



## Office of the City Attorney

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### Memorandum

February 26, 2015

To: The Honorable Joseph L. Cook  
From: Brian E. Running  
Re: Revisions to Bond Schedule

Last year, I was asked to review and recommend revisions to the City's bond schedule, proposed by the Police Department after a study that compared our rates to neighboring communities. I believe you saw the same study. As you know, this was a matter of great interest to Ed Henschel, and it is an important topic for the current Council.

Attached is our proposal for revision of the schedule. The offenses are listed on the left, and on the right are three columns. The left column is the current schedule, in effect since last February.

The middle column is the revisions suggested by the Police Department. You will see that the PD did not recommend revisions to matters in which the PD is not involved, such as zoning, building code, and fire safety issues.

The right column is our recommended revisions. We have include revisions to items on which the PD had no opinion, so there are offenses with only a recommendation from this office.

We have consulted with the affected departments and asked for their input. As you will see, some of our recommendations are higher, some lower, than the PD wants to see. We have tried to strike a balance between maintaining a sufficient penalty to discourage repeat violations, while still not discouraging settlement and avoidance of a trial when possible.

Please review this schedule and provide us with your comments.





**City of Waukesha Bond Schedule  
Proposed Amendments**

The City Attorney's office recommends the amount in the far right column for each category, and if there is none, then to maintain the current amount.

		<b>Current Amount</b>	<b>Proposed by PD</b>	<b>City Attorney Recommendation</b>
<b>Chapter 6 Streets and Sidewalks</b>				
6.05(1)	Fires prohibited	\$124.00		
6.05(2)	Glass, etc. prohibited	\$124.00		
6.05(3)	Oil, etc. prohibited	\$124.00		
6.05(4)	Care in hauling rubbish	\$124.00		
6.05(5)	Rubbish prohibited	\$124.00		
6.05(6)	Removal of barricades	\$124.00		
6.09	Duty to clean	\$124.00		
6.12(1)	Sidewalks removal of snow	\$98.80		
6.12(4)	Piling snow on streets	\$98.80		
6.14	Violation street occupancy permit	\$187.00		
6.16	Parades and public meetings	\$187.00		
6.19(1)	Street numbers required	\$98.80		
6.19(5)	Placement of street numbers	\$98.80		
<b>Chapter 7 Traffic</b>				
7.03(2)	One-way street	\$98.80		
7.03(3)	Right or left hand turns	\$98.80		
7.03(4)	U-turns	\$98.80		
7.03(5)	Use of street/heavy vehicle	\$313.00		
7.03(6)	Excessive acceleration	\$124.00		
	Juvenile	\$92.50		
7.03(7)	Vehicles on park or school property	\$124.00		
7.04(4)	Parking on terraces			refer to parking list
7.04(8)	Double parking/loading and unloading			refer to parking list
7.04(14)(b)	Unattached trailer on public street > 2 hours	\$187.00		
7.05(2)	Bicycle registration	\$73.60		
7.05(6)	Change of ownership	\$73.60		
7.05(7)	Removal of id tag	\$124.00		
7.05(9)(a)	Bicycle riding prohibited	\$73.60		
7.05(9)(b)	Bicycles riding in central business district	\$73.60		
7.10(3)	Snowmobiles	\$124.00		
7.10(4)(a)	Snowmobiles hours of operation	\$124.00		

7.10(4)(b) Snowmobiles unattended \$98.80

**Chapter 8 Licenses and Permits**

8.01(1) Auctions (permits) \$124.00  
8.01(8) Auctions/disturbing the peace \$124.00  
8.01(9) Auctions prohibited on street \$124.00  
8.02(11) Trash on terraces \$124.00  
8.03 Pawn shop ordinance violation \$187.00  
8.08/134.65 Sale of tobacco product w/o license \$187.00  
8.09(3) Soliciting without permit \$124.00  
8.11(2) No amusement activities permit \$124.00  
8.13(2) Taxi vehicle license \$124.00  
8.13(3)(a) Taxi drivers licenses \$124.00  
8.18(1) Mobile food vans in prohibited location \$98.80

**Chapter 9 Liquor and Bar Restrictions**

9.01 Underage person on licensed premises \$187.00 \$250.00 \$376.00  
2<sup>nd</sup> offense \$439.00  
3<sup>rd</sup> offense \$691.00  
4<sup>th</sup> offense (17 and older only) \$1006.00  
9.01 Underage possession of alcohol, under 17 \$124.00<sup>1</sup>  
2<sup>nd</sup> offense, under 17 \$187.00<sup>1</sup>  
3<sup>rd</sup> offense, under 17 \$313.00<sup>1</sup>  
9.01 Underage possession of alcohol, 17 and older \$187.00  
2<sup>nd</sup> offense, 17 and older \$338.20  
3<sup>rd</sup> offense, 17 and older \$502.00  
4<sup>th</sup> offense, 17 and older \$1006.00  
9.08(3) Operator's license on person \$187.00  
9.09(6) License for sales on public property \$98.80  
9.11(5) No bartender license \$250.00 \$250.00 \$250.00  
9.11(6) Credit sales \$124.00  
9.11(7) Failure to cease music \$124.00  
9.11(13) Orderly operation required \$187.00  
9.11(14) Gambling \$187.00  
9.11(15) Dancing restricted \$124.00  
9.12(1) or (2) Tavern open after hours \$124.00  
9.16 Sale/furnishing alcohol to underage person \$313.00

**Chapter 11 Orderly Conduct**

11.01(5)	Possession of controlled substance	\$313.00	\$600.00	\$439.00
	Ages 14-17			\$73.50 <sup>4</sup>
	Juvenile 1 <sup>st</sup> offense	\$124.00		
	Juvenile 2 <sup>nd</sup> offense	\$187.00		
11.01(6)	Solicitation	\$124.00		
11.01(7)	Conspiracy	\$124.00		
11.01(8)	Attempt	\$124.00		
11.03	Defrauding taxi driver	\$250.00		
11.04(2)	Scavenging recycling materials	\$86.20		
11.05(1)	Loitering	\$187.00	\$180.00	\$224.80
11.05(2)	Obstructing highway by loitering	\$124.00		
11.05(3)	Obstructing traffic by loitering	\$124.00		
11.05(6)	Violation of park hours	\$124.00		
11.055(1)	Curfew violation	\$124.00	\$125.00	\$124.00 <sup>2</sup>
11.055(3)	Curfew violation (parents responsible)	\$124.00		
11.06	Loitering near school	\$124.00		
	2 <sup>nd</sup> and subsequent	\$250.00		
	Juvenile 1 <sup>st</sup> offense	\$92.50		
11.065(2)	Truancy	\$114.00		
	2 <sup>nd</sup> and subsequent	\$144.00		
11.065(3)	Contributing to truancy	\$313.00		
11.07	Barstow plaza area violation	\$73.60		
11.075	Prohibited use of skateboards and in-line skates			
	Adult	\$187.00		
	Juvenile	\$82.50		
11.08	Littering	\$124.00		
11.085	Sale or display of sexual material to minors	\$187.00		
11.09(4)(a)(3)	Juvenile in possession of tobacco	\$111.40	\$150.00	\$124.00 <sup>2</sup>
11.095(2)(a)	Sale of tobacco products to Juvenile	\$313.00		
11.10	Unlawful assembly	\$187.00		
11.11	Obstructing streets or sidewalks	\$124.00		
11.12(2)	Fireworks	\$98.80		
	Juvenile	\$98.80		
11.12(7)	Parents responsible for Juvenile with fireworks	\$98.80		
11.13(1)	Discharging firearm	\$439.00		
	Juvenile	\$187.00		

11.13(2)	Discharging air gun	\$313.00		
	Juvenile	\$187.00		
11.13(3)	Discharging archery equipment or sling	\$187.00		
11.14	Abandoned ice box	\$124.00		
11.16	Leaving keys in unattended vehicle	\$98.80		
11.19	Unauthorized signs/banners	\$73.60		
11.18(1)	Sound truck/public address system	\$73.60		
11.22(1)(c)(1)	Dog at large 1 <sup>st</sup> offense	\$86.20		
	2 <sup>nd</sup> offense	\$124.00		
11.22(1)(a)	Failure to license dog	\$124.00		
11.22(1)(c)(2)	Excessive dog barking	\$124.00		
11.22(1)(c)(3)	Failure of dog owner to pick up feces	\$124.00		
11.22(2)(a)	Cats (more than 2 adult cats in 1 dwelling)	\$124.00		
11.22(2)(b)	Cat at large	\$86.20		
11.24(6)	Livestock animal matter removal	\$124.00		
11.25(3)	Inhalation of toxic vapors	\$187.00		
11.27(1)	Open intoxicants in public	\$187.00	\$200.00	\$205.90
11.27(4)	Open intoxicants in park	\$124.00		
11.28(2)	Possession of drug paraphernalia by adult	\$313.00	\$550.00	\$502.00
	Juvenile	\$124.00		
	2 <sup>nd</sup> offense	\$187.00		
	3 <sup>rd</sup> + offense, up to	\$691.00		
11.34	Interfering w/ parking enforcement	\$187.00		
11.37	Habitation in park	\$187.00		
11.39	(125.07(4)(b)) Underage drinking <17	must appear		
	>17 1st	\$187.00		
	2 <sup>nd</sup>	\$313.00		
	3 <sup>rd</sup>	\$429.00		
	4 <sup>th</sup> +	\$681.00		
11.40	Panhandling	\$187.00		
11.41(3)(a)	Residency restrictions for sex offenders	\$807.00		
11.41(5)	Loitering by registered sex offenders	\$1,626.00		
11.42	Escort without an escort license	\$681.00		
11.941.20	Reckless use of weapon	\$439.00		
	Juvenile	\$187.00		
11.941.23	Carrying concealed weapon	\$376.00	\$500.00	\$502.00
	Juvenile	\$187.00		

11.941.24	Possession of switchblade knife	\$187.00		
	Juvenile	\$187.00		
11.941.35	Emergency telephone calls	\$313.00	\$350.00	\$376.00
11.943.01	Criminal damage to property	\$376.00	\$400.00	\$439.00
	Juvenile	\$124.00		
11.943.11	Entry into locked vehicle	\$313.00		
	Juvenile	\$124.00		
11.943.125	Entry into locked coin box	\$313.00		
	Juvenile	\$124.00		
11.943.13	Criminal trespass to land	\$313.00		
	Juvenile	\$124.00		
11.943.14	Criminal trespass dwelling	\$313.00		
	Juvenile	\$124.00		
11.943.20	Theft	\$281.50	\$350.00	\$338.20
	Juvenile	\$124.00		
11.943.21	Fraud of hotel or restaurant keeper	\$250.00		
	Juvenile	\$124.00		
11.943.24	Issue worthless checks	\$250.00	\$325.00	\$338.20
11.943.50	Retail theft	\$376.00	\$400.00	\$439.00
	Juvenile 1st offense	\$124.00		
	Juvenile 2nd offense	\$187.00		
11.944.20	Lewd and lascivious behavior	\$124.00		
11.945.02	Gambling	\$187.00		
11.946.40	Refusing to aid officer	\$313.00		
11.946.41	Resisting or obstructing officer	\$376.00	\$850.00	\$502.00
	Juvenile 1st offense	\$124.00		
	Juvenile 2nd offense	\$187.00		
11.947.01	Disorderly conduct	\$313.00	\$425.00	\$439.00
	Juvenile 1st offense	\$124.00		
	Juvenile 2nd offense	\$187.00		
11.947.012	Unlawful use of telephone	\$250.00	\$300.00	\$313.00
11.947.013	Harassment	\$250.00	\$350.00	\$313.00 <sup>3</sup>
11.948.60	Possession of dangerous weapon by a child	\$187.00		

#### Chapter 12 Public Nuisances

12.03(2)	Animal or fowl carcass disposal	\$124.00		
12.04(2)	Prohibited gambling/slot machines	\$187.00		
12.05(4)	Unauthorized signs/signal controlling traffic	\$187.00		

12.05(5)	Obstructing view of traffic at intersection	\$124.00		
12.05(10)	Loud, unnecessary noises or vibrations	\$155.50	\$350.00	\$313.00
12.05(11)	Keeping habitually barking or yelping animal	\$124.00		
12.05(14)	Abandoned icebox without door removed	\$124.00		
12.07(3)	Abandoned motor vehicle	\$187.00		
12.08(2)	Vehicle parked on front lawn	\$187.00		
12.10(3)	Chronic nuisance properties prohibited	must appear		

**Chapter 13 Public Health and Welfare**

13.05(1)	Placing garbage on water or ice of Fox River	\$124.00		
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**Chapter 16 Building Code**

16.25	All Chapter 16 violations	\$167.00		\$187.00
	2 <sup>nd</sup> offense			\$313.00
	3 <sup>rd</sup> offense			\$439.00

**Chapter 17 Property Maintenance Code**

17.13	All Chapter 17 violations	\$167.00		\$187.00
	2 <sup>nd</sup> offense within one year			\$439.00
	3 <sup>rd</sup> offense within one year			\$691.00

**Chapter 18 Electrical Code**

18.11	All Chapter 18 violations	\$167.00		\$187.00
	2 <sup>nd</sup> offense			\$313.00
	3 <sup>rd</sup> offense			\$439.00

**Chapter 19 Plumbing Code**

19.19	All Chapter 19 violations	\$167.00		\$187.00
	2 <sup>nd</sup> offense			\$313.00
	3 <sup>rd</sup> offense			\$439.00

**Chapter 20 HVAC Code**

20.03(1)	All Chapter 20 violations	\$167.00		\$187.00
	2 <sup>nd</sup> offense			\$313.00
	3 <sup>rd</sup> offense			\$439.00

**Chapter 21 Fire Prevention**

21.11(1)	All Chapter 21 violations	\$167.00		\$187.00
	2 <sup>nd</sup> offense			\$313.00
	3 <sup>rd</sup> offense			\$439.00



**Chapter 22 Zoning**

22.67(2)	All Chapter 22 violations		\$187.00
	2 <sup>nd</sup> offense		\$313.00
	3 <sup>rd</sup> offense		\$439.00

**Chapter 23 Subdivisions and Platting**

23.12	All Chapter 23 violations	\$671.00	\$691.00
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**Chapter 27 Signs and Outdoor Advertising**

25.05(1)(a), (b)	Sign and outdoor advertising violations	\$187.00	
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**Chapter 30 Alarms**

30.07	Intentional false alarm	\$313.00	
30.08	No use of audible alarm	\$187.00	

**Chapter 31 Mass Transit**

31.08	Passenger to make payment of proper fare	\$124.00	
31.09	Smoking on buses	\$73.60	
31.10	Bare feet on buses	\$73.60	
31.11	Boarding w/o proper clothing	\$73.60	
31.12	Food and drink prohibited	\$73.60	
31.13	Radios and tape players prohibited	\$73.60	
31.14	Pets and animals prohibited	\$73.60	
31.15	Restrict operator's vision ahead or to the side	\$124.00	

Notes:

1. Forfeitures for these offenses are controlled by Wisconsin Statutes Chapter 938, the Juvenile Code.
2. Forfeitures for these offenses are limited by Wisconsin Statutes Chapter 938, the Juvenile Code. Our total forfeiture, including court fees, cannot exceed \$124.00.
3. Municipal Code §11.01(9) sets the maximum penalty for harassment at \$200, which after court costs and fees are added, results in a maximum possible forfeiture of \$313.00.
4. Forfeitures for minors aged 14 to 17 are limited by Municipal Code §11.01(9)(b).

