

VILLAGE OF LITTLE CHUTE

ORDINANCE NO. 2, SERIES 2019

AN ORDINANCE AMENDING SECTION 26-131 OF THE VILLAGE OF LITTLE CHUTE MUNICIPAL CODE REGARDING PARKING FINES AND AN AMENDMENT TO APPENDIX C

Be it hereby ordained, by the Village Board of the Village of Little Chute, Outagamie County, Wisconsin, that Village of Little Chute Ordinance Section No. 26-131 be amended as follows:

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 of 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.* 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 [sub]paragraph 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 [Wis. Stats. §§] 23.33(4c), 30.681, 346.63, or 350.101.
- b. Except as provided in [sub]paragraph 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 [Wis. Stats. §] 343.305(4).

(c) *Forfeitures for violation of uniform moving traffic regulations.* Forfeitures for violations of any moving traffic regulation set forth in the state statutes adopted by reference in section 26-1 shall conform to

the forfeiture penalty permitted to be imposed for violations of the comparable state statutes, including any variations or increases for subsequent offenses; provided, however, that this subsection shall not be construed to permit prosecution under this chapter for any offense described in Wis. Stats. chs. 341 to 349, for which an imprisonment penalty or fine may be imposed upon the defendant.

(d) *Forfeitures for parking violations.*

- (1) Forfeitures for uniform statewide parking, stopping and standing offenses. Minimum and maximum forfeiture for violation of nonmoving traffic violations adopted by reference in section 26-1 as described in Wis. Stats. chs. 341 to 349, shall be as found in the current edition of the Revised Uniform State Traffic Deposit Schedule.
- (2) *Penalty for other parking violations.*
 - a. The amount of forfeitures for violation of parking regulations in section 26-70(a), (b), (d), and (e) shall be according to the general penalties described in section 1-12 and/or the amount listed in the "Village Fees, Deposits and Charges Schedule," attached as appendix C to this Code. If the forfeiture is not paid within ten days, the vehicle registration may be suspended.
 - b. Violation of section 26-70(c) shall result in a forfeiture according to the general penalties described in section 1-12 and/or the amount listed in the "Village Fees, Deposits and Charges Schedule," attached as appendix C to this Code. In addition, the police department shall have authority to have removed, at the owner's expense, any vehicle in violation of section 26-70(c).
 - c. Penalty for other parking violations. The penalty for all other parking violations not included in this subsection shall be a forfeiture of not less than \$20.00. If not paid within ten days of the offense the forfeiture will increase to \$35.00.
 - d. Penalty for Handicap violations shall be a forfeiture of not less than \$75.00. If not paid within ten days of the offense the forfeiture will increase to \$100.00.
- (e) *Other violations.* Any person who shall violate any provision of this chapter for which a penalty is not otherwise established by this section or the "Village Fees, Deposits and Charges Schedule," attached as appendix C to this Code shall be subject to the general penalties described in section 1-12.

Date Introduced, Approved and Adopted: March 20, 2019

VILLAGE OF LITTLE CHUTE

By: 

Michael R. Vanden Berg, Village President

Attest: 

Laurie Decker, Village Clerk

(Code 2006, § 10-1-50; Ord. of 6-7-1995; Ord. No. 25(Ser. of 2004), 12-15-2004; Ord. No. 17(Ser. of 2010), 9-15-2010; Ord. No. 15(Ser. of 2011), 8-17-2011)

**AMENDMENT TO
VILLAGE OF LITTLE CHUTE
ORDINANCE APPENDIX C**

Be it hereby ordained, by the Village Board of the Village of Little Chute, Outagamie County, Wisconsin, that Village of Little Chute Ordinance Appendix C be amended as follows:

26-131(d)(2)a.	Prohibited parking during certain periods (sec. 26-70(a), (b), (d), and (e)) (if not paid within 5 days, vehicle registration may be suspended).	\$20.00
	If not paid within 10 days of the offense.	\$35.00
26-131(d)(2)b.	Prohibited parking during certain periods sec. 26-70(c) snow emergency).	\$20.00
	If not paid within 10 days of the offense.	\$35.00
26-131(d)(2)c.	Other parking violations.	\$20.00
	If not paid within 10 days of the offense.	\$35.00
26-131(d)(2)d.	Handicap violation.	\$75.00
	If not paid within 10 days of the offense.	\$100.00