

ORDINANCE NO. 2017-02

AN ORDINANCE TO CREATE AND ESTABLISH A MUNICIPAL COURT FOR THE CITY OF OCONOMOWOC, VILLAGE OF OCONOMOWOC LAKE, VILLAGE OF DOUSMAN, TOWN OF DELAFIELD, VILLAGE OF NASHOTAH, TOWN OF LISBON, TOWN OF MERTON, VILLAGE OF SUSSEX, VILLAGE OF HARTLAND, VILLAGE OF LAC LABELLE, TOWN OF OCONOMOWOC, VILLAGE OF SUMMIT, VILLAGE OF CHENEQUA, TOWN OF ERIN, VILLAGE OF MERTON, VILLAGE OF SULLIVAN, VILLAGE OF JOHNSON CREEK (CONTRACT MEMBER), TOWN OF IXONIA (CONTRACT MEMBER) AND TOWN OF OTTAWA (CONTRACT MEMBER) PURSUANT TO SECTIONS 755.01(4) AND 66.0301 WISCONSIN STATUTES

The Town Board of the Town of Delafield, Waukesha County, Wisconsin does hereby ordain as follows:

SECTION 1. Chapter 1 of the Town of Delafield Municipal Code entitled, "General Government" Section 1.30 entitled, "Municipal Court" is hereby repealed and re-created as follows:

1.30 MUNICIPAL COURT

(1) MUNICIPAL COURT CREATED

There is hereby created and established a Municipal Court under the provisions of Chapter 755 of the Wisconsin Statutes designated as "Municipal Court for the City of Oconomowoc, Village of Oconomowoc Lake, Village of Dousman, Town of Delafield, Village of Nashotah, Town of Lisbon, Town of Merton, Village of Sussex, Village of Hartland, Village of Lac LaBelle, Town of Oconomowoc, Village of Summit, Village of Chenequa, Town of Erin, Village of Merton, Village of Sullivan, Village of Johnson Creek (Contract Member), Town of Ixonia (Contract Member) and Town of Ottawa (Contract Member)" or so many of those municipalities which enact an ordinance identical to this ordinance pursuant to §755.01(4).

(2) MUNICIPAL JUDGE

Such court shall be under the jurisdiction of and presided over by a Municipal Judge, who shall be an attorney licensed to practice law in Wisconsin, and who shall reside in one of the following Municipalities: City of Oconomowoc, Village of Oconomowoc Lake, Village of Dousman, Town of Delafield, Village of Nashotah, Town of Lisbon, Town of Merton, Village of Sussex, Village of Hartland, Village of Lac LaBelle, Town of Oconomowoc, Village of Summit, Village of Chenequa, Town of Erin, Village of Merton, Village of Sullivan, Village of Johnson Creek, Town of Ixonia or Town of Ottawa or those municipalities which enact an ordinance identical to this ordinance and enter into an agreement pursuant to §66.0301 Wis. Stats. for the joint exercise of

the power granted under §755.01 Wis. Stats. Such Municipal Judge shall be elected at large in the spring election for a term of four (4) years commencing May 1. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in §8.10 Wis. Stats., and selection at a primary election if such is held as provided in §8.11 Wis. Stats. The Town Board of the Town of Delafield shall provide for a primary election whenever three (3) or more candidates file nomination papers for such position of Municipal Judge as provided in §8.11(1)(a) Wis. Stats., and such primary election shall be held on the third Tuesday of February as provided in §5.02(22) Wis. Stats.

(3) ELECTIONS

The Municipal Clerk of each municipality shall see to the compliance with §5.58(1c), 5.60(1)(b), 5.60(2), 7.10(1)(a), 7.60(4)(a) and 8.10(6)(bm) to provide for the election of a Municipal Judge under §755.01(4).

(4) OATH AND BOND

The Judge shall, after his election or appointment to fill a vacancy, take and file the official oath as prescribed in §757.02(1), Wis. Stats., and at the same time execute and file an official bond in the amount of \$5,000.00. The Judge shall not act until his oath and bond have been filed as required by §190.1(4)(c) Wis. Stats. and the requirements of §755.03(2) have been complied with.

(5) SALARY

The salary of the Municipal Judge shall be fixed by the governing bodies of the municipalities that created and established this Municipal Court, which shall be in lieu of fees and costs. No salary shall be paid for any time during his/her term during which such Judge has not executed his official bond or official oath, as required by §755.03, Wis. Stats., and filed pursuant to §19.01(4)(c) Wis. Stats. The municipalities may by separate ordinances, resolutions, or through the budget process, allocate funds for the administration of the Municipal Court pursuant to Wis. Stats. §66.0301.

(6) JURISDICTION

The municipal Judge of the Municipal Court shall have such jurisdiction as provided by §755.045 and 755.05 Wis. Stats., and as otherwise provided by State Law. The Municipal Judge is authorized to issue inspection warrants under §66.0119 Wis. Stats.

(7) LOCATION AND HOURS

The Municipal Court shall be held in the Council Chambers of the City of Oconomowoc City Hall at 174 E. Wisconsin Avenue, Oconomowoc, Wisconsin. The Municipal Court shall be open at such times as determined by the Municipal Judge.

(8) FINES AND FORFEITURES

The Municipal Judge may impose punishment and sentences as provided by §800.09, Wis. Stats., and as provided in the ordinances of the following municipalities: City of Oconomowoc, Village of Oconomowoc Lake, Village of Dousman, Town of Delafield, Village of Nashotah, Town of Lisbon, Town of Merton, Village of Sussex, Village of Hartland, Village of Lac LaBelle, Town of Oconomowoc, Village of Summit, Village of Chenequa, Town of Erin, Village of Merton, Village of Sullivan, Village of Johnson Creek, Town of Ixonia or Town of Ottawa. All forfeitures, fees, penalty assessments and costs shall be paid to the Treasurer of the Municipality within which the case arose within 7 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 Treasurer the title of the action, the offense for which a forfeiture was imposed and the total amount of the forfeiture, fees, penalty assessment and costs, if any.

(9) STIPULATIONS AND DEPOSITS IN MUNICIPAL COURT

The Municipal Court herein established shall be operated pursuant to and in compliance with the provisions of Chapter 800 Wis. Stats., and, where applicable, other provisions of the Wis. Stats. as referred to in subsection (10) below. The Municipal Judge shall establish in accordance with §800.037 Wis. Stats., a schedule of deposits for violations of City, Village and Town ordinances, resolutions and by-laws, except traffic regulations which are and shall be governed by §345.26 Wis. Stats., and boating violations which are, and shall be governed by §23.66 and 23.67 Wis. Stats. Such deposit schedule shall be approved by the respective governing bodies of the municipalities creating and establishing this Court and shall be posted in the office of the Municipal Court Clerk and the police departments of the respective communities.

(10) PROCEDURE IN MUNICIPAL COURT

The procedure in Municipal Court shall be as provided by this Ordinance and State Law including, but not excluding because of enumeration Chapters 66, 345, 751, 755, 757 and 800 of Wis. Stats.

(11) CONTEMPT PROCEDURES

- (a) The Municipal Judge may impose a sanction authorized under §800.12(2) for contempt of court, as defined in §785.01(1) Wis. Stats., in accordance with the procedures under §785.03 Wis. Stats.
- (b) The Municipal Judge may impose a forfeiture for contempt under §800.12(1) Wis. Stats., in an amount not to exceed \$50.00 or, upon nonpayment of the forfeiture and the penalty assessment under §757.05 Wis. Stats., a jail sentence not to exceed 7 days.

- (12) The Municipal Court hereby established shall not be abolished while the 755.01(4) agreement is in effect.

SECTION 2. SEVERABILITY

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3. EFFECTIVE DATE

This ordinance shall take effect and be in force from and after its passage and publication as provided by law.

TOWN OF DELAFIELD

BY:


Larry Krause, Town Chairman

ATTEST:


Mary Elsner, Town Clerk/Treasurer

ADOPTED: April 25, 2017

PUBLISHED 5/2/2017

POSTED: April 26, 2017