

ORDINANCE No. 18-8

AN ORDINANCE RELATING TO RESTITUTION AND TRAFFIC FORFEITURES

The Village Board of the Village of Elk Mound, Dunn County, Wisconsin, do ordain as follows:

SECTION I. AMENDMENT OF PROVISIONS.

Section 10-1-50(a) of the Village of Elk Mound Code of Ordinances is amended with the following subsection to read as follows:

- (a) **Forfeiture Penalty; Restitution.**
- (1) **Generally.** 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), Wis. Stats., the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by Sections 165.87 and 346.655, Wis. Stats., where applicable.
 - (2) **Enforcement Costs; Court Costs; Fees; Restitution; Assessments and Surcharges.**
 - a. Upon a conviction for a violation under this Chapter, pursuant to Section 346.63(1)(a) or (b), Wis. Stats., a court may impose restitution of all actual costs chargeable to the Village of Elk Mound as a disbursement associated with the traffic ordinance violation, including, but not limited to, costs for the withdrawal and/or analysis of blood, breath, and/or urine, and, in all cases, actual costs of service of process. This includes, but is not limited to, 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 Village elects by municipal ordinance to authorize restitution with traffic forfeitures for damage to property, whether private or municipal, caused by such traffic violations, such as, but not limited to, damage caused to the roadway, hit and run property damage, or similar such destruction of property. Such restitution shall be paid to the property owner.
 - (3) **Suspension of Payment; Penalties for Non-Payment.** Payment of the judgment and applicable court costs, fees, assessments, restitution and surcharges may be suspended by the sentencing court for not more than sixty (60) days. Any person eighteen (18) years of age or older

who shall fail to pay the amount of forfeiture, court costs, restitution, penalty assessment or 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, court costs, fees, assessments, restitution, and surcharges are paid, but not for a period exceeding ninety (90) days.

- (4) **Applicable Court Procedures.** Except where otherwise provided by the laws of the State of Wisconsin or this Code of Ordinances, the traffic regulations in this Code of Ordinances shall be enforced in accordance with the provisions of Sec. 345.20(2)(b) and Chapter 800, Wis. Stats.

SECTION II. SEVERABILITY.

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality 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 III. EFFECTIVE DATE.

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

ADOPTED this 2 day of May, 2018.

VILLAGE OF ELK MOUND, WISCONSIN



Village President



Village Clerk-Treasurer

INTRODUCED:
ADOPTED:
PUBLISHED:

May 2, 2018
May 2, 2018
Posted May 10, 2018

State of Wisconsin:
County of Dunn:

I hereby certify that the foregoing ordinance is a true, correct and complete copy of an ordinance duly and regularly adopted by the Village Board of the Village of Elk Mound on the 2 day of May, 2018. and that said ordinance has not been repealed or amended and is now in full force and effect.

Dated this 2 day of May, 2018.



Pat Hahn, Village Clerk-Treasurer