

CHAPTER 4
GENERAL PENALTY

SECTION:

- 1-4-1: General Penalty
- 1-4-2: Application Of Provisions
- 1-4-3: Liability Of Officers

1-4-1: **GENERAL PENALTY¹:**

- A. General Penalty; Remedies Generally: Whenever in this code, or in any ordinance, resolution or regulation promulgated by any officer or agency of the town under authority vested in him by law or ordinance, any act is prohibited or is declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance, resolution or regulation shall be punished by a fine of not more than seven hundred fifty dollars (\$750.00), or imprisonment not exceeding six (6) months, or both; provided, however, that the imposition of any such fine shall not bar institution of appropriate legal actions or proceedings by the town to restrain, correct or abate the violation nor shall the institution of such legal actions or proceedings be deemed a bar to the imposition of such fine.
- B. Continuing Violations: Except as otherwise provided, each day any violation of this code or any such ordinance, resolution or regulation continues shall constitute a separate offense. (2011 Code)

1. WS §§ 5-6-301, 6-10-103, 15-1-103(a)(xli). WS § 6-10-105 for commitment for refusal to pay fine or costs, rate per day.

1-4-2: **APPLICATION OF PROVISIONS:**

- A. The penalty provided in this chapter, unless otherwise provided, shall be applicable to every section of this town code the same as though it were a part of each and every separate section.
- B. In all cases where the same offense is made punishable or is created by different clauses or sections of this town code, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.
- C. Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this town code and there shall be no fine or penalty specifically declared for such breach, the provisions of this chapter shall apply. (2011 Code)

1-4-3: **LIABILITY OF OFFICERS:** No provision of this town code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the town council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (2011 Code)