

TOWN OF BLACK BROOK
ORDINANCE # 2020-01

An Ordinance addressing Court Costs and Fees to be applied in Town Enforcement Actions brought to the Joint Municipal Court with the City of Amery and the Village of Clear Lake, Polk County Wisconsin

The Town Board of the Town of Black Brook does ordain as follows:

SECTION I. SECTION CREATED

Section _____ of the Town of Black Brook (hereafter "Town") ordinances (hereafter "Ordinances") is hereby created. If any provisions of any other Ordinance of the Town are in conflict with the terms of this ordinance, this Ordinance shall control.

SECTION II. CREATION OF JOINT MUNICIPAL COURT.

A joint Municipal Court covering the City of Amery, the Villages of Clerk Lake and Clayton and the Town of Black Brook (hereafter "Court") is created by separate ordinance passed by the Town. Chapters 755 and 814, addressing Municipal Courts and Courts of Record, are hereby adopted by reference to the Ordinances.

SECTION III. CRIMINAL ARRESTS. Officers of the Village of Clear Lake Police Department, with which the Town has contracted for law enforcement services in the Town, are hereby authorized to make criminal arrests and issue citations for ordinance violations within the Town.

SECTION IV. STATE TRAFFIC CODE.

1. Wisconsin State Statutes Chapters 300 through 349, inclusive, are hereby adopted by reference to the Ordinances.
2. Forfeiture Penalty; Restitution. The penalty for violation of any provision of this Chapter shall be a forfeiture as hereinafter provided, together with court costs and fees prescribed by Sections 814.63(1) and (2) of the Wisconsin Statutes, and the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by Sections 165.87 and 346.655 of the Wisconsin Statutes, where applicable.
3. Enforcement Costs, Court Costs, Fees, Restitution; Assessments and Surcharges.
 - a. Upon conviction for a violation under this Chapter, pursuant to Section 346.63(1)(a) or (b) of the Wisconsin Statutes, the Court may impose restitution of all actual costs chargeable to the Town as a disbursement associated with the traffic ordinance violation, including (without limitation), costs for the withdrawal and/or analysis of blood, breath, and/or urine, and, in all cases, actual costs of service of process. This also includes (without limitation) restitution of costs associated with traffic forfeitures involving blood alcohol concentration, operating while intoxicated, or operating under the influence of a controlled substance.

- b. The Town elects by ordinance to authorize restitution with traffic forfeitures for damage to property, whether private or municipal property, caused by such traffic violations, such as (without limitation) damage caused to the roadway, hit-and-run property damage, or similar destruction or damage to property. Such restitution shall be paid to the property owner.
4. Applicable Court Procedures. Except where otherwise provided by the laws of the State of Wisconsin or Town Ordinances, the traffic regulations in the Ordinances shall be enforced in accordance with the provisions of Sec. 345.20(2)(b) and Chapter 800 of the Wisconsin Statutes.

SECTION V. OTHER COSTS AND FEES. Other costs and fees imposed by the Court for violations within the Town shall be as follows:

Municipal Court Costs, Fees and Surcharges shall be as specified in Chapter 814, and Sections 757.05 [Penalty surcharge], 302.46(1) and 66.0114(3)(b) [Jail surcharge], 165.755 and 66.0114(3)(b) [Crime laboratories and drug law enforcement surcharge], 346.655(1) [OWI/PAC Driver improvement surcharge], 346.657 [Safe ride program surcharge], 888.05-.07 and 814.67 [witness fee], 973.055(1) [Domestic abuse surcharge], 343.301(5) [IID surcharge] of the Wisconsin Statutes which are hereby adopted by reference to the Ordinances.

SECTION VI. SEVERABILITY

If any provision of this Ordinance or any application of this Ordinance to any person or circumstance is found to be invalid or unconstitutional, such a finding shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION VII. EFFECTIVE DATE

This Ordinance shall take effect upon passage as provided by law.

Adopted this 17 day of December, 2020.

TOWN OF BLACK BROOK



Charles Barney, Town Chairman



Sally Pickard, Town Clerk

Voted for: 3

Voted against: 0

Abstained: 0

Effective date: December 18, 2020