

TOWN OF SCHLESWIG
MANITOWOC COUNTY, WISCONSIN

ORDINANCE NO. 2008-01

AN ORDINANCE TO CREATE SECTION 5.01 OF THE MUNICIPAL CODE OF THE
TOWN OF SCHLESWIG, MANITOWOC COUNTY, WISCONSIN

THE TOWN BOARD OF THE TOWN OF SCHLESWIG, DO ORDAIN AS FOLLOWS:

SECTION 1. MUNICIPAL COURT CREATION AND OPERATION

1) Municipal Court Created

Pursuant to the authority granted by Chapter 755 of the Wisconsin Statutes, there is hereby created and established a Municipal Court ("Municipal Court") to be designated "Municipal Court for the Town of Schleswig." The Municipal Court shall become operative and function on October 1, 2008.

2) Jurisdiction

a) *General:* The Municipal Court shall have jurisdiction over incidents occurring on or after the date set forth in paragraph 1 herein as provided in Article VII, §14 of the Wisconsin Constitution, §§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 municipality seeks to impose forfeitures for violations of municipal ordinances, resolutions and by-laws.

b) *Issue Warrants:* The Municipal Judge may issue civil warrants to enforce matters under the jurisdiction of the Municipal Court under §755.045(2), Wis. Stats., and inspection warrants under §66.0119, Wis. Stats.

c) *Juvenile Matters:* The Municipal Court has jurisdiction over juvenile offenders when a municipality that is party to the agreement enacts an ordinance under the authority of §938.17(2)(cm), Wis. Stats.

3) Municipal Judge

a) *Qualifications:* There is hereby created the office of Municipal Judge of the Municipal Court of the Town of Schleswig. The Municipal Judge shall be a resident of the Town of Schleswig.

b) *Oath and Bond:* The Judge shall, after 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 \$500. The Judge shall not act until the oath and bond have been filed as required by §19.01(4) (c), Wis. Stats., and the requirements of §755.03(2), Wis. Stats., have been complied with.

c) *Salary:* The salary of the Municipal Judge shall be determined by the Town Board. The salary shall be in lieu of fees and costs. No salary shall be paid for any time during the term during which such Judge has not executed the official bond or official oath, as required by §755.03, Wis. Stats., and filed pursuant to §19.01(4)(c), Wis. Stats. The salary may be increased by the Town Board before the start of the second or subsequent year of service of the term of the Judge, but should not be decreased during a term.

d) *Selection:*

i) *Initial Term:* The Municipal Judge shall be appointed for an initial term to end April 30, 2009.

ii) *Successor Terms:* The Municipal Judge shall thereafter be elected at large in the spring election every four (4) years in an (odd) (even) numbered year for a term of four (4) years commencing on May 1 following the election. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in §8.10, Wis. Stats., and selected at a primary election if such is held as provided in §8.11, Wis. Stats. The State elections board shall serve as filing officer for the candidates.

4) Municipal Court

a) *Hours:* The Municipal court shall be open at the location designated by the Town Board at such times as determined by the Municipal Judge and the Town Chairperson.

b) *Employees:* The Judge shall, in writing, appoint a clerk of the Municipal Court as authorized by the Town Board. The salary of the Municipal Clerk shall be fixed by the Town Board.

5) Collection of Forfeitures and Costs

The Municipal Court shall collect all forfeitures, fees, assessments, surcharges, and costs and pay such monies to the treasurer of the Town within 7 days after receipt of the money by the Municipal Court. At the time of the payment, the Municipal Court shall report to the treasurer the title of the action, the nature of the offenses and total amount of judgments imposed in actions and proceedings in which such monies were collected.

6) Contempt of Court

The Municipal Judge, after affording an opportunity to the person accused to be heard in defense, may impose a sanction authorized under §800.12, Wis. Stats., and may impose a forfeiture therefore not to exceed fifty dollars (\$50) or upon nonpayment of the forfeiture and the assessments thereon, a jail sentence not to exceed seven (7) days.

7) Stipulations and Deposits

a) *Deposits for Ordinance Violations:* The Municipal Judge shall submit to the Town Board for approval in accordance with §800.03(3), Wis. Stats., a schedule of deposits for violations of Town 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 Chapters 23 and 345, Wis. Stats., shall apply to stipulations and deposits for violations of traffic regulations enacted in accordance with §345.27 and boating regulations enacted in accordance with §30.77, Wis. Stats.

c) *Stipulations and Deposits in Lieu of Court Appearance:* Persons cited for violations of Town 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 §800.03, §800.04 and §800.09 Wis. Stats.

SECTION 2. REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances contravening or inconsistent with the provisions of this ordinance be and are hereby repealed.

SECTION 3. EFFECTIVE DATE

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

Adopted: September 11, 2008.

TOWN OF SCHLESWIG

By: 
Dennis Salzman, Chairperson

ATTEST:

By: 
JoEllen Gramling, Clerk

DRAFTED BY:

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