

## CHAPTER 100 – FORFEITURE AND PENALTY

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### **100.01 Use of Citation.**

The use of citations is authorized for prosecuting violations of the Code, including Chapters for which a statutory counterpart exists.

### **100.02 Form.**

A Code citation shall substantially conform to § 66.0113, Wis. Stats. Each agency or official authorized to issue citations shall be responsible for their acquisition, distribution, issuance and the final disposition of actions resulting therefrom.

### **100.03 Schedule of Forfeitures.**

**A.** The following schedule of forfeitures is hereby established for violations of the Code and for which a citation is issued under the authority of that Code, pursuant to § 66.0113(1)(c), Wis. Stats.

**B.** The cash deposit will be the amount of the forfeiture plus any fee or assessment imposed by § 757.05, Wis. Stats., the jail assessment imposed by § 302.46, Wis. Stats., the automation fee imposed by § 814.635, Wis. Stats., the court support fee imposed by § 814.634, Wis. Stats., court costs imposed by § 814.63, Wis. Stats., and any other fee or assessment imposed by the Wisconsin Statutes. Deposits may be made in cash, personal check or money order. Checks and money orders shall be made payable to the County Clerk of Courts, Courthouse, 77 West Park Street, Marquette County, Wisconsin 53949, or a personal appearance shall be required at the time and date shown on the citation. The officer who issues the citations may accept the deposit from the cited person but shall thereafter forward the deposit along with the citation to the Clerk of Courts. In all cases an official who accepts a cash deposit shall issue a receipt therefore.

C. Unless otherwise specified below, the penalty for violating any section of the Code shall be a forfeiture of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00) together with court costs and fees. If a citation is issued, the amounts set forth in section (B) shall be added.

PENALTY	CODE SECTION
\$250.00	Chapter 35 – Tourist Rooming House
\$100.00	40 – Chapter 40 – Human Health Hazard
Penalty equal to that set forth in corresponding state statute	50.01 – Certain State Criminal Laws Adopted
\$95.00	50.03 - Disorderly Conduct
\$75.00	50.04 - Damage to Property
\$95.00	50.05 – Theft
\$110.00	50.06 - Issue of Worthless Check
\$75.00	50.07 - Fraud on Hotel or Restaurant Keeper
\$95.00	50.08 - Retail Theft
\$185.00	50.09 - Resisting or Obstructing Officer
\$150.00	50.10 - Possession of Controlled Substance
\$110.00	50.11 - Possession of Drug Paraphernalia
\$75.00	50.12 - Curfew Hours for Minors
\$75.00	50.13 - Regulation of Fireworks
\$75.00	50.14 - Unlawful Use of Telephone
\$110.00	50.15 - Unlawful Use of Computerized Communication Systems
\$150.00	50.16 – Harassment
\$175.00	50.17 - Misuse of 911 Calls – False Fact Situations
\$75.00	50.18(B) - Littering Prohibited
\$1,000.00	50.18(C) - Littering Prohibited
\$15.00	50.19(A-F) – Tobacco
In 12 Months: First - \$100.00 Second – Doubled under (D) Third+ - \$500.00 134.66(2)(b) violation - \$25.00	50.19(G) – Tobacco
\$500.00	50.20 – Trespass
75% of the deposit set forth in the State of Wisconsin Revised Uniform State Traffic Deposit Schedule; or 75% of the deposit set forth in the State of Wisconsin Revised Uniform Deposit and Bail Schedule for Conservation,	50.21 - Regulation of Boating 50.22 - All-Terrain Vehicle (ATV) and Utility-Terrain Vehicle (UTV) 51.04 - Disturbance of the Peace with a Motor Vehicle 51.06 - Traffic and Snowmobile

Environmental Protection, Boating, Snowmobile, ATV, UTV and Captive Wildlife Violations	
\$25.00	50 – Article II Commercial Residential Alarm After two warnings for 1 <sup>st</sup> and 2 <sup>nd</sup> offense, 3 <sup>rd</sup> offense within 12 months shall result in penalty. 4 <sup>th</sup> offense in 12 months shall be \$50 and each subsequent offense shall be \$75. Sections (D) and (E) below shall not apply.
\$185.00	52.03 - Prohibited Conduct 1 <sup>st</sup> offense
\$225.00	52.03 - Prohibited Conduct 2 <sup>nd</sup> offense
\$375.00	52.03 - Prohibited Conduct 3 <sup>rd</sup> offense
\$560.00	52.03 - Prohibited Conduct 4 <sup>th</sup> offense
\$185.00	52.04 - Underage Persons; Prohibitions 1 <sup>st</sup> offense
\$225.00	52.04 - Underage Persons; Prohibitions 2 <sup>nd</sup> offense
\$375.00	52.04 - Underage Persons; Prohibitions 3 <sup>rd</sup> offense
\$560.00	52.04 - Underage Persons; Prohibitions 4 <sup>th</sup> offense
\$185.00	52.05 - Underage Persons; Exceptions 1 <sup>st</sup> offense
\$225.00	52.05 - Underage Persons; Exceptions 2 <sup>nd</sup> offense
\$375.00	52.05 - Underage Persons; Exceptions 3 <sup>rd</sup> offense
\$560.00	52.05 - Underage Persons; Exceptions 4 <sup>th</sup> offense
\$75.00	52.06 - Underage Persons; Proof of Age 1 <sup>st</sup> offense
\$225.00	52.06 - Underage Persons; Proof of Age 2 <sup>nd</sup> offense
\$375.00	52.06 - Underage Persons; Proof of Age 3 <sup>rd</sup> offense
\$75.00	52.07 - Possession of Alcoholic Beverages on School Grounds Prohibited 1 <sup>st</sup> offense
\$150.00	52.07 - Possession of Alcoholic Beverages on School Grounds Prohibited 2 <sup>nd</sup> offense
\$225.00	52.07 - Possession of Alcoholic Beverages on School Grounds Prohibited 3 <sup>rd</sup> offense
\$375.00	52.07 - Possession of Alcoholic Beverages on School Grounds Prohibited 4 <sup>th</sup> offense
\$1,000.00	52 – Article II – Social Host
\$100.00	53 – Chapter 53 – Animal Control
Not less than \$1,000.00 nor more than \$10,000.00	54 – Chapter 54 – Assembly of People
\$50.00	55 – Chapter 55 – Truancy Pupil, subject to § 938.37, Wis. Stats., and subject to a maximum cumulative forfeiture amount of not more than \$500.00 for all violations committed during a school semester to be assessed against pupil.
\$500.00	55 – Chapter 55 – Habitual Truancy Pupil, subject to § 938.37, Wis. Stats., and subject to a maximum cumulative forfeiture amount of not more than \$500.00 for all violations committed during a school semester to be assessed against pupil.

\$500.00	55 – Chapter 55 – Drop Out Pupil, subject to § 938.37, Wis. Stats., and subject to a maximum cumulative forfeiture amount of not more than \$500.00 for all violations committed during a school semester to be assessed against pupil.
\$500.00	55 – Chapter 55 – Truancy Parents, Guardians, Other Persons
\$250.00	69 – Chapter 69 – Subdivision
\$250.00	70 – Chapter 70 – Zoning
\$250.00	71 – Chapter 71 – Building and Mechanical
\$200.00	72 – Chapter 72 – Recycling – General
\$250.00	73 – Chapter 73 – Nonmetallic Mining
\$250.00	74 – Chapter 74 – Private Onsite Wastewater Treatment
\$250.00	75 – Chapter 75 – Animal Waste Management
\$50.00	80 – Chapter 80 – Public Property – all violations except sections regarding permitting large gatherings
\$100.00	80 – Chapter 80 – Public Property Large Gathering
\$500.00	80 – Chapter 80 – Article VIII – Security

Section 100.03(C) amended to add Chapter 50.01 and 51.04 and enacted 7/21/15 by County Board Resolution 55-2015 published and effective on\_\_\_\_\_.

**D.** Unless otherwise set forth above, a second offense of the same Code section within twelve (12) months shall result in a double forfeiture.

**E.** Unless otherwise set forth above, a third and subsequent offense of the same Code section within twelve (12) months shall result in a triple forfeiture.

**F.** Anyone authorized to enforce the Code has the authority allow payment of the applicable penalty prior to the issuance of a citation. Upon timely payment of the same, and compliance with the Code, no citation shall be issued.

**G.** Any successful prosecution or civil action brought for a violation of the Code shall include the costs of prosecution.

**100.04 Persons Authorized to Issue Citations.**

The Board of Supervisors may designate by resolution other individuals who may issue citations in addition to regularly designated law enforcement officers of the County and individuals or positions authorized by the Code. The authority may also be revoked by resolution.

**100.05 Prosecution of Code Violations.**

Except as otherwise provided by law, the County District Attorney shall prosecute all alleged County traffic actions and actions concerning violation of the Code which are in conformity with state criminal laws. The County Corporation Counsel shall prosecute those actions which are outside the scope of the duties of the County District Attorney pursuant to § 978.05(2), Wis. Stats.

#### **100.06 Relationship to Other Laws.**

The adoption and authorization for use of a citation under this Chapter shall not preclude the governing body from adopting any other Chapter or providing for the enforcement of any other law or Chapter related to the same or any other matter. The issuance of a citation under this Chapter shall not preclude the proceeding under any other Chapter or law relating to the same or any other matter. The proceeding under any other Chapter or law relating to the same or any other matter shall not preclude the issuance of a citation under this Chapter.

#### **100.07 Imprisonment Upon Failure to Pay Civil Forfeiture.**

If a person defaults in the payment of any forfeiture for violation of any provision of the Code or fails to pay the costs of prosecution for such violation, he or she may be imprisoned in the County Jail until such forfeiture and costs shall be paid, however, such incarceration shall not exceed sixty (60) days.

#### **100.08 Inability to Pay Forfeiture.**

Persons who are financially unable to pay forfeitures imposed upon them shall not be imprisoned. In determining whether an individual has the ability to pay a forfeiture, all items of income and all assets may be considered regardless of whether or not such income or assets are subject to garnishment, lien, attachment by creditors, or execution.

#### **100.09 Computing Number of Violations.**

Except as expressly provided otherwise in the Code, each day during which a violation of any provision of the Code continues or is permitted to exist shall constitute a separate offense.

#### **100.10 Injunctions.**

Persons charged with enforcement of any provision of the Code are authorized to seek compliance therewith by injunctive order. To the extent that forfeitures are provided for any particular violation, it shall not be necessary to prosecute for a forfeiture before seeking an injunction.

#### **100.11 Remedies.**

The Code may be enforced in any manner provided for by law including, but not limited to, commencing a civil action, issuing a citation, seeking an injunction or any other remedy.

07/14/2015