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Memorandum

TO: Ordinance & License Committee, Common Council

FROM: Assistant City Attorney Michael Radavich

RE: Amendments to Municipal Code of Waukesha §§ 11.01(10)a, 25.05

In conjunction with the Police Department, the City Attorney's Office has conducted research evaluating the maximum and minimum forfeiture ranges for ordinance violations of neighboring communities. Our research indicates that our range for maximum forfeitures is lower than neighboring communities. Right now, the Code requires a range of \$1 to \$500 for first violations and \$10 to \$1,500 for second and subsequent violations within one year. We recommend amending § 25.05 to increase the forfeiture ranges for first offenses to \$50 to \$2,500 and \$100 to \$5,000 for second offenses.

For comparison, neighboring communities have the following forfeiture ranges for first offenses: the City of Muskego ranges from \$25 to \$5,000, the City of New Berlin ranges from \$5 to \$1,000, and the Village of Elm Grove ranges from \$50 to \$1,000. We have only amended the standard penalty range outlined in § 25.05 twice, in 1977 and 2005. We should set a high enough upper range to go a reasonable amount of time before needing to amend it again. It should be noted that the Common Council sets the range of forfeitures, and the Municipal Court Judge sets a bond schedule for specific ordinance violations within that range.

We also recommend amending MCW § 11.01(10)a to reflect these changes. Chapter 11 of the Code adopts numerous criminal state statutes and sets forfeiture ranges for violations. We recommend raising the maximum penalty in the forfeiture range to \$5,000 to conform with the recommended changes in § 25.05.