



MEMO

Department

To: Common Council

From: Tim Greenwood, City Attorney

Date: July 21, 2026

Re: Amendment to Ordinance 9.01 – Offenses Against State Law Subject to Forfeiture

Background information:

Section 9.01 of the Municipal Code adopts by reference certain Wisconsin Statutes as municipal forfeiture offenses pursuant to the City's authority under Wisconsin law. The current ordinance contains a list of incorporated state statutes that has been amended periodically over many years.

Since adoption of the current version of Section 9.01, a number of Wisconsin Statutes have been repealed, renumbered, recreated, or otherwise amended by the Legislature. As a result, certain statutory references within the ordinance are obsolete or no longer correspond to current Wisconsin law. The proposed amendment updates the incorporated statute list to reflect current statutory numbering and removes references to statutes that have been repealed or are no longer appropriate for municipal prosecution.

The amendment also removes references to prostitution-related offenses under Wis. Stat. §§ 944.30, 944.31, and 944.33(1) from Section 9.01. These offenses are already independently adopted and regulated under Municipal Code Section 9.33, which incorporates Chapter 944, Subchapter V of the Wisconsin Statutes and establishes a separate forfeiture range specifically applicable to prostitution-related offenses. Accordingly, removal of these provisions from Section 9.01 eliminates duplication within the Municipal Code and aligns the ordinance with prior action of the Common Council.

The proposed amendment also removes the historical practice of placing a "9." prefix before each incorporated Wisconsin Statute. Because the incorporated offenses are Wisconsin Statutes rather than municipal code sections, the prefix serves no substantive purpose and may create confusion regarding whether the listed offenses are municipal ordinances or state statutes. The revised format identifies the Wisconsin Statutes directly, making the ordinance easier to read and maintain.

In addition, the amendment updates the introductory language of Section 9.01 to clarify the City's authority to adopt state law offenses by reference and to provide that incorporated

statutes are adopted as amended from time to time, promoting consistency between the Municipal Code and Wisconsin law.

Strategic Plan:

Adoption of the proposed ordinance will improve clarity, maintain consistency with current Wisconsin Statutes, reduce confusion regarding incorporated offenses, and simplify future administration of Section 9.01.

Budget: N/A

Staff Recommended Action:

Recommend approval of the amendment to Ordinance 9.01, Offenses Against State Laws Subject to Forfeiture.