

**Chapter 1.18
Municipal Court**

Section:

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1.18.010 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.

1.18.020 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 §757.02(1), Wis. Stats., 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 §66.0609(4), Wis. Stats. The judge shall not act until the oath and bond or appropriate insurance policy 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.

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 or official oath, as required by §755.03, Wis. Stats., and filed pursuant to §19.01(4)(c), Wis. Stats.

1.18.030 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 §8.10, Wis. Stats., and selection at a primary election if such is held as provided in §8.11, Wis. Stats. 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.

1.18.040 Jurisdiction.

The municipal court shall have jurisdiction over incidents occurring on or after July 15, 2020, 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.

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

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.

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 §938.343 and §938.344, Wis. Stats., 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 §938.343 or §938.344, Wis. Stats., the municipal court is authorized to impose any of the sanctions listed in §938.355(6)(d), Wis. Stats., in accordance with the provisions of those statutes.

1.18.050 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.

1.18.060 Collection of forfeitures and costs.

Collection of Forfeitures and Costs: The Municipal Judge may impose punishment and sentences as provided by Wis. Stats. Chapters 800 and 938 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.

1.18.070 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 §800.12, Wis. Stats., and/or impose a forfeiture and/or a jail sentence in accordance with State Statute.

1.18.080 Stipulations and 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 §800.037, Wis. Stats., 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, Wis. Stats., shall apply to stipulations and deposits for violations of traffic regulations enacted in accordance with §345.11, Wis. Stats., and boating regulations enacted in accordance with §30.77, Wis. Stats.

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 §800.035, Wis. Stats., §800.045, Wis. Stats., §800.09,

Wis. Stats., unless personal appearance is required.

1.18.090 Abolition

The Municipal Court hereby established shall not be abolished while the §755.01(4), Wis. Stats., agreement is in effect. (Ord. 2020-2)

Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of any ordinance of the village, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for said forfeiture and costs. (Prior code § 15.04[2])

**Chapter 1.20
General Penalty**

Section:

- 1.20.010 General penalty established.**
- 1.20.020 Execution against defendant's property.**

1.20.010 General penalty established.

Unless another penalty is expressly provided, every person convicted of a violation of any provision of this code, or any ordinance, rule, or regulation adopted or issued in pursuance thereof, shall be subject to a forfeiture of not less than \$10.00 and not more than \$500.00 and costs of prosecution. In default of payment of such forfeiture and costs, such person may be committed to the county jail until such forfeiture and costs are paid. Every commitment shall limit the duration of such imprisonment to a definite term not exceeding 90 days. Each act of violation, and each day on which any such violation shall occur, shall constitute a separate offense. The penalty provided by this paragraph, unless another penalty is expressly provided, shall apply to the amendment of any code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the village may pursue other remedies such as abatement of nuisances, injunctive relief, and revocation of licenses or permits. (Res. 2001-3 [part])

1.20.020 Execution against defendant's Property.