

ARTICLE E

Enforcement and Penalties

SEC. 10-1-60 PENALTIES.

- (a) **FORFEITURE PENALTY.** The penalty for violation of any provision of this Chapter shall be a forfeiture as hereafter provided, together with court costs and fees prescribed by Sections 814.63(1) and (2) or 814.65(1), Wis. Stats., the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by Section 165.87 and 346.655, Wis. Stats., where applicable. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than sixty (60) days. Any person eighteen (18) years of age or older who shall fail to pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this Chapter may, upon order of the court entering judgment therefor and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding ninety (90) days.
- (b) **OTHER SANCTIONS.**
- (1) By Court. Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes to suspend or revoke the operating privileges of the defendant, order the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school in addition to payment of a monetary penalty or in lieu or imprisonment.
- (2) By Municipality. No person who has been convicted of a violation of any provision of this Chapter shall be issued a license or permit by the City Clerk, except dog license, until the forfeiture imposed for such violation any penalty assessment, court costs and fees or surcharge is paid.
- (c) **FORFEITURES FOR VIOLATION OF UNIFORM MOVING TRAFFIC REGULATIONS.** Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in Section 10-1-1 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute, including any variations or increases for subsequent offenses; provided, however, that this Subsection shall not be construed to permit prosecution under this Chapter for any offense described in Chapters 341 to 348, Wis. Stats., for which an imprisonment penalty or fine may be imposed upon the defendant.
- (d) **FORFEITURES FOR PARKING VIOLATIONS.**
- (1) Forfeitures for Uniform Statewide Parking, Stopping and Standing Offenses. Minimum and maximum forfeiture for violation of non-moving traffic violations adopted by reference in Section 10-1-1 as described in Chapters 341 to 348, Wis. Stats., shall be as found in the current edition of the Revised Uniform State Traffic Deposit Schedule.

- (e) **OTHER VIOLATIONS.** Any person who shall violate any provision of this Chapter for which a penalty is not otherwise established by this Section shall be subject to a forfeiture of not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00).
- (f) **ALCOHOL RELATED OFFENSES.** Upon conviction of any alcohol related offense for which the City has expended funds or incurred expense for the withdrawal or testing of blood or urine, the cost of such service to the City shall be added to any forfeiture, court cost, and fees imposed by the Court.

SEC. 10-1-61 ENFORCEMENT.

- (a) **ENFORCEMENT PROCEDURES.**
 - (1) How Enforces. This Chapter shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this Section.
 - (2) Applicable Court Procedures. Except where otherwise specifically provided by the laws of the State of Wisconsin or this Code, the traffic regulations in this Code shall be enforced in the County Circuit Court.
- (b) **CITATIONS.**
 - (1) Uniform Citation and Complaint. The Wisconsin Uniform Traffic Citation and Complaint described and defined in the Wisconsin Statutes shall be used for enforcement of all provisions of this Chapter except those provisions which describe or define non-moving traffic violations and violations of Sections 346.71 through 346.73, Wis. Stats.
 - (2) Parking Citations. The Comptroller shall recommend a citation for use in enforcing the non-moving traffic offenses in this Chapter. Such citation shall be used for enforcement of non-moving traffic regulations created or adopted by this Chapter, including violations of non-moving traffic regulations defined and described in the Wisconsin Statutes, adopted by reference in Section 10-1-1, and all provisions regarding non-moving traffic violations in this Chapter. The citation for non-moving traffic violations shall contain a notice that the person cited may discharge the forfeiture for violation of a non-moving traffic regulation and penalty thereof by complying with Subsection (c)(2) of this Section. Non-moving traffic citations may be issued by law enforcement officers or by the Comptroller's staff.
- (c) **DEPOSITS AND STIPULATIONS.**
 - (1) Uniform Traffic Offenses.
 - a. **Who May Make.** Persons arrested or cited for violation of moving traffic offenses created by this Chapter shall be permitted to make deposits and stipulations of no contest or released by the arresting officer in accordance with the applicable provisions of the Wisconsin Statutes. Stipulations of guilt or no contest may be made by persons arrested for violations of this Chapter in accordance with Section 66.12(1)(b) of the Wisconsin Statutes whenever the provisions of Section 345.27 of the Wisconsin Statutes are inapplicable to such

violations. Stipulations shall conform to the form contained in the uniform traffic citation and complaint under Section 345.11 of the Wisconsin Statutes. Stipulations may be accepted by the Comptroller or his designate.

- b. Delivery or Mailing of Deposit and Stipulation. Any person stipulating guilt or no contest under the preceding Subsection must make the deposit required under Section 345.26 of the Wisconsin Statutes or, if the deposit is not established under such Statute, shall deposit a forfeited penalty as provided in the schedule established by the Chief of Police and approved by the City Attorney. Deposits may be brought or mailed in lieu of court appearance to the Police Department or placed in marked depositories as directed by the Officer.
- c. Receipt Required. Every officer accepting a stipulation under the provisions of this Chapter shall comply with the provisions of Sections 343.27, 343.28, 345.26(1)(a) and 345.27(2) of the Wisconsin Statutes and shall require the alleged violator to sign a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated under Section 345.11 of the Wisconsin Statutes. The official or person receiving the deposit shall furnish and deliver or mail an original receipt for such deposit to the alleged violator and shall deliver the deposit and stipulation to the Clerk of Courts.

(2) Non-moving Traffic Offenses.

Direct Payment of Penalty Permitted. Whenever any person parks any vehicle in violation of any regulation imposed on City owned or leased parking lots, the police officers of the City shall report the facts thereof, knowledge of which is necessary to a thorough understanding of the circumstances attending such violation. Each such officer shall attach to such vehicle a notice to the owner or operator thereof that such vehicle had been parked in violation of a City ordinance.

- a. Such notice shall state that each such owner or operator may pay to the City a forfeiture of Five Dollars (\$5.00) if paid within ten (10) days of the date of violation or if paid not less than eleven nor more than twenty-eight (28) days of the issuance of said ticket a forfeiture of Twelve Dollars (\$12.00) plus costs shall be imposed. The failure of an owner or operator to appear after being summoned to court shall subject the owner or operator to a forfeiture of Fifteen Dollars (\$15.00) plus appropriate court costs.
- b. Any citation for violation of Section 10-1-29 shall carry a forfeiture of Twenty-five Dollars (\$25.00). Failure to pay such forfeiture within ten (10) days of the date of the violation shall result in a forfeiture of Thirty-five Dollars (\$35.00) plus costs.
- c. Any citation for violation of Section 10-1-29, if such violation shall occur between April 1 and October 31, shall carry a forfeiture of Ten Dollars (\$10.00). Failure to pay such forfeiture within ten (10) days of

the date of the violation shall result in a forfeiture of Twenty Dollars (\$20.00) plus costs.

(3) Registration Suspension Program.

- a. The City shall participate in the Wisconsin department of Transportation Traffic violation and Registration Program as set forth in Sec. 345.28, Wis. Stats., and Wis. Adm. Code Trans. 128 and all amendments or changes thereto.
- b. The Comptroller or his designate is hereby designated as a delegated authority for purposes of Sections 85.13 and 345.28, Wis. Stats., and Wis. Adm. Code Trans. 128. The Police Department is authorized to perform, on behalf of the City, all functions required of a local authority under said Statutes and Code including, but not limited to:
 1. Preparing and completing all forms and notices, notifying the Wisconsin Department of Transportation of unpaid citations for non-moving traffic violations;
 2. Specifying whether the registration of vehicles involved in unpaid citations for non-moving traffic violations should be suspended and/or whether registration should be refused for any vehicle owned by persons with unpaid citations for non-moving traffic violations;
 3. Determining the method by which the City will pay the Wisconsin Department of Transportation for administration of the program; establishing the effective date for participation;
 4. And taking such other action as is necessary to institute and continue participation in the Wisconsin Department of Transportation Traffic Violation and Registration Program.
- c. The Comptroller is hereby authorized to assign a member of the Comptroller's staff to perform such acts as are necessary to effectuate this Subsection.
- d. In addition to all applicable fines and court costs, the cost of using the Wisconsin Department of Transportation Traffic Violation and Registration Program shall be assessed as permitted by Sec. 345.28(4)(d), Wis. Stats. The Police Department may refuse to notify the Wisconsin Department of Transportation of payment on a citation until all applicable fines and costs, including costs assessed under the preceding sentence, are paid.
- e. The City's participation in such program shall be in addition to any and all other means legally available to enforce such citations.

State Law Reference: Sec. 345.28, Wis. Stats.; Chapter Trans. 128, Wis. Adm. Code.