

**TOWN OF WEST BEND
ORDINANCE # 2021-03**

**ORDINANCE TO REPEAL AND RECREATE SECTION 7.13(9) OF THE MUNICIPAL CODE
RELATING TO PARKING CITATIONS**

THE TOWN BOARD OF THE TOWN OF WEST BEND, WASHINGTON COUNTY,
WISCONSIN DO ORDAIN AS FOLLOWS:

Section 1. That section 7.13(9) of the Municipal Code of the Town of West Bend, Washington County, Wisconsin is hereby repealed and recreated to read as follows:

- (1) **PARKING CITATIONS.** The Town Attorney shall recommend to the Town 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 violation of non-moving traffic regulations defined and described in the Wisconsin Statutes, adopted by reference in Section 7.01 of the Town Code, 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 (3) of this section. Non-moving traffic citations may be issued by law enforcement officers or by authorized civilian employees of the Town.
- (2) **PENALTY FOR OTHER PARKING VIOLATIONS.** For violations of all parking violations, any person cited within the Town for any parking violations may within ten (10) days from issuance of a parking ticket pay the sum of One Hundred Dollars (\$100.00) plus towing charges and storage charges, if any, without any further costs for such parking violation. In the event that the above is not paid within ten (10) days, the individual shall be subject to being summoned to appear in court, arrested by warrant as authorized by law or have their registration suspended as provided by law. In the event registration suspension is sought, the individual shall be assessed the cost to the Town of West Bend of using the registration program.
- (3) **NON-MOVING TRAFFIC OFFENSES.**
 - a) Direct Payment of Penalty Permitted. Person 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 ten (10) days of the issuance of the citation to the Town Clerk-Treasurer the minimum forfeiture specified for the violation. When payment is made as provided in this paragraph, no court costs shall be charged.
 - b) Registration Suspension. If the alleged violator does not pay the forfeiture on the date specified in the citation, the Town 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.
- (4) **REGISTRATION SUSPENSION PROGRAM.**
 - a) The Town of West Bend 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 thereof.

b) The Clerk-Treasurer is hereby designated as a delegated authority for purposes of Sections 85.13 and 345.28, Wis.Stat., and Wis. Adm. Code TRANS 128. The Clerk-Treasurer is 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:

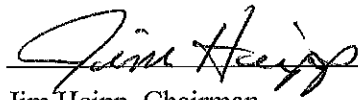
- (1) Preparing and completing all forms and notices, notifying the Wisconsin Department of Transportation of unpaid citations for non-moving traffic violations;
- (2) Specifying whether the registration of vehicles involved in unpaid citations for non-moving traffic violations should be suspended and/or 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 Town 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) 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.


Section 2. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific portion thereof directly specified in the decision, and shall not affect the validity of any other provision, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with provision of this ordinance are hereby repealed as to those terms that conflict.

Section 3. This ordinance shall take effect upon passage and posting as provided by law.

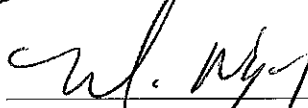
PASSED AND ADOPTED by the Town Board of the Town of West Bend, Washington County, Wisconsin this 13 day of July, 2021.



Jim Heipp, Chairman

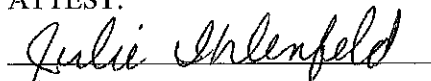


Troy Zagel, Supervisor



Mark Wagor, Supervisor

ATTEST:



Julie Ihlenfeld, Clerk