

Article E: Enforcement and Penalties

Sec. 10-1-50 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 Sections 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) day so 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 Village, except a dog license, until the forfeiture imposed for such violation and 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 349, 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 Chapter 341 to 349, Wis. Stats. , shall be as found in the current edition of the Revised Uniform State Traffic Deposit Schedule, provided, however, that if said forfeiture, including alternate side parking tickets, is paid

within seven (7) days of the date of violation, the said forfeiture shall be Twenty Dollars (\$20.00); and if the said forfeiture is paid within eight (8) days but not more than twenty-one (21) days after the violation the forfeiture shall be Forty Dollars (\$40.00). After 21 days but not more than 30 days after the violation the forfeiture shall be Sixty Dollars (\$60.00). After 30 days of the violation the license plate shall be suspended until the fine is paid as outlined in 10-1-37.

- (e) **Penalty for Other Parking Violations.** The forfeiture for violation of parking regulations in Sections 10-1-20 through 10-1-35 shall conform to the forfeiture set forth in Subsection (d)(1) above.
- (f) **Other Violations.**
 - (1) The forfeiture for a violation of Section 10-1-40 shall be One Hundred Dollars (\$100.00) for the first offense and One Hundred Fifty Dollars (\$150.00) for the second offense within one (1) year.
 - (2) The forfeiture for a violation of Section 10-1-11 shall be not less than Twenty Dollars (\$20.00) nor more than Fifty Dollars (\$50.00) for the first offense and not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00) for the second offense within one (1) year.
 - (3) 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 Twenty Dollars (\$20.00) nor more than One Hundred Dollars (\$100.00).

Sec. 10-1-51 Enforcement

- (a) **Enforcement Procedures.**
 - (1) **How Enforced.** 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 accordance with the provisions of Sec. 345.20(2)(b) and Chapter 800, Wis. Stats.
- (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. Violations of Sections 346.71 through 346.73, Wis. Stats. , shall be reported to the District Attorney and the Wisconsin Uniform Traffic Citation shall not be used in such cases except upon written request of the District Attorney.

- (2) **Parking Citations.** The Chief of Police shall recommend to the Village Board 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 civilian employees of the Police Department.
- (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 Sec. 66.12(1)(b) of the Wisconsin Statutes whenever the provisions of Sec. 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 Sec. 345.11 of the Wisconsin Statutes.
- 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 Sec. 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 Village Board. Deposits may be brought or mailed to the office of the Police Department as directed by the arresting officer. Deposits for parking or nonmoving violations shall be mailed or brought to the Village Clerk, Police Department or the Clerk of Circuit Court.
- (2) **Non-moving Traffic Offenses.**
- a. **Direct Payment of Penalty Permitted.** Persons cited (summons not issued) for violation of non-moving traffic offenses described and defined in this Chapter may discharge the penalty thereof and avoid court prosecution by mailing or forwarding within five (5) days of the issuance of the citation to the Police Department the minimum forfeiture specified for the violation. When payment is made as provided in this paragraph, no court costs shall be charged.

- b. **Court Prosecution.** If the alleged violator does not deliver or mail a deposit as provided in Subsection a. within fifteen (15) days of the date of the citation, the Chief of Police shall forward a copy of the citation to the Village Attorney for prosecution.
 - c. **Registration Suspension.** If the alleged violator does not pay the forfeiture or appear in court in response to the citation for a non-moving traffic violation on the date specified in the citation or, if no date is specified on the citation, within twenty-eight (28) days after the citation is issued, the Village may ask the Wisconsin Department of Transportation to suspend the registration of the vehicle involved or refuse registration of any vehicle owned by the person pursuant to the provisions of Sec. 345.28(4), Wis. Stats. , and Subsection (c)(3) below.
 - d. **Bond.** Any official authorized to accept deposits under Sec. 345.26, Wis. Stats. , or this Section, shall qualify by taking the oath prescribed by Sec. 19.01, Wis. Stats.
- (3) **Notice of Demerit Points and Receipt.** Every officer accepting a forfeited penalty or money deposit under this Section shall receipt therefor in triplicate as provided in Sec. 345.26(3)(b), Wis. Stats. Every officer accepting a stipulation under the provisions of this Section shall comply with the provisions of Sections 343.27, 343.28, 345.26(1)(a) and 345.27(2), Wis. Stats., 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 Sec. 345.11, Wis. Stats.
- (4) **Registration Suspension Program.**
- a. The Village 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 Chief of Police 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 Chief of Police and/or Village Attorney are authorized to perform, on behalf of the Village, 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 Village 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 Chief of Police is hereby authorized to assign a member of the Police Department 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. This Subsection shall not be interpreted as requiring that all unpaid citations for non-moving traffic violations be processed through the Wisconsin Department of Transportation Traffic Violation and Registration Program. The Village'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.