

CHAPTER 5

Enforcement and Penalties

9-5-1 Penalties
9-5-2 Enforcement

SEC. 9-5-1 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 in 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., when 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 the 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, to 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 of imprisonment.
 - (2) By Municipality. No person who has been convicted of a violation of any provision of this Chapter shall be issued any license or permit by the City, 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 shall conform to the forfeiture penalty 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 of any offense described in Chapters 341 to 348 Wis. Stats. for which imprisonment may be imposed upon the defendant.
- (d) **Forfeitures for Parking Violations.**
- (1) Forfeitures for Uniform Statewide Parking, Stopping and Standing Offenses. Minimum and maximum forfeitures for violation of non-moving traffic violations shall be as found in the most recent edition of the Revised Uniform State Traffic Deposit Schedule.
 - (2) Penalty for Other Parking Violations. The penalty for all other parking violations not included under Subsection (d)(1) above shall be Ten Dollars (\$10.00), or other such amount as determined by resolution of the Thorp Common Council from time to time, if paid within five (5) days after issuance of the violation. Failure to pay the penalty within five (5) days after issuance of the violation shall cause the penalty to be increased to Fifteen Dollars (\$15.00), or other such amount as determined by resolution of the Thorp Common Council from time to time. Failure to pay the increased penalty within thirty (30) days after issuance of the violation further shall cause the penalty to be increased to Twenty-five Dollars (\$25.00), or other such amount as determined by resolution of the Thorp Common Council from time to time.
- (e) **Special Local Regulations.** The forfeiture for violation of any special local regulation contained in this Chapter other than those pertaining to parking shall be not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00) for the first offense and not less than Twenty Dollars (\$20.00) nor more than Five Hundred Dollars (\$500.00) for any second offense within two (2) years.

SEC. 9-5-2 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 the Circuit Court for the County of Clark.

(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 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 and all provisions regarding 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. Whom May Make. Persons arrested or cited for violation of moving traffic offenses shall be permitted to make deposits and stipulations of no contest or shall be 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) Wis. Stats. whenever the provisions of Section 344.27 Wis. Stats. are inapplicable to such violations. Stipulations shall conform to the form contained in the uniform traffic citation and complaint under Section 345.11 Wis. Stats. and may be accepted within five (5) days of the date of the alleged violation. Stipulations may be accepted by the Police Department.

- b. Delivery of 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 Wis. Stats. 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 Common Council. Deposits may be brought or mailed to the Police Department or City Clerk-Treasurer within five (5) days of the issuance of the citation in lieu of court appearance.
- 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) 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 Section 345.11 Wis. Stats. 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, and a copy of the receipt within seven (7) days to the Clerk of Courts.

(2) Non-moving Traffic Offenses.

- a. Direct Payment of Penalty Permitted. Persons cited for violation of non-moving traffic offenses 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 ten (10) days of the date of the citation, the Chief of Police shall forward a copy of the citation to the City 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 City 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 Section 345.28(4) Wis. Stats., and Subsection (c)(3) below.
 - d. Deposits Returned to Clerk-Treasurer. Officers receiving deposits for non-moving traffic violations under this Subsection shall pay over such deposits to the Clerk-Treasurer on or before the last Thursday of the month of receipt. Such payment shall be accompanied by an itemized statement for each deposit of the offense charged and the name of the depositor.
- (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 Section 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, 343.38, 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 Section 345.11 Wis. Stats.

(4) Registration Suspension Program.

- a. The City shall participate in the Wisconsin Department of Transportation Traffic Violation And Registration Program as set forth in Section 345.28 Wis. Stats., and Wis. Adm. Code Trans. 128 and all amendments or changes thereto.
- b. The Police Department 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, and 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 Violation and

Registration Program shall be assessed as permitted by Section 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 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: Section 345.28, Wis. Stats.; Chapter Trans. 128, Wis. Adm. Code.