

ORDINANCE NO. OR07-04

**AN ORDINANCE AMENDING THE MUNICIPAL CODE,
CHAPTER 3, ENFORCEMENT OF ORDINANCES
SECTION 3-6, MUNICIPAL COURT FEES AND COSTS,
AS IT RELATES TO COURT COSTS ADMINISTERED
BY THE MUNICIPAL COURT IN THE CITY OF BRILLION,
CALUMET COUNTY, WISCONSIN**

The Common Council of the City of Brillion does ordain as follows:

SECTION I – INTENT: Chapter 3, Enforcement of Ordinances, Section 3-6, Municipal Court Fees and Costs is hereby repealed and recreated as follows:

SECTION II - STATUTORY AUTHORITY: This ordinance is created and established, pursuant to Wis. Stats. § 755.01, in and for the city a municipal court which shall be designated as the "Municipal Court for the City of Brillion. In the event that any provision of this ordinance is inconsistent, or conflicts with such statutes or any of them, that statute, and not this ordinance, shall control and be applied.

Sec. 3-6. Municipal court fees and costs.

- (a) Court costs. Court costs as referred to in §814.65(1) on each separate matter that comes before the municipal judge, whether it is on default of appearance or a plea of guilty or no contest or on issuance of a warrant or summons or the action is tried as a contested matter. The municipal treasurer shall pay monthly to the state treasurer the amount as required by Wis. Stats. § 814.65.
- (b) Witness and interpreter's fees. The fees of witnesses and interpreters shall be paid as specified in Wis. Stats. § 814.67.
- (c) Fees paid to municipality. All fees and costs collectible by the municipal judge shall be paid to the municipality which brought the matter before the municipal judge.
- (d) Forfeitures, fees, penalty assessments and costs turned over to the municipality. All forfeitures, fees, penalty assessments and costs paid to the municipal court under a judgment before the municipal judge shall be paid to the municipal treasurer within seven days after receipt of the money by the municipal judge or other court personnel. At the time of the payment, the municipal judge shall report to the municipal treasurer the title of the action, the offense for which a forfeiture was imposed and the total amount of the forfeiture, fees, penalty assessments and costs, if any.
- (e) Attorney fees. The municipal court shall not impose and collect attorney fees.
- (f) Taxation of fees and costs. Other than fees specified in subsection (a), no fees or costs are taxable by a municipality to a party before the municipal court unless it is directly chargeable, to the municipality as a disbursement, such as service of process costs.
 1. The City of Brillion has set the primary test for violations of §346.63 to be that of blood, under authority of §343.305(5) (b). Since the required test is a cost that is directly chargeable to the City of Brillion. The costs of such tests shall be ordered against the defendant in the said matter by the municipal court.
 2. The City of Brillion Police Department has the direct authority to deliver documents ordered by the court for personal delivery. Those being; Inspection Warrants, Civil Warrants, Writs and Summons. Since these items are directly chargeable to the City of Brillion in the form of Police

Officer wages and vehicle mileage, the costs of such expenses shall be ordered against the defendant in the said matter by the municipal court.

- (g) Costs and fees on appeal. On appeal from municipal court, the filing fees as designated in Wis. Stats. § 59.42(3), and the suit tax as designated in Wis. Stats. § 914.61(g), are applicable. The appellant shall also pay a fee under section 2-269(f)(1). Costs shall be as provided in Wis. Stats. § 814.08. (Ord. No. OR00-07, § 1, 4-24-2000; Ord. No. OR01-03, 5-14-2001)

SECTION VII – SEVERABILITY

The provision of this ordinance shall be deemed severable and it is expressly declared that the City would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other person's circumstances shall not be deemed affected.

SECTION VIII – EFFECTIVE DATE

This ordinance shall take effect upon passage and publication as required by law.

Ordinance Number OR07- 04 introduced and its adoption moved by Alderperson Edinger; and seconded by Alderperson Deiter.

Upon a poll vote thereon, the result was as follows:

<u> 9 </u>	Votes Cast
<u> 9 </u>	Votes Yes
<u> 0 </u>	Votes No

The Mayor declared Ordinance Number OR07-04 adopted, approved and signed the same this 23rd day of April, 2007.

Gerald Sonnabend, Mayor

Attested:

Lori M. Gosz, City Clerk/Treasurer