

**TOWN OF SIGEL ORDINANCE # 2022.1.1**  
**TOWN OF SIGEL ENFORCEMENT OF ORDINANCE VIOLATIONS AND ABATEMENT**

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TOWN OF SIGEL ENFORCEMENT OF ORDINANCE VIOLATIONS AND ABATEMENT

STATUTORY AUTHORITY

Pursuant to section 66.0113 of Wisconsin Statutes, The Town of Sigel Board hereby elects to use the citation method of enforcement and abatement for all Town of Sigel ordinances described in a separate ordinance, including those for which a statutory counterpart exists.

**1.0 ABATEMENT**

**1.1 Inspection of Premises.** Whenever a complaint is made to a member of the Town Board that an ordinance violation exists within the Town, The Town Board shall inspect or cause to be inspected the subject of the complaint.

**1.2 Notice to Owner.** If the Town Board determines that an ordinance violation exists within the Town, it shall provide notice to the person causing, permitting or maintaining such ordinance violation or the owner and occupant of the premises where such ordinance violation exists. The notice will document a minimum:

- a. The name and address of the alleged violator;
- b. The factual allegations describing the alleged violation;
- c. The time and place of the offence;
- d. The section of the ordinance violated;
- e. Date of the next Town Board meeting

The notice shall direct the person causing, permitting, or maintaining the violation or the owner or occupant of the premises to abate violation within time determined by Town Board. Abatement will require actions to cease continuation of such violation, including the removal and/or modification of all physical items consequential to full compliance to the cited ordinance.

**1.3 Abatement Plan.** The notice shall direct the occupant and owner that they are obligated to define a written abatement plan defining how and when abatement will occur and present to the Town Board no later than 30 days from date on notice. The Town Board will schedule a review of said abatement plan for acceptance and confirm acceptable completion date.

**1.4 Abatement by Court Action.** If the Town Board shall determine that an ordinance violation exists on private premises, the Board, at its discretion, may cause an action to abate such violation to be commenced in the name of the Town of Sigel in the Circuit Court of Wood County.

**1.5 Other Methods Not Excluded.** Nothing in this ordinance shall be construed as prohibiting the Town or its officials from seeking any other remedy for an ordinance violation in accordance with the laws of the State of Wisconsin.

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**2.0 FORM OF CITATION**

The citation shall contain the following:

**2.1** Copy of original notice of violation to occupant/owner;

**2.2** A statement that in essence informs the alleged violator of all of the following:

**a.** That the alleged violator may pay the forfeiture to be mailed to the town clerk within 30 days from the date of the citation. That if the alleged violator does not make a forfeiture payment within 30 days, violator will need to appear in court when subsequently summoned. The town clerk will contact the court for a court date. The subsequent court fees will be determined at the time of the court decision and are payable to the court. Other fees incurred at the time of the court decision will be paid to the town

**b.** That if the alleged violator pays the forfeiture and does not appear in court, the alleged violator either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees, and surcharges imposed under chapter 814, 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.

**c.** That if the alleged violator does not pay the forfeiture and does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment under s. 66.0113 (3) (d), Wis. stats., or the municipality may commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges imposed under chapter 814, Wis. stats.

**d.** That if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under s. 800.093, Wis. Stat. plus

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**SCHEDULE OF DEPOSITS**

The following schedule of cash deposits is established for the use with citations issued under this ordinance.

<b><u>ORDINANCE</u></b>	<b><u>OFFENSE</u></b>	<b><u>DEPOSITS &amp; COSTS</u></b>
Town of Sigel Zoning Ordinance 3.02	Failure to obtain zoning Permit as required prior to commencement of structure construction	\$1000 plus current court cost
	All other zoning ordinance violations	\$500 plus current court cost
Other ordinances	All other ordinances	See "Procedure" section below.

Deposits shall be made in cash, money order, or certified check to the Town of Sigel Treasurer who shall provide a receipt therefor.

**ISSUANCE OF CITATION**

The following officials may issue citations with respect to those specified ordinances which are directly related to their office responsibilities

A Town of Sigel Town Board member, or any person(s) specifically authorized by the Town Board to issue citations, shall serve such citations. The Town hereby authorizes the Wood County Sheriff's Department to issue citations for violation of Town ordinances.

**PROCEDURE**

**1. First Offense/Penalty**

Any person who shall violate any Town Zoning Ordinance or subsection, or any part of the Town of Sigel Zoning Ordinance or subsection shall, upon conviction thereof, forfeit not less than \$50.00 and no more than \$200.00 together with the cost of prosecution shall be imprisoned in the County Jail until such forfeiture and costs are paid but not exceeding 90 days.

**2. Second Offense/Penalty**

Any person guilty of violating a Town of Sigel Ordinance or subsection or any part of the Town of Sigel Zoning Ordinance or subsection who shall previously have been convicted of violation of the same ordinance or subsection shall upon conviction there of forfeit not less than \$100.00 nor more than \$400.00

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for each such offense, together with the costs of prosecution and in default of payment of such forfeiture and the cost shall be imprisoned in the County Jail until said forfeiture and costs of prosecution are paid, but not to exceed six (6) months.

3. Each day of violation of the Town of Sigel Zoning Ordinance shall constitute a sperate offense.

Sections 66.0111 and 66.0113 Wisconsin Statutes relating to violator's options and procedures on default are hereby adopted and incorporated herein by reference.

**NONEXCLUSIVITY**

**A. OTHER ORDINANCES**

Adoption of the Town of Sigel Zoning Ordinance does not preclude the Town Board as to any other ordinance providing for the enforcement of any other law or ordinance relation to the same or other matter.

**B. OTHER REMEDIES**

The issuance of a citation hereunder shall not preclude the Town of Sigel Board or any authorized designee from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation, or order.

**SEVERABILITY**

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is found invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the provision or application of this Ordinance which can be given effect without the invalid or unconstitutional provision(s) or application(s).

**ENFORCEMENT**

It is the duty of The Town of Sigel Board, with the aid of the Town of Sigel Zoning Commissioner, the Wood County Sheriff's department, and The Wood County Circuit Court, to enforce the provisions of all Town of Sigel Ordinances.

The issuance of a citation hereunder shall not preclude the Town of Sigel Board or any authorized designee from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation, or order.

**SEVERABILITY**

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If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is found invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the provision or application of this Ordinance which can be given effect without the invalid or unconstitutional

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Motion	For	Against	Abstain	Absent	ACTION TAKEN
Richard Goodwin	(4)	( )	( )	( )	<input checked="" type="checkbox"/> Adopted as presented
Thomas Nieman	(4)	( )	( )	( )	<input type="checkbox"/> Adopted as amended
Larry Pelot	(4)	( )	( )	( )	<input type="checkbox"/> Rejected

I, Sandra Nieman, Clerk for the Town of Sigel, hereby certify that the above is a true and correct copy of a Resolution which was adopted on the 1 th day of February, 2023 by the Town Board, Town of Sigel, Wood County.

Dated this 1 th day of February, 2023

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Motion

For

Against

Abstain

Absent

ACTION TAKEN

By: Richard Goodwin

Richard Goodwin, Town Chairman

By: Tom Nieman

Tom Nieman, Supervisor

By: Larry Pelot

Larry Pelot, Supervisor

By: Sandra Nieman

Sandra Nieman, Clerk

Dated this \_\_\_\_\_ th day of \_\_\_\_\_, 2023

By: \_\_\_\_\_  
Richard Goodwin, Town Chairman

By: \_\_\_\_\_  
Larry Pelot, Supervisor