

**TOWN OF GIBRALTAR**  
**ORDINANCE 2022-04**  
**DAMAGE TO PROPERTY**

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**Ordinance 2022-04 Identified in the code of ordinances as 10.14 shall repeal and replace any previous ordinance(s) in whole or part, or any other ordinances contradicting to this new ordinance.**

The Town Board of Gibraltar, in the County of Door, State of Wisconsin, does hereby ordain as follows:

**Purpose**

To protect property in the Town of Gibraltar.

**State Statutes Adopted – Authority**

The Board of Supervisors of the Town of Gibraltar is granted authority for adopting this ordinance under its general 60.10(2)(c) and 60.22(3), Wisconsin Statutes. The Town Board Adopts this Ordinance under its general village powers authority and 66.1014 of the Wisconsin Statutes, 2917 Act 59.

As used in this article, the following terms shall have the meanings indicated:

**Intentionally**

That the actor either has a purpose to do the thing or cause the result specified or believes that his act, if successful, will cause that result.

**Property of Another**

Property in which a person other than the actor has a legal interest which the actor has no right to deface or impair, even though the actor may also have a legal interest in the property.

**General Provisions**

1. Sec. 943.01, Wis. Stats., or as subsequently amended or revised, to the extent such prohibits damage to property is hereby incorporated by reference and made a part of this ordinance as if fully set forth herein.
2. Conduct which is the same as or similar to that prohibited by Sec. 943.01 Wis. Stats., or as subsequently amended or revised, is prohibited by this ordinance.

**Penalty**

A judge may order a violator to:

- a. Pay a forfeiture of not less than \$50.00 not more than \$500.00
- b. Pay all costs, assessments, fees, and disbursements associated with the prosecution of the forfeiture action.

- c. Make restitution under Sec. 800.093 Wis. Stats., or as subsequently amended or revised.
- d. Make any other payment authorized by law.

### **Enforcement**

- a. Issuance of a citation.
- b. The form of the citation shall be as prescribed in Sec. 66.0113(1)(b) Wis. Stats.
- c. The alleged violator's options and procedures on default shall be as set forth in Sec. 66.0113(3) Wis. Stats.
  - 1. The alleged violator may elect to make a deposit, in cash, money order, or certified check of the specified amount.
  - 2. Deposits shall include a forfeiture, and the assessments and/or fees prescribed by Sec. 66.0113(1)(c), Wis. Stats., in accordance with the schedule of cash deposits.
  - 3. Deposits shall be made, in cash, money order, or certified check, to the Clerk of Court.
  - 4. Receipts shall be given for deposits made.
  - 5. Adoption of this ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter, and issuance of a forfeiture hereunder, shall not preclude the Town or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation, or order.
  - 6. Any person, firm, or corporation, violating any of the sub-sections of this ordinance may stipulate to the guilt or no contest and may pay to the Clerk of Court a bond according to a schedule prescribed by the Circuit Court of Door County. Such stipulation will make it unnecessary for the subject charged to appear in court and will act as a basis for the court to enter judgment and order forfeiture of the bond. Forfeitures, penalty assessments, costs and fees shall be disbursed as provided in Wisconsin Statutes, Section 66.12.

### **Reference to Statutes**

Reference to specific statutory sections whenever used in this ordinance, shall mean Wisconsin Statutes as amended, modified, repealed or otherwise altered by the State Legislature.

### **Severability**

If any of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such a decision shall not affect the validity of any other provisions of this ordinance.