

Ordinance No. 2010-004

**AN ORDINANCE TO REPEAL AND RECREATE
SECTIONS 25.04(1)(a) AND 25.04(1)(b) OF THE TOWN OF DELAFIELD
MUNICIPAL CODE RELATED TO MINIMUM PENALTIES
FOR VIOLATION OF THE TOWN CODE**

The Town Board of the Town of Delafield, Waukesha County, Wisconsin DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 25 of the Town of Delafield Municipal Code entitled "Construction and Effect of Ordinances," Section 25.04 entitled "Penalty Provisions," subsection (1) entitled "General Penalty," subsection (a) entitled "First Offense" is hereby repealed and recreated as follows:

25.04 (1) General Penalty

...

(a) **First Offense.** Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$100 nor more than \$2,000, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County jail until such forfeiture and costs are paid, but not exceeding 90 days.

SECTION 2: Chapter 25 of the Town of Delafield Municipal Code entitled "Construction and Effect of Ordinances," Section 25.04 entitled "Penalty Provisions," subsection (1) entitled "General Penalty," subsection (b) entitled "Second Offense" is hereby repealed and recreated as follows:

25.04 (1) General Penalty

...

(b) **Second Offense.** Any person found guilty of violating any ordinance or part of an ordinance of this Code who has previously been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$200 nor more than \$2,000 for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County jail until such forfeiture and costs are paid, but not exceeding 6 mos.

SECTION 3: SEVERABILITY

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable,

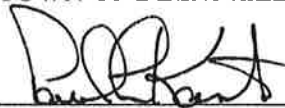
such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

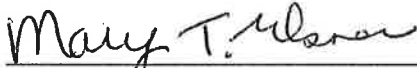
This ordinance passed this 10th day of August, 2010.

BY THE TOWN BOARD OF THE
TOWN OF DELAFIELD:



Paul L. Kanter, Town Chairman

ATTEST:



Mary T. Elsner, CMC, WCMC
Town Clerk