

Chapter 10. PENALTIES

Section 10.10. Except where circumstances demand immediate action, as determined by the Commission, to protect life, health, property, the environment, or other public interests, any person believed by the Commission to be violating any provision of this Ordinance shall be served a Notice of Violation by the District providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. This subsection shall not be construed to prevent the District from charging a violation of this ordinance without a Notice of Violation and time for correction where the violation is complete, and shall not prevent the District or any other person from seeking compensation pursuant to subsection 10.30 or otherwise for damages caused by the violation prior to the Notice of Violation and prior to the time limit set for correction in the Notice.

Section 10.20. Any person who has violated any provision of this Ordinance, and any person who shall continue any violation beyond the time limit imposed by a notice provided under Sec. 10.10, shall forfeit no less than \$100 and no more than \$10,000, plus court costs, fees, assessments, and surcharges. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 10.30. Any person who has violated any provision of this Ordinance shall become liable to the District and others, as their interests may appear, for any expense, loss, or damage to the District or others by reason of such violation, including, but not limited to, any costs in connection with repairing damages to the sewage works or any user or facilities damaged as a result of a prohibited discharge or any other violation of this Ordinance.

Section 10.40. The use of a citation as provided in this section is authorized for any violation of this Ordinance. The citation shall be in substantially the form as set forth in Appendix A to this Chapter and 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 the offense.
- (d) The section of the ordinance violated.
- (e) A designation of the offense in a manner that 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.
- (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 a specified official within a specified time.
- (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, he or she either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees, and surcharges imposed under Ch. 814, Wisconsin Statutes, 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, 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 or the Commission may commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges imposed under Ch. 814, Wisconsin Statutes.
- (5) 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 sec. 800.093, Wisconsin Statutes.
- (6) 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 information provided under this subsection 10.40(g), and shall send the signed statement with the cash deposit.
- (7) Such other information as the issuing officer may deem necessary or useful.

Sec. 10.41. The minimum cash deposits that shall be required with a plea of no contest or guilty shall be as set forth in Appendix B to this Chapter. To the forfeiture amounts listed in Appendix A shall be added the then current and applicable costs, fees, and surcharges imposed under Chapter 814, Wisconsin Statutes, to arrive at the total deposit amount. All deposits shall be submitted to the Bayfield County Clerk of Court.

Sec. 10.42. Any Bayfield County, Wisconsin, law enforcement officer and any officer (that is, the President, Vice-President, or Secretary-Treasurer) of the Pike's Bay Sanitary District may issue a citation under this Chapter.

Sec. 10.43. The issuance of a citation does not preclude the Commission from proceeding under any other law or procedure related to the same subject matter for which the citation was issued.