

**VILLAGE OF LITTLE CHUTE
ORDINANCE NO. 10, SERIES OF 2013**

**AN ORDINANCE AMENDING THE VILLAGE OF LITTLE CHUTE MUNICIPAL
CODE - CHAPTER 1 – GENERAL PROVISIONS, SECTION 12 –
GENERAL PENALTY**

BE IT ORDAINED by the Village Board of Trustees, Village of Little Chute, Outagamie County, Wisconsin as follows:

Section 1. Chapter 1 - General Provisions, Section 12 General Penalty of the Village of Little Chute Code of Ordinances is hereby amended by addition and/or subtraction to the content as follows.

Sec. 1 – 12. General Penalty.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Violation of this Code.

(1) The term "violation of this Code" means any of the following:

a. Doing an act that is prohibited or made or declared unlawful, an offense, a violation or a misdemeanor by ordinance, by statute adopted by reference in this Code, by state rule or regulation adopted by reference in this Code, or by rule or regulation authorized by ordinance.

b. Failure to perform an act that is required to be performed by ordinance, by statute adopted by reference in this Code, by state rule or regulation adopted by reference in this Code or by rule or regulation authorized by ordinance.

c. Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense, a violation or a misdemeanor by ordinance, by statute adopted by reference in this Code, by state rule or regulation adopted by reference in this Code or by rule or regulation authorized by ordinance.

(2) The term "violation of this Code" does not include the failure of a village officer or village employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this section.

(b) *General offenses.* Except where a penalty is provided elsewhere in this Code, 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.* Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$25.00 nor more than \$1,000.00, together with the costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.

(2) *Second offense.* Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall upon conviction thereof, forfeit not less than \$50.00 nor more than \$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 months.

(c) In certain circumstances, the Village Board may elect to adopt a specific penalty outside the general penalty parameters established in section 1-12(b). Penalties differing from those prescribed in section 1-12(b), shall, upon adoption, be recorded in the Uniform Forfeiture and Bond Schedule maintained by the Village of Little Chute Clerk of Court.

(d) *Continued violations.* Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the village from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(e) *Other remedies.* The village shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeiture and costs of prosecution above.

(f) *Abatement.* Violations of this Code that are deemed a public nuisance may be abated by Injunctive or other equitable relief, for which conviction of will include a right to collect reasonable attorney's fees for the village prosecuting attorney and a right to an award of damages for the village. The imposition of a penalty does not prevent injunctive relief.

State law reference— Ordinance violations, Wis. Stats. § 66.0109; imprisonment for failure to pay forfeiture and other remedies available to court for ordinance violations, Wis. Stats. § 800.09 et seq.

Section II: Severability. If any provision of this Ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or its applications.

Section III: Effective Date. This Ordinance shall become effective on the date of passage and posting or publication.

Date introduced: November 6, 2013

Approved and Adopted: November 13, 2013

Published/Posted: November 14, 2013

VILLAGE OF LITTLE CHUTE

By: _____
Michael R. Vanden Berg, Village President

Attest: _____
Sandy Berkers, Village Deputy Clerk