

**Town of Townsend
Oconto County
State of Wisconsin**

**Ordinance # 01-2014
Forfeiture Penalty**

The Town Board of the Town of Townsend, County of Oconto, Wisconsin do ordain the following:

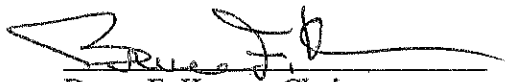
Ordinance No.: 01-2014 Forfeiture Penalty.

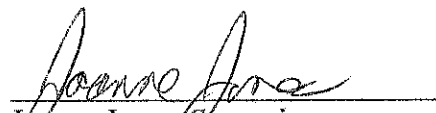
It is hereby amended to add new bond schedule from \$28.00 to \$38.00 per Wisconsin Statute SS 814.65.


The Ordinance shall take effect upon passage and publication provided by law.

Adopted this 13th day of May, 2014.

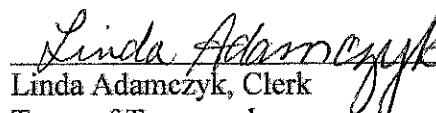
Published this 13th day of May, 2014


Bruce F. Karow, Chairperson
Town of Townsend


Joanne Jones, Supervisor
Town of Townsend


Carla Van Camp, Supervisor
Town of Townsend

ATTEST:


Linda Adameczyk, Clerk
Town of Townsend

814.65 Fees of the municipal court.

- (1) **COURT COSTS.** In a municipal court action, except for a financial responsibility violation under s. 344.62 (2) or for a violation of an ordinance in conformity with s. 343.51 (1m) (b) or 347.48 (2m), the municipal judge shall collect a fee of not less than \$15 nor more than \$38 on each separate matter, whether it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant or summons, or the action is tried as a contested matter. Of each fee received by the judge under this subsection, the municipal treasurer shall pay monthly \$5 to the secretary of administration for deposit in the general fund and shall retain the balance for the use of the municipality.
- (2) **WITNESS AND INTERPRETER'S FEES.** The fees of witnesses and interpreters shall be paid as specified in s. 814.67.
- (3) **ATTORNEY FEES.** A municipal court shall not impose and collect attorney fees.
- (4) **TAXATION OF FEES AND COSTS.**
- (a) Other than fees specified in sub. (1) and costs specified in par. (b), no fees or costs are taxable by a municipality to a party before a municipal court unless it is directly chargeable to the municipality as a disbursement, such as service of process costs.
- (b) If service of process is accomplished by municipal personnel, the cost of the service prescribed under ss. 814.70 and 814.71, subject to any modification applicable under s. 814.705, is taxable regardless of whether separate disbursement is made to specifically reimburse the municipal employee or agency.
- (4m) **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 withs. 23.33 (4c), 23.335 (12) (a) or (b), 30.681, 114.09, 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).
- (5) **COSTS AND FEES ON APPEAL.** On appeal from municipal court, the appellant shall pay the fee prescribed in s. 814.61 (8). Costs shall be as provided in s. 814.08.

History: 1981 c. 317; 1983 a. 107; 1987 a. 181, 389, 399, 403; 1989 a. 22; 1991 a. 26; 1997 a. 27; 2003 a. 30, 33, 320; 2005 a. 54, 455; 2007 96; 2009 a. 28, 100, 121; 2011 a. 32; 2013 a. 53, 107; 2015 a. 55, 170; s. 35.17 correction in (1).

The phrase "each separate matter" in sub. (1) refers to the various methods in which a single legal action can come before a municipal court for final disposition. The fee authorized by sub. (1) is therefore a fee that can be charged only once in a municipal court action, regardless of how many warrants or commitment orders are issued in the action prior to its final disposition. OAG 8-09.

A municipality does not have statutory authority to impose a charge separate from the fee collected under sub. (1) that can be taxed as a cost to a municipal court defendant and that is payable to the municipal plaintiff either for the issuance of each warrant or commitment order by a municipal court in a single legal action or for service by municipal personnel of each warrant or commitment order issued by a municipal court in a single legal action. OAG 8-09.