

CITY OF KAUKAUNA

ORDINANCE _____-2026

ORDINANCE AMENDING 25.04 – PENALTY PROVISIONS

WHEREAS, Section 25.04 of the Code of Ordinances presently establishes a general penalty for ordinance violations, including a maximum forfeiture of \$300.00; and

WHEREAS, municipal courts must impose additional statutory assessments and surcharges established by state law in conjunction with forfeitures; and

WHEREAS, the Common Council finds that, due to mandatory state-imposed costs, fees, and surcharges, the total amount imposed on a Defendant in many cases exceeds or approaches the current maximum forfeiture amount, creating inconsistency and administrative difficulty in enforcement; and

WHEREAS, the Common Council further finds that the current maximum forfeiture amount no longer adequately reflects the structure of municipal forfeitures or provides sufficient flexibility for appropriate penalty levels; and

WHEREAS, Wisconsin law authorizes municipalities to impose forfeitures for ordinance violations within statutory limits; and

WHEREAS, the Common Council determines that increasing the maximum forfeiture to \$1,000.00 will align the Code with current practice, provide clarity in enforcement, and promote fair and effective administration of municipal penalties; and

WHEREAS, in order to implement this change in a clear and consistent manner, it is necessary to repeal and recreate Section 25.04 of the Code of Ordinances.

NOW THEREFORE, be it ordained by the Common Council of the City of Kaukauna, in the State of Wisconsin, that Section 25.04 of the City of Kaukauna Municipal Code is hereby repealed and replaced as follows:

BEFORE AMENDMENT

25.04 Penalty Provisions

1. *General penalty.* Any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows: (For a first offense, any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$5.00 nor more than \$300.00, together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution, and shall be

imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.

2. *Continued violations.* Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the city from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
3. *Execution against defendant's property.* Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any 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.

AFTER AMENDMENT

25.04 Penalty Provisions

1. *General penalty.* ~~Any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows: (For a first offense, any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$5.00 nor more than \$300.00, together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution, and shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.~~ Except where a different penalty is expressly provided by this Code, any person who violates any provision of this Code shall, upon conviction, forfeit not less than \$5.00 nor more than \$500.00 for each offense. The forfeiture shall be in addition to, and shall not include, any costs of prosecution, penalty assessments, surcharges, fees, or other amounts required or authorized by law. In default of payment, the violator may be subject to such enforcement remedies as authorized by Wisconsin law.
2. *Continued violations.* Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the city from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
3. *Execution against defendant's property.* Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any 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.

PASSED AND ADOPTED BY THE CITY OF KAUKAUNA COMMON COUNCIL

July _____, 2026.

Presiding Officer

Attest

Anthony J. Penterman, Mayor,
City of Kaukauna

Kayla Nessmann, Clerk,
City of Kaukauna