



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: By Finance & Personnel
Re: Amending Code §2-266 to increase court costs assessed by the municipal court to \$38 per citation.

ORDINANCE NO. 2013-19
Introduced: December 4, 2013
Committee/Commission Action:
RECOMMENDED FOR PASSAGE

AN ORDINANCE

The Common Council of the City of Neenah, Wisconsin, do ordain as follows:

Section 1. Section 2-266 of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 2-266 Procedure.

The Joint Municipal Court for the Cities of Menasha and Neenah shall operate under municipal court procedure found in Wis. Stats, § 800.001 et seq., and Wis. Stats, ch. 938, and actions hereunder shall be commenced by Uniform Municipal Citation. Forfeiture amounts, under the City ordinance, shall match the Uniform Bail and Bond Schedule for the State of Wisconsin then in effect and shall include the penalty assessment under Wis. Stats., § 165.86 (2)(c), and the jail assessment under Wis. Stats., § 302.46. Penalty assessments collected shall be forwarded to the state treasurer. Jail assessments collected shall be forwarded to the county treasurer. Pursuant to Wis. Stats., § 814.65, the court costs for each citation issued is ~~\$28.00~~\$38.00 of which \$5.00 shall be forwarded to the state ~~treasurer~~secretary of administration. The court shall collect forfeitures and report to the City Clerk the name, offense and judgment in each case. In the case of nonpayment of forfeitures, the court, after affording an opportunity to the accused to be heard, may punish and accused for contempt under Wis. Stats., § 800.12, and may impose a monetary sanction not to exceed \$50.00 and/or imprisonment not to exceed seven days and may issue warrants for the enforcement of its power of contempt under Wis. Stats., §§ 800.095 and 800.12. If allowed by state law, driving privileges may be revoked by the Municipal Judge in lieu of imprisonment. The Municipal Court may order restitution to victims of municipal ordinance violations up to \$4,000.00 and order contempt as a sanction for the nonpayment thereof, as provided for under Wis. Stats., § 800.093. The \$4,000.00 limit does not apply to restitution ordered for violation of an ordinance that prohibits conduct that is the same as or similar to the conduct prohibited by Wis. Stats. § 943.24 or § 943.50.

Section 2. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 3. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect for violations occurring on or after January 1, 2014.

Approved:

Moved by: _____

Adopted: _____

Approved: _____

Published: _____

George Scherck, Mayor

Attest:

Patricia A. Sturn, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:
City Attorney James G. Godlewski
211 Walnut Street
Neenah, WI 54956
State Bar No. 1005210