

## Title 2 ► Chapter 6

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# Municipal Court

- 2-6-1** Village of Wausaukee, Towns of Lake, Middle Inlet,  
Silver Cliff and Stephenson Joint Municipal Court
- 2-6-2** Clerk of Municipal Court

### **Sec. 2-6-1 Village of Wausaukee, Towns of Lake, Middle Inlet, Silver Cliff and Stephenson Joint Municipal Court.**

- (a) **Court Established.** The Joint Municipal Court for the Village of Wausaukee, Towns of Lake, Middle Inlet, Silver Cliff and Stephenson permitted by Ch. 755, Wis. Stats., is hereby established and shall become operative and functional on the effective date of this Section.
- (b) **Municipal Judge; Qualifications.** The person filling the Office of Municipal Judge shall be a resident of the Village of Wausaukee, Town of Lake, Town of Middle Inlet, Town of Silver Cliff or Town of Stephenson.
- (c) **Jurisdiction.** The Joint Municipal Court and the Municipal Judge shall have jurisdiction as provided in Secs. 755.045 and 755.05, Wis. Stats., and as otherwise provided by Wisconsin law.
- (d) **Municipal Judge.** The Joint Municipal Court shall be presided over by a Municipal Judge as follows:
- (1) **Election; Term.** The Municipal Judge shall be elected at large by the electors of the Town of Stephenson in April of 2011 and the electors of the Village of Wausaukee and the Towns of Lake, Middle Inlet, Silver Cliff and Stephenson at the spring election in odd-numbered years commencing in April of 2019, for a term of four (4) years, commencing on May 1 succeeding the election. The Municipal Judge shall serve until a successor is elected and qualified. Midterm vacancies in the Office of Municipal Judge shall be filled by appointment, as agreed upon by the Town/Village Boards pursuant to Sec. 8.50(4)(fm), Wis. Stats.
  - (2) **Salary.** The Municipal Judge shall receive a salary, to be agreed upon by each Town/Village Board, paid equally by each Town/Village, which shall be in lieu of fees and costs. No salary shall be paid to the Municipal Judge for any time during the term for which the official bond and oath have not been executed and filed, as required by Subsection (d)(3) below.

- (3) **Bond; Oath.** The Municipal Judge shall execute and file with the Clerk of Courts for Marinette County the oath prescribed by Sec. 757.02, Wis. Stats., and a bond in the penal sum of One Thousand Dollars (\$1,000.00). The Municipal Judge shall not be qualified to act until a certified copy of the bond is filed with the Clerks of each Town/Village and a certified copy of the oath is filed with the Office of the State Administrator of Courts, as required by Sec. 755.03, Wis. Stats.
- (4) **Sessions.** The Joint Municipal Court shall be open on the days and hours set by the Municipal Judge, but no less than one (1) session per month if citations have been issued.
- (5) **Location.** The Municipal Judge shall hold court in the Town Hall of the Town of Stephenson.
- (e) **Procedure.** The procedure in the Joint Municipal Court shall be as provided by this Section and State law including, without limitation because of enumeration, Chs. 755 and 800 and Secs. 23.50 to 23.85, 345.11, 345.20 to 345.53, and 972.11(3m), Wis. Stats.
- (f) **Use of Citations.** The use of citations to be used for alleged violations of ordinances is hereby authorized. The form of the citation shall be the Wisconsin Uniform Municipal Court Citation established pursuant to Sec. 800.02, Wis. Stats.
- (g) **Issuance of Citations.** Citations can be issued by any law enforcement officer or Town/Village official as authorized by Town/Village ordinance. Citations issued pursuant to Subsection (f) shall be signed by a peace officer or authorized Town/Village official or upon application of any other City or Town, or Village officer or employee, shall be endorsed by the respective Town/Village Attorney, or authorized legal counsel and served by personal service by a municipal employee or as provided in Sec. 968.04(3)(b)(2), Wis. Stats.
- (h) **Forfeitures.** The Municipal Judge may impose punishment and forfeitures provided under Wisconsin law and as provided in the ordinances of the respective Town or Village. The Municipal Judge shall collect all forfeitures, penalty assessments, jail assessments, court costs, fees and taxable costs in any action or proceeding before the Municipal Court and shall pay over the amounts collected to the appropriate Town or Village Treasurer no later than the last day of each month. At such time, the Municipal Judge shall also report to the appropriate Town or Village Treasurer the title of the action, the offense for which the forfeiture was imposed, and the total amount of the forfeiture, assessment, fees and costs.
- (i) **Contempt of Court.** The Municipal Judge may impose a sanction authorized under Sec. 800.12(2), Wis. Stats., for contempt of court, as defined in Sec. 785.01(1), Wis. Stats., in accordance with the procedures under Sec. 785.03, Wis. Stats. The Municipal Judge may impose a forfeiture for contempt under Sec. 800.12(1), Wis. Stats., in an amount not to exceed Five Hundred Dollars (\$500.00) or, upon nonpayment of the forfeiture, penalty assessment under Sec. 165.87, Wis. Stats., jail assessment under Sec. 302.46, Wis. Stats., and any applicable domestic abuse assessment under Sec. 973.055(1), Wis. Stats., a jail sentence not to exceed seven (7) days.

- (j) **Stipulation and Deposits in Joint Municipal Court.**
- (1) **Deposit Schedule to Be Established.** The Town or Village shall establish by resolution a schedule of deposits for violations of their ordinances, except traffic regulations, which are governed by Sec. 345.26, Wis. Stats.
  - (2) **Stipulation and Deposit in Lieu of Court Appearance.** Persons cited for violations of Town/Village 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 Secs. 800.03, 800.04 and 800.09, Wis. Stats.
  - (3) **Traffic, Snowmobile and All-Terrain Vehicle Deposits.** The deposit schedule established by the Wisconsin Judicial Conference and the procedures set forth in Chs. 23, 345 and 350, Wis. Stats., shall apply to stipulation and deposits for violations of traffic regulations enacted in accordance with Sec. 345.26, Wis. Stats., and snowmobile and all-terrain vehicle regulations enacted in accordance with Secs. 23.33, 350.18(3)(1), and 350.04(2), Wis. Stats.
  - (4) **When Not Permitted.** Stipulations and deposits shall not be permitted after initial appearance or in cases of contempt under Subsection.
- (k) **Administering Agreement.** The Village of Wausaukee, Towns of Lake, Middle Inlet, Silver Cliff, and Stephenson shall enter into an Agreement to share the costs of maintaining the Joint Municipal Court.

## Sec. 2-6-2 Clerk of Municipal Court.

- (a) **Appointment.** The Municipal Judge shall, in writing, appoint a Clerk of the Municipal Court. The Clerk's salary shall be fixed by the Village Board. The Clerk of the Municipal Court shall hold office for an indefinite term of office. The Clerk shall, before entering upon the duties of his/her office, take the oath provided by Sec. 19.01, Wis. Stats., and give such bond as the Board may require. The oath and bond of the Clerk of Municipal Court shall be filed with the Village Clerk. The cost of such bond shall be paid by the Village of Wausaukee.
- (b) **Duties.** The Municipal Court Clerk shall:
- (1) File and review citations and complaints;
  - (2) Reply to departmental mail concerning routine matters as prescribed by the Municipal Judge;
  - (3) Compile docket numbers for citations and complaints and gather all material pertinent to cases;
  - (4) Determine and schedule Court dates and facilities;
  - (5) Communicate with law officers, attorneys and defendants regarding court proceedings;
  - (6) Balance dockets at the conclusion of court proceedings;
  - (7) Prepare and mail warrants and summons;

- (8) Prepare monthly report of financial activities;
- (9) Assist in the collection of traffic bonds;
- (10) Prepare necessary communications for jury trials and transfers to Circuit Court;
- (11) Perform such other duties as may be required by the Municipal Judge and Village Board.