended as follows:

18.04 PENALTY PROVISIONS.

- (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 a fee as established annually by the Common Council on the Fee Schedule, together with the costs of prosecution.
 - (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 a fee as established annually by the Common Council on the Fee Schedule for each such offense, together with the costs of prosecution.
 - (c) **Subsequent offenses.** Any person found guilty of violating any ordinance or part of an ordinance in this Code who has previously been convicted of a first and second offense of the same ordinance within one year shall, upon conviction thereof, forfeit a fee as established annually by the Common Council on the Fee Schedule for each such offense, together with the costs of prosecution.
 - (d) Any person found guilty of violating an ordinance or part of any ordinance in this Code who remains default of payment of such forfeiture and costs of prosecution may be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days, provided however, that no person shall be imprisoned under this subsection unless the Common Council has, by resolution duly enacted, authorized the City Attorney to seek such an order from the Court with respect to the person.
- (2) **CONTINUED VIOLATION.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this code shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this code.
- (3) **RESTITUTION.** In addition to ordering any payment authorized by law, the Court may order a defendant to make full or partial restitution to any victim, or to the City, if the Court finds the following:
 - (a) The defendant is guilty of violating an ordinance that prohibits conduct that is the same or similar to conduct prohibited by state statute punishable by fine or imprisonment, or both.

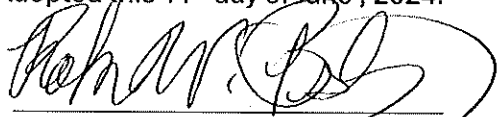
- (b) The violation resulted in damage to the property or physical injury to a person other than the defendant, or resulted in damage to City property or resulted in repair or replacement expense to the City.

An order for restitution may include, without limitation, return of property wrongfully retained, cash payment equal to the value of the property on the date of its damage, loss or destruction, or reimbursement for expenses reasonably incurred by the victim or City as a result of the defendant's conduct. Restitution ordered under this section shall be enforceable in a civil action by the victim named in the order to receive restitution. A court may not order a defendant to pay restitution that is greater than the authorized limit for small claims monetary judgments under Wis. Stat. § 799.01(d).

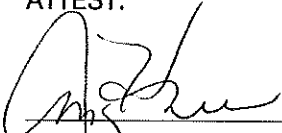
- (4) EXECUTION AGAINST DEFENDANT'S PROPERTY. Whenever any person fails to pay any forfeiture and costs of prosecution on the order of any Court for violation of any ordinance of the City, the Court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.
- (5) STATE LAW REFERENCE. Penalty for violation of ordinances, Wis. Stats. §66.0109; outstanding unpaid forfeitures, Wis. Stats. §66.0115; fines and costs in municipal court, Wis. Stats. §814.65.

SECTION 2: This Ordinance shall be in full force and effect upon its passage and publication as provided by law.

Adopted this 11th day of June, 2024.


Rohn W. Bishop
Mayor

ATTEST:


Angela J. Hull
City Clerk/Treasurer

