

25.05 ~~Penalty Provisions~~Penalties.

1. ~~GENERAL PENALTY~~General Penalty. (Am. #25-82) (Am. #5-14) Any person ~~who shall violate~~violating any of the provisions of this Municipal Code ~~that impose a monetary penalty but do not specify a penalty amount~~ shall, upon conviction of such violation, ~~except where a specific penalty is provided,~~ be subject to ~~a the~~ penalty ~~as~~ set forth below. All violations of this Code are subject to the maximum municipal court fees as set forth in Wis. Stat. §814.65(1), plus any other applicable fees, surcharges and costs as prescribed in Wisconsin Statutes chapter~~eh~~. 814 ~~Wis. Stats.~~

a. **First Offense.** (Am. #11-78) (Am. #77-02) Any person ~~who shall violate any provision of this Code subject to a penalty shall, upon conviction thereof, forfeit n~~Not less than \$150 nor more than \$2,500 together with the costs of prosecution, ~~and in default of payment of such forfeiture and costs of prosecution, may be imprisoned in the County jail until such forfeiture and costs are paid, but not exceeding 90 days.~~

b. **Second Subsequent Offenses.** (Am. #77-02) (Am. #48-05) 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 nNot less than \$100 nor more than \$1,500~~5,000~~ for each such offense, together with the costs of prosecution, ~~and in default of payment of such forfeiture and costs, may be imprisoned in the County jail until such forfeiture and costs of prosecution are paid, but not to exceed 90 days.~~

~~b.2.~~ **Default of Payment.** For failure to pay penalty amounts imposed by this section or by any other provision within this Municipal Code, persons may be subject to imprisonment in the County jail until payment is made, not to exceed 90 days.

3. **Execution against Defendant's Property.** Whenever any person fails to pay any penalty imposed by this section or by any other provision of this Municipal Code, the Court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such penalty amounts.

4. **Continued-Continuing Violations.** Each violation and each day a violation continues or occurs shall constitute a separate offense.

~~2.5.~~ **Other Remedies Preserved.** The penalties provided herein shall be in addition to all other available remedies, whether legal or equitable, and ~~Nothing nothing~~ in this Municipal Code shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this Municipal Code.

~~3.~~ **Execution Against Defendant's Property.** Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of any ordinance of the City, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

| (~~Am. MSC '86~~)