

**VILLAGE OF HUSTISFORD
ORDINANCE NO. 105
An Ordinance Adopting Chapter 105 of the
Municipal Code Regarding the Municipal
Court and the Municipal Judge**

The Village Board of the Village of Hustisford, Dodge County Wisconsin, do ordain as follows:

Pursuant to the authority granted under Section 755.01(1) and (4) and Section 66.0301 of the Wisconsin Statutes. The Village of Hustisford desires to join the Horicon Joint Municipal Court and adopt an Ordinance identical to the Ordinances in the City of Horicon and the Village of Iron Ridge.

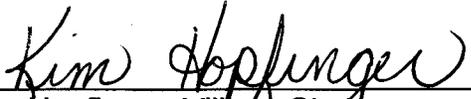
NOW THEREFORE, the Village Board does ordain that Chapter 105 of the Hustisford Municipal Code attached as Exhibit "A" to this Ordinance is adopted effective as of October 1, 2009.

Signed:



Dennis Uecker, Village Board President

INTRODUCED: Sept. 8, 2009
ADOPTED: Sept. 8, 2009

ATTEST: 
 Kim Hopfinger, Village Clerk

Chapter 105

Municipal Court; Municipal Judge

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Sec. 105-1 Joint Exercise of Horicon Municipal Court

Court Established

Pursuant to the authority granted by Ch. 755, Wis. Stats, there is hereby created and established a Joint Municipal Court to be designated "Horicon Joint Municipal Court" or so many of those municipalities which enact an ordinance identical to this ordinance pursuant to Sec. 755.01(4) Wis. Stats. Further detail as to the operation of the joint court shall be set forth in the Joint Operation Agreement. Said Joint Municipal Court may hereinafter also be referred to as the "Municipal Court".

Sec. 105-2 Jurisdiction; Alternative Juvenile Dispositions and Sanctions

- (a) **Jurisdiction.** The Municipal Court shall have jurisdiction over incidents occurring on or after October 1, 2009 as provided in Article VII. 14 of the Wisconsin Constitution Secs. 755.045 and 755.05, Wis. Stats., and as otherwise provided by state law. In addition it shall have exclusive jurisdiction over actions in which the Village of Hustisford and of those municipalities which enact an ordinance identical to this ordinance pursuant to Sec. 755.01(4) Wis. Stats, seek to impose forfeitures for violations of municipal ordinances resolutions and bylaws.
- (b) **Civil Warrants.** The Municipal Judge may issue civil warrants to enforce matters under the jurisdiction of the Municipal Court under Secs. 755.045(2), 66.0119(1), (2) and 66.0119(3), Wis. Stats.
- (b) **Juvenile Offenders.** The Municipal Court has jurisdiction over juvenile offenders under the authority of Sec. 938.17(2)(cm), Wis. Stats and has the authority to issue any disposition under Sec. 938.343 or 938.344 Wis. Stats., and all sanctions authorized under Sec. 938.355(6)(d) and (6m).

7/14/09

**Municipal Court; Municipal
Judge 105-2**

(d) Alternative Juvenile Dispositions and Sanctions.

(1) For a juvenile adjudged to have violated an ordinance, the Municipal Court is authorized to impose any of the dispositions listed in Secs. 938.343 and 938.344, Wis. Stat. in accordance with the provisions of those statutes.

(2) For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court under Secs. 918.343 or 939.344. Wis. Stats., the Municipal Court is authorized to impose any of the sanctions listed in Sec. 938.355(6)(d), Wis. Stats. in accordance with the provisions of those statutes.

(3) This Subsection is enacted under the authority of Sec. 938.17(2)(cm), Wis. Stats

Sec. 105-3 Municipal Judge

- (a) **Qualifications.** There is hereby created the office of Municipal Judge of the Municipal Court for those municipalities which enact an ordinance identical to this ordinance pursuant to Sec. 755.01(4) Wis. Stats. The Municipal Judge shall be a resident of any municipality which elects to participate in the joint exercise of the Municipal Court.
- (b) **Oath and Bond.** The Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in Sec, 757.02(1) Wis. Stats., and file such oath with the County Clerk of Circuit Court, At the same time, the Judge shall execute and file an indemnity bond with the City Clerk-Treasurer of the City of Horicon in an amount of Ten Thousand Dollars (\$10,000.00) The Judge shall not act until the oath and bond have been filed as required by Sec. 19.01(4)(c), Wis. Stats, and the requirements of Sec. 755.03, Wis. Stats., have been complied with.
- (c) **Salary.** The Judge shall receive a salary as determined by the Common Council of the City of Horicon which shall be in lieu of fees and costs. No salary shall be paid to the Judge for any time during his/her term for which he/she has not executed and filed the official bond and oath. Salary may be increased by the Common Council of the City of Horicon before the start of the second or subsequent year of service of the term of the Judge, but shall not decreased during a term.
- (d) **Election Term.** The Judge shall be elected at large for a term of Two (2) years at the spring election held in odd-numbered years and shall take office on May 1 following the election.

Sec. 105-4 Municipal Court

- (a) **Hours.** The Municipal Court shall be open as determined by order of the Municipal Judge.
- (b) **Employees.** The Judge shall in writing appoint such clerks and deputy clerks as are authorized by the Common Council of the City of Horicon. Their salaries shall be fixed by the Common Council of the City of Horicon. The residency requirement for the clerk and deputy clerk shall be pursuant to the City of Horicon Personnel Policy Manual.

Municipal Court: Municipal Judge 105-4

- (c) **Location.** The Judge shall keep his/her office and hold court in an adequate location provided by the Common Council of the City of Horicon. However, the Judge may issue process and perform ministerial functions at any place in the county.

Sec. 105-5 Collection of Forfeitures and Costs

The Municipal Court shall collect all forfeitures, penalty assessments, fees and taxable costs in any action or proceeding and shall pay over such monies to the City Clerk-Treasurer of the City of Horicon within seven (7) days of collection. At such time, the Municipal Court shall report to the Clerk-Treasurer of the City of Horicon the title, nature of offenses and total amount of judgments imposed in actions and proceedings in which such monies were collected. The distribution of monies to those municipalities which enact an ordinance identical to this ordinance, pursuant to Sec. 755.01(4) Wis. Stats., shall be as set forth in a separate joint operations agreement.

Sec. 105-6 Contempt of Court

The Judge, after affording an opportunity to the person accused to be heard in defense, may punish for contempt as provided in Sec. 800.12, Wis. Stats., and may impose a forfeiture therefore not to exceed Fifty Dollars (\$50.00) or upon nonpayment of the forfeiture, penalty assessment under Sec. 165.87, Wis. Stats., and jail assessment under Sec. 302.46, Wis. Stats., a jail sentence not to exceed seven (7) days.

Sec. 105-7 Stipulations and Deposits

- (a) **Deposits for Ordinance Violations.** The Judge shall establish and submit to the Common Council of the City of Horicon and the governing body of any municipality using the services of the municipal court for approval in accordance with Wis. Stat. 800.03(3) a schedule of deposits for violations of municipal ordinances, resolutions, and bylaws.
- (b) **Deposits for Traffic and Boating Violations.** The deposit schedule established by the Wisconsin Judicial Conference and the procedures set forth in Chs. 23 and 345 Wis. Stats., shall apply to stipulations and deposits for violations of traffic regulations enacted in accordance with Sec. 345.26 Wis. Stats., and boating regulations enacted in accordance with Sec. 30.77 Wis. Stats.
- (c) **Stipulations and Deposits in lieu of Court Appearance.** Persons cited for violations of appropriate ordinances, resolutions or bylaws or violations of traffic or boating regulations for which a deposit has been established, shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in Sec. 800.03, 800.04, and 800.09 Wis. Stats

Sec. 105-8 Municipal Court Bond Deposit Schedule

The Bond Deposit Schedule as set by the Judge of the Municipal Court is hereby approved pursuant to Sec. 800.03(3) Wis. Stats.

Sec. 105-9 Court Costs

- (a) **Court Costs Rates.** Court costs for matters adjudicated by the Municipal Court shall be the maximum rate allowed by Wisconsin Statute.
- (b) **Taxation of Fees and Costs.** Service of process fees are taxable as provided in Sec. 814.65(4)(b) Wis. Stats., regardless of whether a separate disbursement is made to specifically reimburse the municipal employee or agency.
- (c) **Recovery of Costs.** Pursuant to Sec. 814.70(1) Wis. Stats., costs may be recovered for each service or attempted service of a summons or any other process, or for commencement or an action, a writ, or other order of injunction at the maximum rate allowed by Wisconsin Statute.
- (d) **Judgment Execution.** Pursuant to Sec. 814.70(2) Wis. Stats., execution on judgment for serving an execution on a judgment demanding payment thereof or other writ not provided for at the maximum rate allowed by Wisconsin Statute.
- (e) **Civil Process Mileage Rate.** The rate to be charged for travel for civil process maximum rate allowed by Wisconsin Statute.

Sec. 105-10 Joint Exercise of Horicon Municipal Court

- a) Pursuant to the authority granted under Sec. 755.01(1) and (4) and Sec. 66.0301 Wis. Stats., the Village of Iron Ridge, the Village of Hustisford and the City of Horicon, Wisconsin, agree to the joint exercise of the Horicon Municipal Court which has previously been established.
- b) The Judge of the existing Horicon Municipal Court shall serve as Judge for the joint court until a special election is held, under Sec. 8.50(4)(fm) Wis. Stats. The special election shall be held in the spring of 2010 at the same time as the regular spring election. The Judge shall be a resident of the City or any municipality which elects to participate in the joint exercise of the Horicon Municipal Court.
- c) The terms of the Joint Operating Agreement, hereinafter referred to as the "Agreement", are approved and adopted by reference, however the terms of the Agreement may be modified or amended by written agreement of each party. Each party may terminate the Agreement by the enactment of a termination ordinance as provided under 755.01(4) Wis. Stats.

Operation and Maintenance of the Court shall be governed by the appropriate Ordinance as amended by time to time and by State Statutes, except as specifically stated herein or in the terms of the Agreement.

State law Reference: Sec. 814.705(1)(b) Wis. Stats.