

LRB – FISCAL REVIEW SECTION ANALYSIS
JANUARY 14, 2002 AGENDA **ITEM 9, FILE 011249**
JUDICIARY & LEGISLATION COMMITTEE **Emma J. Stamps**

File #011249 is a resolution approving a revised Municipal court deposit schedule.

Background and Discussion

1. The Municipal Court has jurisdiction over action for forfeitures for violations of city ordinances initiated by citizen complaint and by city departments. The Court imposes, collects, and deposits fines and forfeitures for these violations on behalf of the City.
2. State statute requires the court to set the deposit schedule. The schedule, however, does not become effective until approved by Council.
3. File #011249 includes a revised Municipal Court deposit schedule that reflects a 1 percent change in the State Penalty from 23% to 24%, applicable to all municipal violation forfeiture deposits. State law mandates the change.
4. Several new forfeitures are contained within the 2002 revised deposit schedule:
 - \$150 – Sale of tobacco to persons under 18 – 1st offense
 - \$286 – Sale of tobacco to persons under 18 – 2nd offense
 - \$ 64 – Purchase & possession of cigarettes and tobacco products persons under 18
 - \$402 – Retaliation Prohibited Against Tenant Reporting Building Code Violators
 - \$320 – Property Recording
 - \$320 – Lack of Code Compliance Certificate
 - \$588 – Unlicensed Electrical Contractor
 - \$588 – No Electrical Permit
 - \$320 – Erosion Control
 - \$320 – Historic Preservation
5. The judges have authority to set forfeitures through the Court deposit schedule. Currently, citations issued for Department of Neighborhood Services code violators range from \$399 to \$524 compared to \$320 if the violation results in the issuance of a summons and complaint. The Court deposit schedule is changing to establish a \$320 uniform forfeiture for summons and complaints and citations issued for violations of the following provisions:
 - Exterior Code Compliance – Sec. 200-55-2
 - Plumbing without Permit – Sec.225-3-4
 - Violation of Plumbing Stop Work Order – Sec. 225-3-5-a
 - Building Maintenance – Ch. 275
 - Zoning Violations – Ch. 295
 - Failure to Comply with the conditions of a Special Use or Variance – Sec. 295-596
 - Zoning Violation – Sec. 295-59-6-a

Fiscal Impact

All monies collected for the State penalty passes to the State of Wisconsin.

The revenue impact of the building code forfeiture decreases, and forfeitures imposed for newly created code sections is largely dependent upon the level of enforcement by the Milwaukee Police Department, City Attorney and the Department of Neighborhood Services.

cc: Marianne Walsh
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LRB-Fiscal Review
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