

**AN ORDINANCE AMENDING SECTION 1-4
OF THE MUNICIPAL CODE OF THE CITY OF SHEBOYGAN FALLS
REGARDING VIOLATIONS, PENALTIES AND CITATIONS**

WHEREAS, the Common Council has reviewed its current regulations regarding citations for violation of City ordinances; and

WHEREAS, pursuant to the powers granted by Wis. Stat. § 62.11(5), the Common Council has determined that it is necessary to update its regulations regarding citations and the authority to issue citations in the City of Sheboygan Falls.

NOW, THEREFORE, the Common Council of the City of Sheboygan Falls, Sheboygan County, Wisconsin, does ordain as follows:

Section 1. **Amending Code.** Violations and Penalties; Citations, more specifically Section 1-4 A., of the Municipal Code of the City of Sheboygan Falls is hereby amended to read as follows (deletions indicated by ~~strikeout~~; additions by underline):

“§ 1-4 Violations and penalties; citations.

A. 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:~~ the penalty listed in the Schedule of Deposits adopted under Section 1-4 E(3). If the violation and penalty is not listed in said Schedule of Deposits, then the penalty 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 \$50 nor more than \$100, 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 90 days.

(2) 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 not less than \$50 nor more than \$500 for each such offense, together with the 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 are paid, but not exceeding six months.”

Section 2. **Amending Code.** Issuance of Citation, more specifically Section 1-4 E (5), of the Municipal Code of the City of Sheboygan Falls is hereby amended to read as follows (deletions indicated by ~~strikeout~~; additions by underline):

“(5) Issuance of citation.

- (a) Pursuant to Wis. Stat. § 800.02, the City elects to permit the use of the citation method of enforcement by its police officers for violations of City ordinances. Any law enforcement officer may issue citations authorized under this section, and
- (b) Pursuant to Wis. Stat. § 800.02, the City elects to use both the citation and complaint methods of enforcement by its authorized officials for violations directly related to the official responsibilities of said officials. The following City officials may issue citations with respect to those specified sections which are directly related to their official responsibilities: Building Inspector or designee, City Administrator or designee, Director of Public Works or designee, Fire Chief or designee, and/or other City designated Code enforcer.”

Section 3. **Repeal of Code.** All ordinances or parts of ordinances heretofore adopted by the City of Sheboygan Falls in conflict herewith are hereby repealed.

Section 4. **Severability.** Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

Section 5. **Effective Date.** This Ordinance shall take effect upon publication as required by law.

Enacted this 2nd day of October, 2024.

CITY OF SHEBOYGAN FALLS

By  _____
RANDY MEYER, Mayor

Date Approved: 10/2/24

Introduced by:

Alderperson Jacob Immel

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Common Council and approved by the Mayor of the City of Sheboygan Falls on the date indicated above.


BRIANNA BAESEMANN, Clerk

12575\248668