

# **ORDINANCE # 49**

## **AMENDMENT TO THE FOLLOWING ORDINANCES**

- ORDINANCE NO. 20 - AN ORDINANCE TO REGULATE DISORDERLY CONDUCT IN THE CITY OF FOUNTAIN CITY, IN BUFFALO COUNTY, WISCONSIN.
- ORDINANCE NO. 22 - AN ORDINANCE TO REGULATE GARBAGE DUMPING AND RUBBISH AND REFUSE DISPOSAL IN THE CITY OF FOUNTAIN CITY, IN BUFFALO COUNTY, WISCONSIN AND TO REGULATE THROWING OR DEPOSITING OF RUBBISH AND REFUSE IN STREETS, ALLEYS OR HIGHWAYS IN SAID CITY.
- ORDINANCE NO. 27 - AN ORDINANCE TO REGULATE THE "SQUEALING" OF TIRES IN THE OPERATION OF A MOTOR VEHICLE UPON THE STREETS, ALLEYS AND HIGHWAYS OF THE CITY OF FOUNTAIN CITY, WISCONSIN.
- ORDINANCE NO. 33 - AN ORDINANCE RELATING TO PARKING RESTRICTIONS AND TO ABANDONMENT OF VEHICLES.
- ORDINANCE NO. 36 - AN ORDINANCE REGULATING THE USE AND OPERATION OF SNOWMOBILES IN THE CITY OF FOUNTAIN CITY, WISCONSIN AND DESIGNATING A SNOWMOBILE TRAIL ROUTE.

## **ARTICLE I. PURPOSE**

The purpose of this ordinance is to:

- (a) Eliminate jail time as a potential penalty for the violation of any of the above ordinances.
- (b) Change the amount of fines due for the violation of any of the above ordinances;  
and
- (c) Provide for the enforcement of each of these ordinances by citation rather than by summons and complaint.

## **ARTICLE II. ORDINANCE NO. 20 – "DISORDERLY CONDUCT"**

(a) The language which now reads: "Whoever does any of the following may be fined not more than \$100.00 or imprisoned not more than 30 days" shall be changed to read:

"Whoever does any of the following may be fined not more than \$100.00". All references to

imprisonment are hereby removed as a possible penalty for the violation of this ordinance.

(b) A violation of this ordinance may be enforced by the issuance of a citation pursuant to the provisions of section 66.119 of the 1989-1990 Wisconsin Statutes. The details of enforcement by citation are spelled out in Article VIII below.

### **ARTICLE III. ORDINANCE NO. 22 – “GARBAGE & REFUSE DISPOSAL”**

(a) GARBAGE DUMPING REGULATED. The paragraph which now reads as follows: “Any person or municipality who shall violate any provision contained in the foregoing regulation shall be punished by a fine of not less than \$25.00 nor more than \$100.00, or by imprisonment in the county jail for not more than 6 months, or by both such fine and imprisonment ,” shall be changed to read as follows: “Any person or municipality who shall violate any provision contained in the foregoing regulation shall be punished by a fine of not less than \$75.00 nor more than \$100.00.” All references to imprisonment are hereby removed as a possible penalty for the violation of this portion of the ordinance.

(b) RUBBISH IN STREETS, ALLEYS OR HIGHWAYS. The paragraph which now reads as follows: “Any person who throws or deposits any weeds, sod, brush, cans, machinery or other waste or rubbish in any street, alley or highway located in the City of Fountain City, Wisconsin, without the written permission of the Common Council, shall, upon conviction, be punished by a fine of not to exceed \$25.00 or by imprisonment in the county jail not to exceed 30 days,” shall be changed to read as follows: “Any person who throws or deposits any weeds, sod, brush, cans, machinery or other waste or rubbish in any street, alley or highway located in the City of Fountain City, Wisconsin, without the written permission of the Common Council, shall, upon conviction, pay a fine of not less than \$50.00 nor more than \$100.00.” All reference to imprisonment are hereby removed as a possible penalty for the violation of this portion of the ordinance.

(c) A violation of this ordinance may be enforced by the issuance of a citation pursuant to the provisions of section 66.19 of the 1989-1990 Wisconsin Statutes. The details of this enforcement by citation are spelled out in Article VII below.

### **ARTICLE IV. ORDINANCE NO. 27 – “SQUEALING TIRES”**

(a) SECTION 2. which now reads as follows: “The operator of any motor vehicle found guilty of such act may be fined not more than Twenty-Five (\$25) Dollars or imprisoned not more than Thirty (30) days,” shall be changed to read as follows: “The operator of any motor vehicle found guilty of such act may be fined \$100.00 for each such offense.” All references to imprisonment are hereby removed as a possible penalty for the violation of this ordinance.

(b) A violation of this ordinance may be enforced by the issuance of a citation pursuant

to the provision of section 66.119 of the 1989-1990 Wisconsin Statutes. The details of this enforcement by citation are spelled out in Article VII below.

### **ARTICLE V. ORDINANCE NO. 33 – “PARKING & ABANDONMENT OF VEHICLES”**

(a) SECTION (6) PENALTY, which now reads as follows; “Any person who shall abandon a vehicle in violation of this Ordinance shall, upon conviction thereof, forfeit not less than Ten (\$10) Dollars nor more than One Hundred (\$100) Dollars, together with the costs of prosecution, and in default of payment of the forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid but not to exceed Three (3) Days,” shall be changed to read as follows: “Any person who shall abandon a vehicle in violation of this Ordinance shall, upon conviction thereof be subject to a forfeiture of Ten and NO/100 (\$10) Dollars per day. Each day that the violation continues shall constitute a separate offense, the forfeiture shall be in addition to the responsibility for any other costs as provided in this ordinance. All reference to imprisonment are hereby removed as a possible penalty for the violation of this ordinance.

(b) A violation of this ordinance may be enforced by the issuance of a citation pursuant to the provisions of section 66.119 of the 1989-1990 Wisconsin Statutes. The details of this enforcement by citation are spelled out in Article VII below.

### **ARTICLE VI. ORDINANCE NO. 36 – “SNOWMOBILES & SNOWMOBILE ROUTES”**

(a) A violation of this ordinance may be enforced by the issuance of a citation pursuant to the provisions of section 66.119 of the 1989-1990 Wisconsin Statutes. The details of this enforcement by citation are spelled out in Article VII below.

## **ARTICLE VII – ENFORCEMENT BY CITATION**

SECTION 1. Authorization and adoption of enforcement by citation. The City Council hereby adopts and authorizes the use of a citation to be issued for all violations of this ordinance.

SECTION 2. Form of citation. The form of citation shall provide for the following:

- (a) The name and address of the alleged violator.
- (b) The factual allegations describing the alleged violation.
- (c) The time and place of 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. The court of record shall be the Buffalo County Court, Civil Branch, Courthouse, Alma, Wisconsin.

(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 the Buffalo County Clerk of Court, Courthouse, 407 South Second, Alma, WI 54610, within fifteen (15) days of the date of the citation.

(2) That if the alleged violator makes such a deposit, he or she need not appear in court unless subsequently summoned.

(3) That if the alleged violator makes a cash deposit and does not appear in court, either he or she will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment imposed by s. 165.87 and a jail assessment imposed by s. 302.46 (1) 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, the penalty assessment imposed by s. 165.87 and the jail assessment imposed by s. 302.46 (1).

(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 or she read the statement required under subd (g) above and shall send the signed statement with the cash deposit.

(i) Such other information as may be deemed necessary.

SECTION 3. Who may issue citations. Law enforcement officers of the City of Fountain City, Wisconsin, are authorized to issue citations for all violations of this ordinance.

SECTION 4. Additional costs and penalties. In addition to the basic penalties in the various ordinances listed above, the violator shall pay a penalty assessment imposed by Wis. Stats. Sec. 165.887, a jail assessment imposed by Wis. Stats. Sec. 302.46 (1) and all court costs and assessments.

SECTION 5. Where penalties and costs paid. All penalties and costs imposed as a result of a violation of any provision of the ordinances listed above and all deposits shall be paid to

the Buffalo County Clerk of Court, Courthouse, 407 South Second, Alma, WI 54610.

SECTION 6. Receipts for cash deposits. All persons who make cash deposits to cover payment for penalties and costs imposed for violations of the ordinances listed above shall be given a receipt therefore.

This Ordinance shall be in force and effect upon its passage, posting and/or publication as required by law.

Dated this 20<sup>th</sup> day of October, 1992.

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Carl Brommerich, Mayor

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Barb Schmidtknecht, Clerk-Treasurer

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This Ordinance was unanimously passed and adopted at a regular meeting of the Common Council of the City of Fountain City, Wisconsin, on October 20, 1992.

Published on October 29, 1992.