

Town of Perry

Joint Municipal Court Ordinance

- 1.1 AUTHORITY.** The Town Board of Supervisors of the Town of Perry, Dane County, Wisconsin hereby elects to adopt this ordinance by its adoption of village powers under sec. 60.10(2)(c), 60.22(3) and 61.34(1) of the Wisconsin Statutes.
- 1.2 PURPOSE.** The purpose of this ordinance is to promote the general health, safety and welfare and to maintain required local uniformity of the enforcement of the Town's ordinances.
- 1.3 SCOPE.** The scope of this ordinance includes enforcement of all Town ordinances, current and enacted in the future.
- 1.4 JOINT MUNICIPAL COURT.** The Municipal Court for the Village of Mt. Horeb and the Towns of Primrose and Perry (hereinafter referred to as the "Towns") is hereby established pursuant to §755.01, Wis. Stats.
- 1.5 MUNICIPAL JUDGE.** The Municipal Court shall be presided over by the Municipal Judge.
- a. Election and Term. The Municipal Judge shall be elected at large by the electors of the Village of Mount Horeb and the Towns at the Spring election in odd-numbered years for a term of two (2) years or until a successor is elected and qualifies, commencing on May 1, next succeeding such election. Midterm vacancies in the office of Municipal Judge shall be filled by appointment, as agreed upon by the Board of Trustees of the Village of Mt. Horeb and the Board of Supervisors of the Towns, or by special election, all as provided in §8.50(4)(fm), Wis. Stats.
 - b. Salary. The Municipal Judge shall receive a salary paid by the Village of Mt. Horeb which shall be in lieu of fees and costs. No salary shall be paid to the Judge for any time during a term for which the Judge has not executed and filed an official bond and oath as required by par.(c) of this subsection.
 - c. Bond; Oath. The Municipal Judge shall execute and file with the Clerk of Courts for Dane County the oath prescribed by §757.02, Wis. Stats., and a bond in the penal sum of \$5,000.00. The Municipal Judge shall not be qualified to act until a certified copy of the bond is filed with the Village and Town Clerks and certified copy of the oath is filed with the office of the Director of State Courts as required by §753.03, Wis. Stats.
 - d. Authority.
 - 1) General Authority. The Municipal Judge shall exercise such authority of the office to the fullest extent permitted under Wisconsin law, including that authority provided for in par. 2 of this subsection.
 - 2) Authority to Impose Alternative Juvenile Disposition and Sanctions.
 - a.) For a juvenile adjudged to have violated an ordinance, the Municipal Judge is authorized to impose any of the dispositions listed in

§§938.343 and 938.344, Wis. Stats., in accordance with the provisions of those statutes.

- b.) For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the Municipal Court under §§938.343 and 938.344, Wis. Stats., the Municipal Judge is authorized to impose any of the sanctions listed in §938.355(6)(d), Wis. Stats., in accordance with the provisions of those statutes.
- c.) This subsection is enacted under the authority of §938.17(2)(cm), Wis. Stats.

1.6 HOURS. The Municipal Court shall be open as determined by order of the Municipal Judge.

1.7 LOCATION. The Municipal Judge shall keep an office and hold court in the Village of Mt. Horeb Municipal Building.

1.8 PROCEDURE. The procedure in Municipal Court shall be as provided by this section and Wisconsin law, including, and without limitation due to enumeration, §§23.66 to 23.99, 66.114 to 66.12, and 345.20 to 345.60 and Chs. 755, 788 and 800, Wis. Stats.

1.9 COLLECTION and RETURN of FORFEITURES. The Municipal Judge shall collect all forfeitures, penalty assessments, fees and taxable costs in any action or proceeding in Municipal Court and shall pay over such monies to the Village or Town Treasurers within seven (7) days of collection. At such time the Municipal Judge shall also report to the Village and Town Treasurers the title, nature of offenses, and total amount of judgments imposed in actions and proceedings in which such monies were collected.

1.10 CONTEMPT of COURT.

- a. Acts of Contempt. The Municipal Judge, after affording an opportunity to the person accused to be heard in defense, may punish for contempt of Municipal Court persons guilty of either of the following acts and no other:
- b. Disorderly, contemptuous, and insolent behavior toward the Judge while engaged in any judicial proceeding or other conduct which tends to interrupt the proceedings or to impair the respect due the Judge's authority; or
- c. Resistance of or disobedience to any lawful order or process made or issued by the Judge.
- d. Penalty for Contempt. The Municipal Judge may, upon finding any person guilty of contempt, order such person to forfeit not more than \$50.00, plus the penalty assessment under §165.87 Wis. Stats. Upon nonpayment of the forfeiture and penalty assessment the person found guilty of contempt may be sentenced to the County jail for a period not to exceed seven (7) days.

1.11 STIPULATIONS and DEPOSITS in MUNICIPAL COURT.

- a. Deposit Schedule to be Established. The Municipal Judge shall establish and submit to the Town Boards for approval in accordance with §800.03(3), Wis. Stat., a schedule of deposits for violations of Village and the Towns' Ordinances, resolutions and bylaws except traffic regulations which are governed by §345.27 Wis. Stat., and

boating violations governed by §23.67, Wis. Stats. When approved by the Village board and the Town Boards, the deposit schedule of each municipality shall be posted in the office of the Municipal Court Clerk. In addition, the Village deposit shall be posted at the Mt. Horeb Police Department and the Towns' deposit schedule shall be posted at each Town Hall.

- b. Stipulation and Deposit in Lieu of Court Appearance. Persons cited for violations of the Towns' ordinances, for which a deposit has been established under this subsection shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in §§800.03, 800.04 and 800.09, Wis. Stats.
- c. When Not Permitted. Stipulations and deposits shall not be permitted after the initial appearance or in cases of contempt under sub. (8).

1.12 INTERGOVERNMENTAL COOPERATION AGREEMENT. Pursuant to §755.01(4), Wis. Stats., the Village of Mt. Horeb and the Towns may enter into an agreement under §66.3, Wis. Stats., to allocate the costs of maintaining and operating this Joint Municipal Court.

1.13 SEVERABILITY. The provisions of this ordinance shall be deemed severable, and it is expressly declared that the Town Board 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 thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

1.14 EFFECTIVE DATE. This ordinance shall be effective July, 2005, upon passage and publication as provided by law.

Adopted this 12th day of July, 2005.

Patrick Downing, Chairman

Signed copy of file

Larry Price, Supervisor

Roger Kittleson, Supervisor

Attest:

Mary L. Price, Town Clerk

Published: