

Ordinance No. 2012-5

**Creating a Joint Municipal Court**

**(City of Kiel, and Town of Schleswig, Manitowoc County, Wisconsin)**

AN ORDINANCE TO CREATE <sup>Ordinance</sup> SECTION 524 OF THE MUNICIPAL CODE OF THE CITY OF KIEL, WISCONSIN, AND SECTION 2012-5 OF THE CODE OF ORDINANCES OF THE TOWN OF SCHLESWIG, MANITOWOC COUNTY, WISCONSIN PURSUANT TO §66.0301 OF THE WISCONSIN STATUTES THE COMMON COUNCIL OF THE CITY OF KIEL, WISCONSIN AND THE TOWN BOARD OF THE TOWN OF SCHLESWIG, MANITOWOC COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

**SECTION 1. COURT CREATION, AUTHORITY AND ADMINISTRATION**

**1.1 Municipal Court Created**

Pursuant to the authority granted by Chapter 755 of the Wisconsin Statutes, there is hereby created and established a joint municipal court to be designated “**Municipal Court for the City of Kiel, Wisconsin and the Town of Schleswig, Manitowoc County, Wisconsin**” herein “Joint Court”. Said court shall become operative and functional on May 1, 2013.

**1.2 Municipal Judge**

a) **Qualifications:** The Joint Court shall be under the jurisdiction of and presided over by a municipal judge who resides in one of the municipalities that is a party to the agreement forming this Joint 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 §757.02(1), Wis. Stats., and at the same time execute and file an official bond in the amount of \$500.00. The Judge shall not act until the oath and bond have been filed as required by §19.01(4)(c) Wis. Stats., and the requirement of §755.03(2) have been complied with.

c) **Salary:** The salary of the Municipal Judge shall be fixed by the Kiel City Council and 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 municipalities may by separate ordinance allocate funds for the administration of the municipal court pursuant to §66.0301 Wis. Stats.

d) **Initial Judge; Term:** The incumbent Judge of the City of Kiel Municipal Court shall be the initial Judge of the Joint Court, to serve until April 30, 2016. Thereafter the term of the Municipal Judge for the Joint Court shall be four (4) years, commencing May 1, 2016.

### 1.3 Elections

a) **Times and Procedures:** The Municipal Judge shall be elected at large in the spring election in even numbered years every four (4) years for a term of four (4) years, with the first election occurring for the term commencing on May 1, 2016. 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 Elections Division of the Government Accountability Board shall serve as filing officer for the candidates.

b) **Electors:** Electors in all municipalities that are parties to the agreement shall vote for Municipal Judge.

### 1.4 Jurisdiction

a) The Municipal Court shall have jurisdiction over incidents occurring on or after May 1, 2013 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 the municipalities that are parties to the agreement seeking to impose forfeitures for violations of municipal ordinances, resolutions and by-laws.

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

c) 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.

**1.5 Municipal Court**

a) *Location and Hours:* The Municipal Court shall be open at such location and at such times as determined by the governing bodies of the municipalities that are parties to the agreement and the Municipal Judge.

b) *Employees:* The Judge shall, in writing, appoint such clerks and deputy clerks as are authorized and funded by the Kiel City Council.

**1.6 Collection of Forfeitures and Costs**

The Municipal Judge may impose punishment and sentences as provided by Chapters 800 and 938 Wis. Stats., and as provided in the ordinances of the municipalities that are parties to the agreement. Unless otherwise agreed, all forfeitures, fees, assessments, surcharges and costs shall be paid to the treasurer of the municipality within which the case arose within thirty (30) 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 titles of the actions, the nature of the offenses, and the total amount of judgments imposed in actions and proceedings in which such monies were collected.

**1.7 Contempt of Court**

The Municipal Judge, after affording an opportunity to the person accused to be heard in defense, may impose a sanction for contempt of court authorized under §800.12 Wis. Stats. and may impose a forfeiture therefor not to exceed two-hundred dollars (\$200) or upon nonpayment of the forfeiture and the assessments thereon, a jail sentence not to exceed seven (7) days.

**1.8 Abolition**

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

**SECTION 2. REPEAL OF CONFLICTING PROVISIONS**

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

**SECTION 3. EFFECTIVE DATE**

3.1 This ordinance shall take effect and be in full force and effect from and after its passage by the municipalities that are parties to the agreement and publication as required by law.

Adopted by the City of Kiel, Wisconsin on November 27, 2012

Adopted by the Town of Schleswig, Manitowoc County, Wisconsin on October 11, 2012.

**TOWN OF SCHLESWIG**

**CITY OF KIEL**

By: Dennis R. Salzman  
Dennis Salzman, Chairperson

By: Robert Werdeo, Jr.  
Robert Werdeo, Jr., Mayor

By: Pam Wielgosh  
Pam Wielgosh Clerk

By: Dennis Dederig  
Dennis Dederig, Administrator

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