

**VILLAGE OF LITTLE CHUTE
ORDINANCE NO. 15, SERIES OF 2011**

**AN ORDINANCE AMENDING AND RECREATING SECTION 26-131 (b) OTHER
SANCTIONS, (3) ALCOHOL RELATED BLOOD TEST FEE(a)(b)(c)(d) AND APPENDIX C
VILLAGE FEES, DEPOSITS AND CHARGES**

Sec. 26-131. - Penalties.

(a) Forfeiture penalty. The penalty for violation of any provision of this chapter shall be a forfeiture as hereafter provided, together with court costs and fees prescribed by Wis. Stats. § 814.63(1) and (2) or Wis. Stats. § 814.65(1), the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by Wis. Stats. § 346.655, where applicable. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than 60 days. Any person 18 years of age or older who shall fail to pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this chapter may, upon order of the court entering judgment therefor and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding 90 days.

(b) Other sanctions.

(1) By court. Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the state statutes to suspend or revoke the operating privileges of the defendant, order the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school in addition to payment of a monetary penalty or in lieu or imprisonment.

(2) By village. No person who has been convicted of a violation of any provision of this chapter shall be issued a license or permit by the village, except a dog license, until the forfeiture imposed for such violation and any penalty assessment, court costs and fees or surcharge is paid.

(3) Alcohol-related offenses. ~~Upon conviction of any alcohol related offense for which the village has expended funds or incurred expense for the withdrawal or testing of blood or urine, the cost of such service to the village shall be added to any forfeiture, court costs, and fees imposed by the court.~~ Pursuant to § 814.65(4m) the Municipal Court shall also impose blood test fees pursuant to the following requirements and limitations:

Blood test fee.

(a) Except as provided in par. (d), if a defendant is required to appear in municipal court, in addition to any forfeiture, costs, fees, or surcharges it imposes, the municipal court shall impose and collect from the defendant any costs charged to or paid by a law enforcement agency for the withdrawal of the defendant's blood if the court finds that the defendant violated a local ordinance in conformity with s. 23.33(4c), 30.681, 346.63, or 350.101.

(b) Except as provided in par. (d), if at the time the court finds that the defendant committed the violation, the law enforcement agency has not paid or been charged with the costs of withdrawing the defendant's blood, the court shall impose and collect the costs

the law enforcement agency reasonably expects to be charged for the withdrawal, based on the current charges for this procedure.

(c) The court shall disburse the amounts it collects under this subsection to the law enforcement agency that requested the blood withdrawal.

(d) The court may not impose on the defendant any cost for an alternative test provided free of charge as described in s. 343.305(4).

Section 2. Severability. If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or its applications.

Section 3. Effective Date. This Ordinance shall become effective on the date of passage and publication.

Date introduced: August 10, 2011

Date approved and adopted: August 17, 2011

VILLAGE OF LITTLE CHUTE

By: _____
Michael R. Vanden Berg, Village President

Attest: _____
Vicki Schneider, Village Clerk