

**AN ORDINANCE TO CREATE A MUNICIPAL COURT AND SECTION 123 OF THE
MUNICIPAL CODE OF THE VILLAGE OF ROSENDALE, WISCONSIN,
ACCORDING TO CHAPTER 755 OF THE WISCONSIN STATUTES**

1. Court Established

Pursuant to the authority granted by Chapter 755 of the Wisconsin Statutes at the Village Board meeting on June 22, 2015, there is hereby created and established a Municipal Court to be designated "Municipal Court for the Village of Rosendale, Wisconsin. The court is to become operative and function on July 1, 2015.

2. Jurisdiction

The municipal court shall have jurisdiction over incidents occurring on or after July 1, 2015, 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.

The municipal judge may issue civil warrants to enforce matters under the jurisdiction of the municipal court under §755.045(2), §66.0119 and §66.0119(3), Wis. Stats.

The municipal court has jurisdiction over juvenile offenders when it 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 Village of Rosendale, Wisconsin. The municipal judge shall be a resident of the municipality.
- b. *Oath Bond and Attire.* 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 file such oath with the clerk of the Village of Rosendale. At the same time, the judge shall execute and file an indemnity bond with the clerk of the municipality in an amount of \$1,000.00. The judge shall not act until the oath and bond have been filed as required by §19.01(4)(c), Wis. Stats., and the requirements of §755.03 Wis. Stats., have been complied with. The Judge shall wear a black robe and the clerk shall be dressed appropriately.
- c. *Salary.* The municipal judge shall receive a salary as determined by the Village Board which shall be in lieu of fees and costs. No salary shall be paid to the Judge for any time during a term unless the Judge executed and filed the official bond and oath. The salary may be increased by the Village Board before the start of the

second or subsequent year of service of the term of the judge, but shall not be decreased during a term. If a judge is designated or appointed under §850(4)(fm), or 800.06, the salary shall be determined by contract.

- d. *Election. Term.* The municipal judge shall be elected at large for a term of four years at the spring election held in even-numbered years and shall take office on May 1 following the election. In the initial year of the adoption of this ordinance, the municipal judge shall take office by appointment after July 1, 2015, and upon appropriate certification under Chapter 755.01 of the Wisconsin Statutes. Statutory election procedures for the subsequent “spring election” will be followed as required by Wisconsin Statutes.

4. Municipal Court

Hours. The municipal court for the Village of Rosendale shall be open as determined by order of the municipal judge.

Employees. The judge shall in writing appoint such clerks and deputy clerks as are authorized by the Village Board. Their salaries shall be fixed by the Village Board.

Location. The municipal judge shall keep office and hold court in an adequate facility provided by the municipal governing body initially the Village of Rosendale municipal building; the courtroom will be furnished appropriately so a court can function with proper decorum and will be located separately from the Rosendale Police Department. The court shall have a separate phone or extension number. However, the municipal judge may issue process and perform ministerial functions at any place in the county.

5. Records.

The Rosendale Municipal Court records shall be kept and stored separately from other Village records.

6. 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 Village of Rosendale Treasurer within thirty (30) days of collection. At such time, the municipal court shall report to the treasurer the title, nature of offenses and total amount of judgments imposed in actions and proceedings in which such monies were collected.

7. Contempt of Court

The municipal judge, after affording an opportunity to the person accused to be heard in defense, may punish for contempt as provided in §800.12, Wis. Stats., and may impose a forfeiture therefore not to exceed fifty dollars (\$50) or upon nonpayment of the forfeiture,

penalty assessment under §165.87, Wis. Stats., and jail assessment under §302.46, Wis. Stats., a jail sentence not to exceed seven (7) days.

8. Stipulation and Deposits

Deposits for Ordinance violations. The municipal judge shall establish and submit to the Village Board for approval in accordance with §800.03(3), Wis. Stats., a schedule of deposits for violations of Village ordinances, resolutions and bylaws.

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.

Stipulations and Deposits in Lieu of Court Appearance. Persons cited for violations of Village ordinances, resolutions or bylaws or violations of traffic or boating regulations for which a deposit has been established, shall be permitted to make a stipulations of no contest and a deposit in lieu of court appearance as provided in §800.03, §800.04 and §800.09 Wis. Stats.

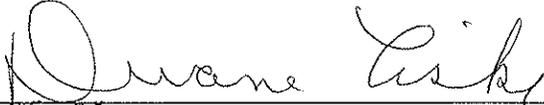
9. Other Ordinances

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

10. Effective Date

This ordinance shall take effect and be in full force and effect from and after its adoption, with posting and publication as required by law. The initial operating or effective date shall be July 1, 2015.

Dated: June 22, 2015.



Village President-Duane Ciske

Attest:



Village Clerk-Emily Wirkus