

ORDINANCE #05-24

AN ORDINANCE ESTABLISHING A MUNICIPAL COURT
FOR THE
CITIES OF FOND DU LAC AND RIPON, TOWNS OF AUBURN, CALUMET, EMPIRE, FOND DU
LAC, FRIENDSHIP, OAKFIELD, OSCEOLA, RIPON AND TAYCHEEDAH IN FOND DU LAC
COUNTY, TOWN OF WILSON IN SHEBOYGAN COUNTY AND THE VILLAGES OF BRANDON,
CAMPBELLSPORT, EDEN, FAIRWATER, NORTH FOND DU LAC, OAKFIELD AND ST. CLOUD
IN FOND DU LAC COUNTY
AND
THE CITY OF BERLIN IN GREEN LAKE AND WAUSHARA COUNTIES, THE CITIES OF GREEN
LAKE, MARKESAN AND PRINCETON IN GREEN LAKE COUNTY

The CITY OF BERLIN Common Council do ordain as follows:

Sec. 1-19 of the CITY OF BERLIN Code of Ordinances shall be repealed and recreated as follows:

Sec. 1-19. – Municipal court.

(a) Municipal Court Created.

Court Established. 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 Lakeside Municipal Court shall take effect and be in full force and effect from and after its passage by the municipalities that are party to the agreement and publication as required by law.

(b) Municipal Judge.

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.

Oath and Bond. The Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in Wis Stat. § 757.02(1) and at the same time execute and file an official bond in the amount of \$1,000, or an appropriate insurance policy of not less than \$20,000 as prescribed in Wis. Stat. § 66.0609(4). The judge shall not act until the oath and bond and/or appropriate insurance policy have been filed as required by Wis. Stat. § 19.01(4)(c), and the requirements of Wis. Stat. § 755.03(2), have been complied with.

Salary. The salary of the municipal judge shall be fixed by the Village Board of Village of North Fond du Lac which 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 appropriate insurance policy and official oath, as required by Wis. Stat. § 755.03, and filed pursuant to Wis. Stat. § 19.01(4)(c).

(c) Elections.

Term. The municipal judge shall be elected at large in the spring election for a term of four years commencing on May 1. All candidates for the position of municipal judge shall be nominated by nomination papers as provided in Wis. Stat. § 8.10, and selection at a primary election if such is held as provided in Wis. Stat. § 8.11. The Fond du Lac County Clerk shall serve as filing officer for the candidates.

Electors. Electors in all municipalities that are parties to the agreement shall vote for judge.

(d) Jurisdiction.

The municipal court shall have jurisdiction over incidents occurring on or after May 1, 2024, as provided in Article VII, § 14 of the Wisconsin Constitution, Wis. Stat. § 755.045 and § 755.05, 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.

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

The municipal court has jurisdiction over juvenile offenders when a municipality that is party to the agreement enacts an ordinance under the authority of Wis. Stat. § 938.17(2)(cm).

Court authority to impose alternative juvenile dispositions and sanctions.

- (1) For a juvenile adjudged to have violated an ordinance, a court is authorized to impose any of the dispositions listed in Wis. Stat. § 938.343 and § 938.344, 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 Wis. Stat. § 938.343 or § 938.344, the municipal court is authorized to impose any of the sanctions listed in Wis. Stat. § 938.355(6)(d), in accordance with the provisions of those statutes.

(e) Municipal Court.

Hours. Lakeside Municipal Court shall be open as determined by order of the Municipal Judge.

Employees. The Judge shall, in writing, appoint such an Administrator, clerks, deputy clerks and assistants as are authorized by the Village Board of North Fond du Lac.

Location. The Municipal Judge shall keep his/her office at a location provided by the Board of Trustees of the Village of North Fond du Lac and shall hold court at locations agreed to by members of Lakeside Municipal Court. The Municipal Judge may issue, process and perform ministerial functions any place in the State of Wisconsin.

(f) Collection of Forfeitures and Costs.

Collection of Forfeitures and Costs. The Municipal Judge may impose punishment and sentences as provided by Chapters 800 and 938 of the Wisconsin Statutes and as provided in ordinances of the municipalities that are parties to the agreement. All forfeitures, fees, assessments, surcharges and costs shall be paid to the treasurer of the Village of North Fond du Lac in accordance with State Statute. At such time, the Municipal Court shall report to the treasurer the title, nature of offense and total amount of judgments imposed in actions and proceedings in which such monies are collected.

(g) Contempt of Court.

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 Wis. Stat. § 800.12, and impose a forfeiture and/or a jail sentence in accordance with State Statute.

(h) Stipulations and/or Deposits.

Deposits for Ordinance Violations. The Municipal Judge shall establish and submit to the City Councils or Town or Village Boards of the member municipalities for approval in accordance with Wis. Stat. § 800.037, a schedule of deposits for violations of each ordinance, resolutions and by-laws.

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 of the Wisconsin Statutes, shall apply to stipulations and deposits for violations of traffic regulations enacted in accordance with Wis. Stat. § 345.11, and boating regulations enacted in accordance with Wis. Stat. § 30.77.

Stipulations and Deposits in Lieu of Court Appearance. Persons cited for violations of the member municipalities ordinances, resolutions or by-laws 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 Wis. Stat. § 800.035, Wis. Stat. § 800.045, Wis. Stat. § 800.09, unless personal appearance is required.

(i) Abolition.

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

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

This Ordinance shall take effect May 1, 2024, and be in full force and effect from and after its passage by the municipalities that are party to the agreement and publication as required by law.

The numeric section numbers and headings of any portions of the CITY OF BERLIN Code of Ordinances affected by this Ordinance shall be subject to modification in the discretion of the codifier, and the approval of the CITY OF BERLIN Attorney, during codification into the CITY OF BERLIN'S current Code of Ordinances.

This An Ordinance Establishing a Municipal Court for the Cities of Fond Du Lac and Ripon, Towns of Auburn, Calumet, Empire, Fond Du Lac, Friendship, Oakfield, Osceola, Ripon and Taycheedah in Fond Du Lac County, Village of Wilson in Sheboygan County and the Villages of Brandon, Campbellsport, Eden, Fairwater, North Fond Du Lac, Oakfield and St. Cloud in Fond Du Lac County and the City of Berlin in Green Lake and Waushara Counties, the Cities of Green Lake, Markesan and Princeton in Green Lake County passed, approved, and adopted April 9, 2024.

ROLL CALL VOTE:

5 AYES

— NAYS

1 ABSENT

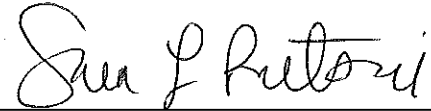
CITY OF BERLIN

BY:



JOEL E. BRUESSEL
Mayor

ATTEST:



SARA L. RUTKOWSKI
City Administrator/City Clerk

APPROVED AS TO FORM:



MATTHEW G. CHIER
City Attorney