

100.1 Adoption of Codes

- I Code
- II Subsequent Ordinances
- III Effective Date

SECTION I – CODE

The Code of Ordinances, Town of Berry, shall take effect from and after passage and publication as provided by state law.

SECTION II – SUBSEQUENT ORDINANCES

All Ordinances passed by the Town Board subsequent to the adoption of the Code of Ordinances, except when otherwise specifically stated, shall take effect from and after their publication.

The Code includes the following forfeiture provisions:

100.2 Penalties and Enforcement of Ordinances

Section I – Cost of Enforcement

In any legal action taken by the Town of Berry to enforce Town ordinances, collect fees owed to the Town by law, or collect a forfeiture for violation of Town Ordinance, the Town of Berry shall recover, in addition to the forfeiture, amount sought, or injunctive relief granted, and as an additional penalty, its actual reasonable costs of the action, including reasonable attorney's fees and the cost of Town personnel involved.

202.1 Building & Mechanical Code Ordinances

Section XVI – Violations and Penalties

- A. Prohibition. No person, entity, or firm may construct, remodel, or repair any building in a manner which violates any provision or provisions of this ordinance.
- B. Every person, firm or entity which violates this code shall forfeit not less than \$25.00 nor more than \$1,000.00 for each day of noncompliance, together with the costs of prosecution.
- C. Violations discovered by the Building Inspector shall be corrected within 30 days, or more if allowed by the Inspector, after written notice is given. Violations involving life safety issues shall be corrected in a reasonable time frame established by the Building Inspector.'
- D. Compliance with the requirements of this ordinance is necessary to promote the safety, health and well-being of the community and the owners, occupants and frequenters of buildings. Violations of this ordinance shall constitute a public nuisance which may be enjoined in a civil action.

204.1 Adult Bookstore or Adult Entertainment Taverns Ordinance

Section XIV - Penalty

- A. In addition to the revocation, suspension or nonrenewal of any license issued under this ordinance, any person found to be in violation of any provision of this ordinance shall be subject to a forfeiture of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) and in the case of an operator shall result in the suspension or revocation of any license up to one (1) year.

- B. Each violation of this ordinance shall be considered a separate offense, and any violation continuing more than one day shall be considered a separate offense.
- C. The Town Board hereby finds that any ongoing violation of the provisions of this Ordinance is a threat to the peace and good order of the Town for which monetary penalties alone are not a sufficient remedy. Therefore, injunctive relief may be issued by a Court if the harm to the community from continued violation of the ordinance outweighs the expressive character of the activity sought to be enjoined and the violator shall reimburse the Town for all costs of such litigation, including the Town's actual reasonable attorney and expert witness fees.

206.1 Recycling Ordinance

Section VIII – Violation and Penalty

Any person who violates any provisions of this ordinance or any regulations promulgated pursuant to this ordinance shall forfeit upon conviction thereof not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) for each separate violation hereunder, provided that the range of forfeiture for the third and any subsequent violation of this ordinance or regulations promulgated pursuant thereto within a twelve month period shall be not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each separate violation. Each incident of violations shall be separate offense and each day or part thereof during which a violation occurs or continues shall be deemed a separate offense.

Enforcement:

- A. For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Berry may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Town of Berry who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
- B. Any person who violates a provision of this ordinance may be issued a citation by the Town of Berry to collect forfeitures. The issuance of a citation shall not preclude proceedings under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

207.1 Prohibiting Combustion Engines and Limiting Boat Speed on Waters of Indian Lake Ordinance

Section V – Penalty

Any person, firm or corporation violating any provision of this ordinance shall forfeit not more than \$50 for the first offense and shall forfeit not more than \$100 upon conviction of the same offense a 2nd or subsequent time within one year.

301.1 Driveway, Field Road and Right-of-way Ordinance

Section XIII – Penalties

- A. Any person who violates or refuses to comply with the requirements of this ordinance

shall be subject to a forfeiture of not less than \$50.00, nor more than \$200.00 plus costs incurred by the Town to enforce the ordinance. Each day a violation is permitted to exist shall constitute a separate offense. In addition, the Town may seek an injunction ordering compliance with this ordinance. The Town shall not be required to prosecute for forfeiture before seeking an injunction.

- B. If any culvert is installed, or any excavation or fill, or any other alteration or deposit or storage of materials is made in violation of the provisions of Section 12, above, the highway may be restored to its former condition by the Town and any person who violates this subsection shall be punished by a fine of not less than \$5, nor more than \$100, and shall reimburse the Town for all costs of restoration.

302.1 Abandoned Vehicles; Removal & Disposal Ordinance

Section IV – Authorization

The Town Chairperson, or upon his/her authorization, any other member of the Town Board or the Town Clerk shall be authorized Town representative to make all determinations required by this ordinance

The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not recovered from the sale of the vehicle may be recovered in a civil action by the Town against the owner.

In addition to the payment of the costs of impounding as required by Section 3(a) hereof, the owner of any abandoned vehicle, except a stolen vehicle, shall be required to pay to the Town a forfeiture in the amount of \$50 for street storage.

In addition to the provisions contained herein, all of the provision of Sec. 342.40 of the Wisconsin Statutes are hereby incorporated in this Ordinance, except as may be inconsistent with any of the forgoing provisions.

401.1 Development Standards Ordinance

Section XVII – Violations and Penalties

Any person, firm or corporation who fails to comply with the provisions of these regulations shall, upon conviction thereof, be subject to penalties and forfeitures as provided in sections 236.30, 236.31, 236.32, 236.335 and 236.35 of the Wisconsin Statutes. Failure to comply with the requirements of this ordinance shall invalidate purported transfers of titles at the option of the purchaser in accordance with provisions of Section 236.31(3) WI Stats. Building permits shall also be refused for construction on sites created in violation of these requirements.

SECTION III – EFFECTIVE DATE

This ordinance is effective on publication or posting.

The Town Clerk shall properly publish this ordinance as required under s. 60.80, Wis. Stats.

Dated this 18th day of February 2008.

Published: February 28, 2008

Posted: February 20, 2008

Brenda Kahl, Clerk/Treasurer
Timothy Henneman, Sr., Supervisor
Judy Laubmeier, Supervisor

Anthony Varda, Chair
Chris Upper, Supervisor
Sue Studz, Supervisor