

**INSTRUCTION SHEET
ADDITIONS TO
MILWAUKEE CODE OF ORDINANCES
VOLUME 1**

SUMMARY

This supplement incorporates changes to Volume 1 of the Milwaukee Code of Ordinances enacted by the following Common Council file:

190828 A substitute ordinance relating to the preparation of minority impact statements.

<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
Remove <u>old</u> MEMO (Suppl. #404)					
				v-vi	v-vi
Ch. 50 (table)				1-2	1-2
50-6	cr	190828	9/30/2020	3-12	3-10

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Abbreviations:

am=amended
cr=created

ra=renumbered and amended
rc=recreated

rn=renumbered
rp=repealed

Revised 7/7/2020
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MEMO

If all supplements have been properly inserted, this book contains all actions of the Common Council through July 7, 2020.

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**CHAPTER 50
GENERAL PROVISIONS**

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50-1. Title of Ordinance; When to Take Effect. These ordinances shall be known as the Milwaukee Code and shall take effect and be in force from and after their passage and publication in accordance with the provisions of s. 62.11(4), Wis. Stats.

50-2. Citations to Ordinance Sections. References to provisions of the charter and code using parentheses to designate subsections, paragraphs and subdivisions shall continue to be valid references to such provisions for all legal purposes even though the official copies of such provisions shall use dashes to designate such parts.

50-3. Amending Code Sections. 1. FORM. All ordinances, the substance of which, or any sections or provisions of which, would have the effect of amending, altering, or adding to the provisions of the Milwaukee Code shall be drawn as amendments or additions to the Milwaukee Code, and every section shall be given a number which shall locate such section in the proper sequence in said code. It shall be the duty of the legislative reference bureau director to assign the proper section numbers for all ordinances introduced into the council creating new sections of the Milwaukee Code.

2. APPROVAL. a. By The Legislative Reference Bureau. Any proposed ordinance affecting any section of the printed city charter or code shall, after its introduction, be submitted by the city clerk to the legislative reference bureau director for approval as to form prior to any public hearing being held by a committee of the common council. The legislative reference bureau director shall also approve the form of any such ordinance amended by a committee of the common council.

b. By The City Attorney. Upon recommendation of a standing committee that a proposed ordinance affecting any section of the

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printed city charter or code be passed by the common council, the ordinance shall be submitted by the city clerk to the city attorney for approval as to legality and enforceability. If the city attorney disapproves the proposed ordinance as to legality and enforceability, the city clerk shall return the ordinance to the committee which had recommended passage.

If the committee recommends passage notwithstanding the disapproval of the city attorney, the city clerk shall present the proposed ordinance to the common council for its action and shall report to the common council that the committee recommends passage notwithstanding disapproval of the city attorney as to legality and enforceability. Whenever the city attorney is unable to complete the review of a proposed ordinance prior to the date of the meeting of the common council at which it is scheduled to be heard, the city attorney shall submit a written statement citing the reasons therefor and the anticipated date by which the review shall be completed.

3. EXCEPTIONS. The following ordinances shall not be subject to approval under sub. 2.:

- a. General salary, prevailing wage and positions ordinances.
- b. Bus franchise ordinances.
- c. Ordinances establishing width and grade of streets, alleys and sidewalks, and medial island change ordinances.
- d. Official map changes, and zoning district ordinances.
- e. Taxi stand location ordinances.
- f. Specific locations of stopping ordinances and parking ordinances.
- g. Ordinances designating specific locations of certain traffic regulations.

50-4. Fiscal Impact Statements

1. SUBMITTAL. A fiscal impact statement shall be submitted by each city agency authorized by a proposed common council file to expend funds not included in the city budget, or to increase or decrease previously authorized expenditures, or to suspend existing expenditure authority, or to increase or decrease city services, or which is authorized to administer a program affecting the city's fiscal liability or revenues affected by a common council file, or by each city agency

requesting an amendment to the salary or positions ordinance or requesting to borrow. The chair of any common council standing committee may also request that a fiscal impact statement be submitted for any other file assigned to the committee. Fiscal impact statements shall be submitted to the city clerk in a format approved by the common council according to a schedule determined by the city clerk.

2. SUBSTITUTE FISCAL IMPACT STATEMENT. If the common council adopts a file with a fiscal impact differing from the original fiscal impact statement and for which a substitute fiscal impact statement has not been received, the city clerk shall refer the adopted file to the appropriate department for preparation of a substitute fiscal impact statement, which shall be prepared and submitted to the city clerk and mayor within 3 business days after common council adoption.

3. EXCEPTIONS. No fiscal impact statement shall be required for any of the following:

- a. The mayor's proposed executive budget.
- b. An ordinance creating a penalty provision if the ordinance contains no other provision requiring a fiscal impact statement.
- c. An ordinance amending the salary or positions ordinance.
- d. A resolution approving attendance at conventions, seminars and other meetings.
- e. A resolution canceling property taxes.
- f. A resolution granting, amending or repealing a special privilege.
- g. A resolution relating to claims against the city.
- h. A resolution appropriating funds from the common council contingent fund.
- i. A resolution authorizing the expenditure of grant funds.

50-5. Reference to Be Made to Code. Any additions or amendments to the Milwaukee Code, when passed in such form as to indicate the intention of the common council to make the same a part thereof, shall be deemed to be included when reference is made to the Milwaukee Code.

50-6. Minority Impact Statement.

1. DEFINITIONS. In this section:

a. "City agency" means a department, division, bureau, office, board or commission, or other entity established by the city.

b. "Minority group" means any group comprised principally of:

b-1. African-Americans.

b-2. Hispanics.

b-3. Asians and Pacific Islanders.

b-4. Native Americans and Alaskan Natives.

b-5. Persons with disabilities.

b-6. Persons identifying or describing their sexual orientations or gender identities as lesbian, gay, bisexual, transgender, queer or questioning.

c. "Minority impact statement" means an evaluation and description of any impact common council legislation may have on a minority group.

2. REQUIREMENT. a. A minority impact statement shall be submitted by each city agency for every proposed common council resolution or ordinance involving:

a-1. A development agreement.

a-2. A grant.

a-3. A city contract or action relating to interaction between the city and residents in the course of delivering services, implementing city policies or programs, or enforcing city ordinances.

a-4. Creation of, or change in, a penalty provision in the code.

b. The chair of any common council standing committee may also request that a minority impact statement be submitted for any other file assigned to the committee.

c. Minority impact statements shall be submitted to the city clerk on a form prepared by the city clerk according to a schedule determined by the city clerk.

3. CONTENT. The minority impact statement submitted by each city agency shall explain qualitatively and quantitatively the positive and negative impacts of a proposed resolution or ordinance including:

a. The rationale for the action.

b. Evidence of consultation with the representatives of minority groups affected by the resolution or ordinance.

c. A description of the process used to evaluate minority impacts.

d. The basis for a conclusion that a proposed legislation has no minority impact.

4. EXCEPTIONS. No minority impact statement shall be required for the following:

a. An ordinance amending the salary or positions ordinance.

b. A resolution approving attendance at conventions, seminars and other meetings.

c. A resolution canceling property taxes.

d. A resolution granting, amending or repealing a special privilege.

e. A resolution relating to claims against the city.

f. A resolution appropriating funds from the common council contingent fund.

50-8. Repeal of the Milwaukee Code of 1914.

The codified ordinances of the city of Milwaukee passed May 25, 1914, and entitled "Milwaukee Code of 1914" and every ordinance passed subsequent thereto up to and including those passed on January 13, 1941, as amendments to the Milwaukee Code of 1914 except those mentioned in s. 50-9, are repealed.

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50-9. What Ordinances Not Repealed. All ordinances passed to provide for the issue of corporate bonds, to establish grade, to set up salary and positions, to grant franchises to public utilities and to regulate their use, to change the names of certain streets, to pave streets and sidewalks, and to grant highway and other privileges, are declared not to come within the provisions of s. 50-8 and are not repealed by the provisions thereof; provided, however, that any and all provisions of the code mentioned in this section conflicting with any of the provisions of these general ordinances are repealed.

50-10. Ordinances Repealed by Repeal of 1906 and 1914 Codes Not Re-enacted. No ordinance or part of any ordinance, heretofore repealed, shall be considered as re-ordained or re-enacted by virtue of the provisions of s. 50-8.

50-11. Ordinances Repealed Not Re-enacted. The repeal of any ordinance by the common council shall not revive any ordinance heretofore repealed or superseded nor any office hereto before abolished, nor shall any such repeal be construed as a declaration that any ordinance or part of any ordinance heretofore expressly or impliedly repealed was in force at any time subsequent to such first repeal, and all ordinances and parts of ordinances which were repealed or abrogated by or were repugnant to any of the ordinances above repealed shall remain repealed.

50-12. Offenses Committed Previous to Repeal. No offense committed and no penalty or forfeiture incurred previous to the time, when any of the ordinances aforesaid shall be repealed, shall be affected by such repeal, except that when any punishment, forfeiture or penalty shall have been mitigated by the provisions of these general ordinances, such provisions shall apply to and control any judgment to be pronounced after these general ordinances shall take effect for any offense committed before that time.

50-13. Prosecutions Pending Not Affected. No prosecution for any offense, or the recovery of any penalty for forfeiture, pending at the time when any of the ordinances aforesaid shall be repealed, shall be affected by such repeal; but the same shall proceed in all respects as if such ordinances had not been repealed, except that

all such proceedings had after the time when these general ordinances shall take effect shall be conducted according to the provisions of these general ordinances and shall be in all respects subject to said provisions.

50-14. General Penalty for Violations of Ordinances. Any person or persons who shall violate any of the provisions of these general ordinances, in cases where no penalty is provided or in cases where the penalty now provided imposes a prison sentence, except in default of payment of fine, on conviction, shall be subjected for each offense to a fine of not less than one dollar and not exceeding \$500 or by imprisonment as provided in s. 50-66.

50-15. Violations Committed Against Certain People or Property. 1. If a person does all of the following, the forfeiture for the underlying code violation is increased as provided in sub. 2:

a. Commits a code violation under chs. 105, 106, or 110.

b. Intentionally selects the person against whom the violation under par. a. is committed or selects the property that is damaged or otherwise affected by the violation under par. a in whole or in part because of the actor's belief or perception regarding the race, religion, color, disability, sexual orientation, national origin or ancestry of that person or the owner or occupant of that property, whether or not the actor's belief or perception was correct.

2. If a person commits a violation under sub. 1, the maximum forfeiture may be increased by not more than \$2,500.

3. This section provides for the enhancement of the forfeiture applicable for the underlying code violation. This section shall not apply except upon proof of all the issues specified in sub. 1.

4. This section does not apply to any code violation if proof of race, religion, color, disability, sexual orientation, national origin or ancestry or proof of any person's perception or belief regarding another's race, religion, color, disability, sexual orientation, national origin or ancestry is required for a conviction for that code violation.

50-16. Penalty Clauses; Interpretation.

1. Except as provided in sub. 2, notwithstanding the provisions of any part or section of these general ordinances, wherever imprisonment is prescribed in any penalty clause of any section, whether provided or stated in the alternative, disjunctive, in combination with any monetary forfeiture, penalty, fine or otherwise, such penalty provision is declared and intended to provide for imprisonment only upon default in payment of the monetary forfeiture, penalty or fine and shall be so construed.

2. Except as provided in ss. 90-18, 90-19, 90-39 and 106-36, no minimum forfeiture imposed by any of the penalty provisions of these general ordinances shall be made applicable to a violation of those ordinances by a person under the age of 18 years.

50-17. Severability. If any provision, sentence, clause, or other part of this code of ordinances or the application thereof to any person or circumstances, shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder thereof or the application thereof to other persons or circumstances but shall be confined in its operation to the provision, sentence, clause, section or part thereof and the persons and circumstances directly involved in the controversy in which such judgment was rendered. It is hereby declared to be the intent of the common council that such remaining portion would have been adopted had such unconstitutional or invalid provisions, sentence, clause, section, part or application not been included therein.

50-18. Aiding and Abetting Ordinance violations 1. Whoever is concerned in the commission of an ordinance violation is a principal and may be charged with and convicted of the commission of the ordinance violation although he or she did not directly commit it and although the person who directly committed it has not been convicted or has been convicted of some other ordinance violation based on the same act.

2. A person is concerned in the commission of an ordinance violation if he or she:

a. Directly commits an ordinance violation;

b. Intentionally aids and abets the commitment of an ordinance violation; or

c. Is a party to a conspiracy with another to commit an ordinance violation or advises, hires, counsels or otherwise procures another to commit an ordinance violation. Such a party is also concerned in the commission of any other ordinance violation which is committed in pursuance of the intended ordinance violation and which under the circumstances is a natural and probable consequence of the intended ordinance violation. This paragraph does not apply to a person who voluntarily changes his or her mind and no longer desires that the ordinance violation be committed and notifies the other parties concerned of his or her withdrawal within a reasonable time before the commission of the ordinance violation so as to allow the others also to withdraw.

50-20. Sale and Distribution of City Code and Charter.

1. SALES. Copies of the city code and charter and the provision of amendment services shall be sold for the fees specified in s. 81-35.5, except as otherwise provided in this section.

2. DISTRIBUTION. Copies of the city code and charter and the provision of amendment services shall be distributed electronically to city departments and agencies and public subscribers without charge.

50-25. Stipulation of Guilt, Citations.

1. AUTHORITY. Pursuant to the authority of ch. 800, Wis. Stats., 1977, citations may be issued for nontraffic violations.

2. CITATION FORM. The citation shall be signed by a peace officer or endorsed by a municipal attorney or be issued by other municipal officials designated by resolution or ordinance to issue citations and shall contain substantially the following information:

a. The name, address and date of birth of the defendant.

b. The name and department of the issuing officer.

c. The violation alleged, the time and place of occurrence, a statement that the defendant committed the violation, the ordinance, resolution or bylaw violated and a designation of the violation in language which can be readily understood.

d. A date, time and place for the court appearance, and a notice to appear.

e. Provisions for amount of deposit and stipulation in lieu of a court appearance, if applicable.

f. Notice that the defendant may make a deposit and thereby obtain release if an arrest has been made.

g. Notice that the defendant may by mail prior to the court appearance enter a plea of not guilty and may within 10 days after entry of the plea request a jury trial.

h. Notice that if the defendant makes a deposit and fails to appear in court at the time fixed in the citation, the defendant is deemed to have tendered a plea of no contest and submits to a forfeiture and penalty assessment plus costs, not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant rather than accept the deposit and plea.

i. Notice that if the defendant does not make a deposit and fails to appear in court at the time fixed in the citation, the court may issue a summons or a warrant for the defendant's arrest or may enter a default judgment against the defendant.

j. Any other pertinent information.

3. CITATION PROCEDURE.

a. **Contesting Citation.** Any person to whom a citation has been issued for violation of any section of the code may appear in municipal court to answer the charges set forth in the citation.

b. **Stipulation by Mail.** The stipulation of no contest and deposit shall be paid in cash, money order or bank check payable to the city treasurer of the city of Milwaukee. Such deposits may be sent to the municipal court or any designated paying agent therefor. The deposits shall be accompanied by the citation which shall be signed and include the violator's printed name and post office address. Receipt of deposit and citation shall negate the need for the violator to appear in court.

c. **Stipulation in Person.** Any person receiving a citation for violation of a section of the code may appear at the municipal court or any designated paying agent therefor and make a deposit in the form of cash, money order or bank check. Such deposits shall be accompanied by the citation which shall be signed and include the violator's printed name and post office address. Receipt of deposit and citation shall negate the need for the violator to appear in court.

d. **Liability of City Officers or Authorities.** No officer or city authority shall be personally or officially responsible for the payment of any dishonored check in payment of any forfeiture.

e. **Deposit With City Treasurer.** The forfeiture received shall be deposited with the city treasurer who shall furnish a receipt for the money paid over to him.

4. JUDGMENT OF FORFEITURE. Upon conviction of a violation of the code, the court shall enter a judgment of forfeiture against the violator payable to city together with the taxable costs, and in default of payment thereof, order confinement in the county jail or house of correction until such forfeiture and costs are paid, but not to exceed 90 days.

5. RESISTING OR OBSTRUCTING ISSUANCE OF CITATION. Whoever shall resist, interfere or obstruct a city officer, whenever such officer is acting in his official capacity and with lawful authority in the issuance of a citation shall forfeit a penalty of not less than \$10 nor more than \$250, and in default of payment thereof, be imprisoned in the house of correction for not less than 30 days nor more than 90 days. For the purpose of this subsection, "obstruct" includes, without limitation, giving false information to an officer which tends to mislead him in the performance of his duty.

6. NUISANCE ACTION NOTICE. The city attorney is authorized to provide notice to property owners, operators or occupants that the city of Milwaukee anticipates the filing of an action to appoint a receiver to abate a nuisance at their premises pursuant to s. 823.23, Wis. Stats.

50-31. Notices of Meetings of Governmental Bodies. **1. PURPOSE.** The purpose of this section is to ensure that notices and agendas of meetings of governmental bodies are available to the general public at one location, are readily accessible, and are in compliance with the requirements of the state open meetings law.

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2. DEFINITIONS. In this section:

a. "Governmental body" means any governmental body as defined in s. 19.82(1), Wis. Stats., that is part of, or exercises responsibility on behalf of, city of Milwaukee government.

b. "Meeting" has the meaning given in s. 19.82(2), Wis. Stats.

c. "Public notice" means the public notice provided by a governmental body pursuant to s. 19.84, Wis. Stats.

3. DELIVERY OF NOTICES REQUIRED. Each governmental body shall deliver to the city clerk a copy of the public notice and meeting agenda of each meeting at least 2 business days in advance of the meeting, unless the meeting is being called with less than 24 hours notice pursuant to s. 19.84(3), Wis. Stats., in which case the notice shall be delivered to the city clerk in time to allow for the minimum 2 hour posting. All notices shall contain all information required by s. 19.84(2), Wis. Stats., as well as any other information required by law.

4. PUBLIC ACCESS. The city clerk shall make available to the public all notices and agendas received pursuant to this section in a manner that complies with s. 19.84, Wis. Stats., including notice to the official city newspaper and any media who have requested such notice from the city clerk. Each governmental body shall be responsible for notice to media that have requested such notice directly from the governmental body.

5. OPEN MEETINGS LAW COMPLIANCE. A governmental body shall not be entitled to rely on the delivery of the public notice and agenda of a meeting to comply with the public notice requirements of s. 19.84, Wis. Stats., unless the notice and agenda is delivered to the city clerk 2 full business days prior to the day of the meeting.

50-41. Credit Card Acceptance by City Departments and Agencies.

1. CREDIT CARD ACCEPTANCE AUTHORIZED. A city department or agency may accept a credit card as payment for a product or service or to pay a fee, forfeiture or other charge as provided in this section.

2. APPROVAL PROCESS. a. Written Proposal. A department or agency that is not named in par. d or included in the exemptions specified in sub. 3 and that seeks to accept credit cards for payment shall provide the budget director with written notice of the department's or agency's proposal to accept credit cards. Each proposal shall do all of the following:

a-1. Specify the payments for which credit cards will be accepted.

a-2. Be consistent with the city's contractual arrangements for credit cards.

a-3. Name each credit card proposed to be accepted.

a-4. Contain an estimate of necessary equipment costs and related credit card fees for which the department or agency will be responsible.

b. Budget Director Review. The budget director shall review each proposal for the acceptance of credit cards except those specified in par. d. If the budget director finds that the proposal meets the criteria in par. c, the director shall prepare a written report of his or her findings and shall approve the proposal. The director shall notify the proposing entity in writing of the director's approval or disapproval.

c. Criteria for Review. The budget director shall approve a proposal if the director finds that:

c-1. The proposed use is consistent with the city's contractual arrangements for credit cards as determined in consultation with the city treasurer.

c-2. The benefits to the city of the proposed use justifies the cost to the city of the proposed use.

d. Treasurer's Office and Water Works Department. d-1. Whenever the treasurer's office or the department of public works or water works seeks to accept credit cards for payment, it shall provide the chair of the common council finance and personnel committee, the comptroller and the budget director with written notice of its proposal to accept credit cards. Each proposal shall conform to the requirements of par. a-1 to 4.

d-2. The common council finance and personnel committee shall hold a hearing on any proposal submitted pursuant to this paragraph. The committee may approve the proposal, reject the proposal, recommend changes to the proposal or hold the proposal in committee. When the committee approves a proposal, the treasurer's office or water works may implement it, subject to the requirements of par. e.

e. Final Clearance. Prior to implementing credit card usage, all the following actions shall be taken:

e-1. The department or agency shall notify in writing the treasurer, the budget director, the director of purchasing, the comptroller and the chair of the common council finance and personnel committee.

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e-2. The director of purchasing shall provide written notice to the entity with which the city has contractual arrangements for credit cards.

e-3. The director of purchasing shall provide written notice to the department or agency of final clearance to implement the approved proposal.

3. DEPARTMENT AND AGENCY PAYMENTS EXEMPTED FROM APPROVAL PROCESS. The following departments and agencies may accept credit cards for the specified purposes without complying with the approval process specified in sub. 2, but shall be subject to the provisions of subs. 4 and 5 and to contractual arrangements for credit cards that the city has in place:

a. The police department for payment of fines and citations.

b. The municipal court for payment of court penalties, fees, fines and forfeitures.

c. The department of public works tow lot for payment of towing services and related charges.

d. The library for payment of late fees and penalties and charges for lost or damaged items.

e. The department of city development for payment of plan examination and permit fees, deposits, escrow account payments and all items available for sale at the development center.

f. The department of neighborhood services for payment of billings and other services.

g. The department of public works for sale of compressed natural gas to the public.

4. FEES AND BUDGETS. a. The city treasurer shall charge any department or agency that has approval and final clearance to accept credit cards, or that is exempted under sub. 3 from the approval process, that department's or agency's respective share of the fees assessed by the credit card contractor against the city's bank account used for credit card collections. City departments and agencies shall comply with consistent policies governing the payment of credit card fees.

b. Beginning January 1, 2000 all departments and agencies accepting a credit card for payment pursuant to this section shall charge that department's or agency's respective credit card fees to its operating (expenditure) appropriation.

5. CHANGES. A department or agency accepting credit cards that seeks to amend or deviate from its operating procedure shall obtain new approval for the amendment or deviation by complying with the approval procedure set forth in sub. 2. Such approval is required for any amendment or deviation, regardless of whether the operating procedure of the department or agency was originally approved under sub. 2 or exempted under sub. 3.

50-42. Electronic Signature Acceptance by City Departments and Agencies. ELECTRONIC SIGNATURE ACCEPTANCE AUTHORIZED. It is the policy of the city that electronic signatures are acceptable for official business of the city. The use of electronic signatures by a city department or agency shall comply with ch. 137, Wis. Stats.

50-66. Imprisonment for Nonpayment of Fines. In all cases of conviction for the violation of any of the several ordinances of the city, except such wherein the term of imprisonment is now prescribed, the imprisonment of the person or persons so convicted in case of the nonpayment of any penalty, fine or forfeiture imposed, shall be in the jail or the house of correction of Milwaukee county for the term of not more than 90 days in the discretion of the court; and it is hereby made the duty of the court in the execution for the collection of any such fine, forfeiture or penalty and costs, when to direct imprisonment is allowed by law, to insert a clause directing the imprisonment of the offender or offenders in the jail or house of correction aforesaid for such length of time as may be specified in the ordinance under which the conviction is had, or for such length of time as may be determined by the court under this section. This section is declared to be amendatory of and, in addition, to the several sections in these general ordinances which impose fines, forfeitures or penalties, but do not provide for the imprisonment of the offenders in case of the nonpayment of the same.

50-67. Costs. All parts and sections of these general ordinances prescribing penalties for their violations shall be construed by the court to carry with such penalties all costs of prosecution and collection, and in entering up judgment in all cases, such costs shall be included as against the delinquent.

50-68. Judgments Executed. Whenever a judgment shall be rendered in favor of the city for any cause, it shall be the duty of the city attorney to take out an execution against the party and proceed as speedily as possible to make collection of the same; and if the party against whom such judgment shall lie has no personal property to satisfy the same, but has real property in any county within the state, then it shall be the duty of said attorney to file a transcript of such judgment in the city clerk's office in the county where such real estate may be, and proceed without delay to collect the amount of such judgment out of such real estate.

50-69. City Clerk to Accept Satisfaction of Judgment. The city clerk is designated under s. 806.19(1) Wis. Stats., as owner for the city of money owed to the city on any judgment 5 years or older, and is authorized to sign for the satisfaction in whole or in part of money owed by any judgment debtor.

50-71. Bail for Person Violating Ordinances. The chief of police is authorized, whenever in his opinion circumstances may require it, to receive from any person who shall have been accused of having violated any city ordinance and has been arrested therefore, an unsecured appearance bond; equal to the whole amount of the penalty and costs, the imposing of which in such case may be authorized, and to release such person from arrest until the opening of the municipal court on the next succeeding day when such court may be in session, or until such a time which may be fixed for the hearing of the case; provided, however, that if an unsecured appearance bond is posted in lieu of cash bail, the bond shall contain a provision that in the event of default in appearance personally by the defendant, a default judgment shall be entered against the defendant.

50-72. Deposit to Apply on Fine to be Refunded. In case a person arrested for violation of a city parking ordinance and released shall fail to appear personally or by an authorized attorney or agent before the municipal court at the time fixed for hearing of the case, then the bond or money deposited or such portion thereof as the court may determine to be an adequate penalty plus costs shall be forfeited and ordered applied upon payment of any penalty which may be imposed after an ex parte hearing, together with costs. In either event, the surplus, if any there be, shall be refunded to the person who made such deposit.

50-73. City Not Liable for Deposit. The provisions of ss. 50-71 and 50-72 shall not be construed so as to make the city of Milwaukee in any case liable for the whole or any part of the money deposited with the chief of police.

50-74. Police Not to Become Bail. The chief of police and the policemen shall be incompetent bail for any person arrested and shall in no case become bail for any person under arrest.

50-75. Suspension of Motor Vehicle Operating Privileges of School Dropouts. 1.

In this section:

a. "Dropout" has the meaning given in s. 118.153(1)(b), Wis. Stats.

b. "Operating privileges" has the meaning given in s. 340.01(40), Wis. Stats.

2. a. Whenever a court finds that a child who is at least 16 years of age but less than 18 years of age is a dropout, the court may suspend the child's operating privilege until the child reaches the age of 18.

b. If a court finds that suspension of a child's operating privilege until the child reaches the age of 18 would cause an undue hardship to the child or the child's family, the court may enter an order making any of the dispositions specified under s. 48.342(1), Wis. Stats.

c. A court may dismiss an order suspending operating privileges of a child if the child shows documentary proof of enrollment in a school program or a high school equivalency program, as provided in s. 43.364, Wis. Stats.

3. Whenever a court suspends a child's operating privilege under this section,

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the court shall immediately take possession of the suspended license and forward it to the Wisconsin department of transportation together with a notice stating the reason for and the duration of the suspension.

4. This section is enacted under the authority of s. 118.163(2m), Wis. Stats.

50-77. Court Authority to Impose Alternative Juvenile Dispositions and Sanctions.

1. For a juvenile adjudged to have violated an ordinance, a court is authorized to impose any of the dispositions listed in ss. 938.343 and 938.344, Wis. Stats., in accordance with the provisions of those statutes.

2. For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court under

ss. 938.343 or 938.344, Wis. Stats., the municipal court is authorized to impose any of the sanctions listed in s. 938.355(6)(d), Wis. Stats., in accordance with the provisions of those statutes.

3. This section is enacted under the authority of s. 938.17(2)(cm), Wis. Stats.

[Pages 11 to 70 are blank]

“For legislative history of chapter 50, contact the Legislative Reference Bureau.”