

Town of Troy

Walworth County
N8870 Briggs Street
East Troy, Wisconsin 53120

CHAPTER 22
ORDINANCE NO. 2006-2

**AN ORDINANCE TO ESTABLISH ENFORCEMENT AUTHORITY AND
STANDARD PENALTY PROVISIONS FOR
TOWN OF TROY ORDINANCES**

The Town Board of the Town of Troy, Walworth County, Wisconsin **DOES HEREBY
ORDAIN AS FOLLOWS:**

SECTION 1. ENFORCEMENT OF ORDINANCES.

1. Authorization for Use of Citation. The Town of Troy hereby elects to use the citation method of enforcement of ordinances. All Town officers and other Town personnel charged with responsibility of enforcing the provisions of Town ordinances are hereby authorized pursuant to § 66.0113, Wisconsin Statutes, to issue citations for violations of Town Ordinances, including ordinances for which a Statutory counterpart exist.
2. Officials Authorized to Issue Citations. The following Town officials and their designated agents may issue citations with respect to those specified sections which are directly related to their official responsibilities:
 - (a) Water Patrol Officers
 - (b) Fire Chiefs, Fire Inspector or other designated official
 - (c) Building Inspector
 - (d) Plumbing Inspector
 - (e) Electrical Inspector
 - (f) Weed Commissioner
 - (g) Zoning Administrator
 - (h) Public Works Department Employees
 - (i) Any Town Supervisor or the Town Chair
3. Form of Citation. The form of the citation to be issued by designated Town officials is incorporated herein by reference and shall provide for the following information:
 - (a) The name, address, date of birth and physical description of the alleged violator;
 - (b) The factual allegations describing the alleged violation;
 - (c) The date and place of the offense;
 - (d) The Section of the Ordinance violated;

- (e) A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so;
 - (f) The time at which the alleged violator may appear in court;
 - (g) A statement which in essence informs the alleged violator:
 - (1) That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time;
 - (2) That if the alleged violator makes such a deposit; he need not appear in court unless subsequently summoned;
 - (3) That if the alleged violator makes a cash deposit and does not appear in court, he will be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment imposed by §165.87, Wis. Stats., and court costs as imposed by §800.10, 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;
 - (4) That if the alleged violator does not make a cash deposit and does not appear in court at the time specified, an action may be commenced against the alleged violator to collect the forfeiture and the penalty assessment imposed by §165.87, Wis. Stats.;
 - (h) A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he/she read the statement required under Subsection (g) and shall send the signed statement with the cash deposit;
 - (i) Such other information as may be deemed necessary.
4. Schedule of Cash Deposits. The schedule of cash deposits for the various ordinances for which a citation may be issued are as established on the deposit schedule adopted by the Town Board, a copy of which is on file with the Town Water Patrol Department and Town Clerk. In addition to the deposit amount listed, the deposit must include a penalty assessment imposed by §165.87, Wis. Stats., and court costs as imposed by §800.10, Wis. Stats.
 5. Receipt of Cash Deposit. Deposits shall be made in cash, money order, personal checks, certified check or MasterCard/Visa to the Clerk of Circuit Court. Receipts shall be given for all deposits received.
 6. Procedure. §66.0113, Wis. Stats., relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

7. Nonexclusivity of Section.

- (a) Adoption of this Section does not preclude the Town Board from adopting any other ordinance providing for the enforcement of any other law or ordinance relating to the same or other matters.
- (b) The issuance of a citation hereunder shall not preclude the Town 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.

SECTION 2. GENERAL PENALTY. A violation of any Town of Troy ordinance shall be subject to the following general penalties, in addition to such other penalties as may apply.

General Penalty.

1. **General Penalty.** Any person who shall violate any of the provision of any town ordinance shall upon conviction of such violation, be subject to a penalty, which shall be as follows:
 - (a) **First Offense-Penalty.** Any person who shall violate any Town ordinance shall, upon conviction thereof, forfeit not more than Five Hundred Dollars (\$500.00), 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-Penalty.** Any person found guilty of violating any Town ordinance who shall previously have been convicted of a violation of the same ordinance within one year shall upon conviction thereof, forfeit not more than One Thousand Dollars (\$1,000.00) for each such offense, together with 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 of prosecution 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 Town from maintaining any appropriate action to prevent or remove a violation of any provision of a Town ordinance.
3. **Execution Against Defendant's Property.** Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violations of any 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 said forfeiture and costs.

4. **Other Remedies.** The Town shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.
5. **Court Authority to Impose Alternative Juvenile Dispositions and Sanctions.**
 - (a) For a juvenile adjudged to have violated an ordinance, a court is authorized to impose any of the dispositions listed in §938.343 and 938.344, Wis. Stats., in accordance with the provision of those statutes and this Section.
 - (b) For a juvenile adjudged to have violated an ordinance who violates a conditions of a dispositional order of the court under §938.343 or 938.344, Wis. Stats., the municipal court is authorized to impose any of the sanctions listed in §938.355(6)(d), Wis. Stats., in accordance with the provisions of those statutes.
 - (c) This Section is enacted under the authority of §938.17(2)(cm), Wis. Stats.
6. **Juvenile Disposition Alternatives for Alcohol/Drug Offenses.**
 - (a)
 - (1) If a juvenile is found to have engaged in underage drinking of alcohol, drinking of alcohol on school premises or at a school sponsored activity, falsifying proof of age, possessing drug paraphernalia, and/or delivery of drug paraphernalia to a minor in violation of Town ordinances, the Court may order any of the following:
 - A forfeiture;
 - Suspension or revocation of the juvenile's driver's license;
 - Participation in a supervised work program.
 - (2) After ordering any of the above penalties, the Court may, with the juvenile's agreement, enter an additional order staying the execution of the penalty order and suspending or modifying the penalty imposed and may require the juvenile to do any of the following:
 - Submit to an Alcohol or Other Drug Abuse (AODA)

assessment;

- Participate in an outpatient AODA treatment program if an AODA assessment recommends treatment;
- Participate in an AODA education program.

(b) In addition to the dispositions listed above, the Court may order a juvenile to participate in a teen court program if the following conditions are satisfied:

- (1) The chief judge of the judicial administrative district have approved a teen court program established in juvenile's county of residence and the judge determines that participation in the court program will likely benefit the juvenile and the community;
- (2) The juvenile admits or pleads no contest to the allegations that the juvenile was truant in open court with the juvenile's parent, guardian or legal custodian present;
- (3) The juvenile has not successfully completed participation in a teen program during the two (2) years before the date of the alleged violation.

(c) If the Court finds that a juvenile's parent or guardian is unable to provide or refuses to provide a court-ordered AODA services for juvenile through his or her health insurance or other third (3rd) party payments, the Court may order the parent or health insurer to pay.

(d) If payment is not attainable as described in Subsection 6(c) above, the Court may order the municipality to pay for any AODA services ordered.

7. **Dispositional Alternative for Other Ordinance Violations.** The Court may impose one (1) or more of the following dispositional alternative against a juvenile found to have violated a municipal ordinance, for which no penalty is otherwise provided, as follows:

- (a) Counseling for the juvenile and/or the parent or guardian;
- (b) A forfeiture not to exceed the maximum forfeiture that may be imposed on an adult for committing the same violation;
- (c) If the forfeiture is for a violation that is only applicable to a juvenile, the maximum forfeiture amount is Fifty Dollars (\$50.00) plus costs;

- (d) Suspend a fishing, hunting or driving license from ninety (90) to five (5) years for failure to pay the forfeiture;
- (e) Order the juvenile to participate in a supervised work program or other community service work;
- (f) Order participation in an AODA assessment, an outpatient AODA treatment or an AODA education program;
- (g) Order participation in a pupil assistance program provided by the juveniles school provided the juvenile's school agrees;
- (h) In addition to the dispositions listed above, the Court may order a juvenile to participate in a teen court program if the following conditions are satisfied:
 - (1) The chief judge of the judicial administrative district has approved a teen court program established in juvenile's county of residence and the judge determines that participation in the court program will likely benefit the juvenile and the community;
 - (2) The juvenile admits or pleads no contest to the allegations that the juvenile was truant in open court with the juvenile's parent, guardian or legal custodian present;
 - (3) The juvenile has not successfully completed participation in a teen court program during the two (2) years before the date of the alleged violation.

8. **Violation of Juvenile Dispositional Orders.** The Court may impose the following sanctions on a juvenile who has violated a Town ordinance and who has violated a condition of his or her dispositional order;

- (a) Suspend the juvenile's operating privilege for a period not more than ninety (90) days;
- (b) Detain the juvenile in his or her home or current residence for not more than thirty (30) days without electronic monitoring;
- (c) Order not more than twenty-five (25) hours of community service work in a supervised work program.

SECTION 3: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or

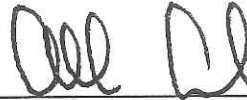
portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 11th day of January, 2006

TOWN OF TROY



Allen Curler, Town Chair

ATTEST:



Ruth Polinski, Town Clerk

Published and/or posted this 14th day of January, 2006