

**ORDINANCE 1053B**

**LAKE MILLS MUNICIPAL COURT**

THE CITY COUNCIL OF THE CITY OF LAKE MILLS, JEFFERSON COUNTY, WISCONSIN,  
DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 8 of Title 1 of the Lake Mills Municipal Code is repealed and recreated as follows:

CHAPTER 1

LAKE MILLS MUNICIPAL COURT

SECTION:

- 1-8-1: Lake Mills Municipal Court
- 1-8-2: Municipal Court Procedure
- 1-8-3: Guardian ad Litem

1-8-1: **LAKE MILLS MUNICIPAL COURT**

A. Municipal Court Established: There is hereby created and established a Lake Mills Municipal Court under the provisions of Chapter 755 of the Wisconsin Statutes which is incorporated by reference, including any amendments, as though the Chapter were written in its entirety herein.

1. The Municipal Court hereby established shall be known as the "Municipal Court for the City and Town of Lake Mills."
2. To permit the Court herein established to become a court with two member municipalities, both the City and the Town of Lake Mills, pursuant to § 755.01(4), Wis. Stats., shall enact identical ordinances and shall enter into an agreement pursuant to § 66.0301, Wis. Stats. for the exercise of powers relating to the creation and administration of this Court.
3. For purposes of creating this Court, the City and Town acknowledge and agree that the terms of this ordinance shall constitute the terms of the agreement under § 66.0301, Wis. Stats., and that this ordinance shall serve as the agreement as if it were written and separately executed between the City and Town of Lake Mills.
4. This court may not be abolished during any term for which a judge has already been elected. Either the City or Town may abolish this court, effective at the end of a judge's term of office, by adopting an ordinance repealing that municipality's ordinance. Such ordinance shall be in effect on December 1 in the year preceding the May 1 expiration of the judge's term, so that potential candidates for judge are aware of the change in the status and jurisdiction of the court. Any municipality that has not so acted to repeal its ordinance shall also, prior to December 1 in the year preceding the May 1 expiration of the judge's term, amend its ordinance in a manner that preserves the Municipal Court's jurisdiction for that municipality, commencing on May 1.

B. Municipal Judge: Such Court shall be under the jurisdiction of and presided over by a Municipal Judge, who shall be an attorney licensed to practice law in Wisconsin, and who shall reside in either the City of Lake Mills or the Town of Lake Mills at the time of his or her election and throughout his or her term of office.

1. Such Municipal Judge shall be elected at large in the spring election for a term of two (2) 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.

2. The City Council of the City of Lake Mills and the Board of Supervisors of the Town of Lake Mills shall provide for a primary election in the event that more than two candidates file nomination papers for such position of Municipal Judge, as provided in § 8.11(1)(a), Wis. Stats., and such primary election shall be held on the third Tuesday of February as provided in § 5.02(22), Wis. Stats.
  3. Because a Municipal Court has previously been established by the City of Lake Mills, and because the Judge presiding over the Court has been elected to a term of office until May 1, 2010, the Judge of the previously established Municipal Court shall preside over the newly organized Municipal Court for the City and Town of Lake Mills until the end of the existing term.
- C. Elections: The Clerks of the City and Town of Lake Mills shall see to the compliance with Wis. Stat. §§ 5.58(1c), 5.60(1)(b), 5.60(2), 7.10(1)(a), 7.60(4)(a) and 8.10(6)(bm) to provide for the election of a Municipal Judge under § 755.01(4), Wis. Stats.
- D. Oath and Bond: The Judge shall, after his or her 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 \$5,000.00. 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(2), Wis. Stats., have been complied with.
- E. Salary and Administrative Costs: The salary of the Municipal Judge shall be fixed by the City Council of the City of Lake Mills, and such salary shall be in lieu of fees and costs. No salary shall be paid for any time during a term for 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 City Council annually shall by separate ordinance allocate funds for the administration of the Municipal Court, and shall provide for a location for records for the Municipal Court, and shall provide office space for 16 hours per week for the Court Clerk within City-owned or controlled facilities, such that persons having business with the Court may access the Court Clerk during regularly scheduled business hours.
- F. Jurisdiction: The Municipal Judge of the Municipal Court shall have such jurisdiction as provided by §§ 755.045 and 755.05, Wis. Stats., and as otherwise provided by State Law. The Municipal Judge is authorized to issue inspection warrants under §66.0119, Wis. Stats.
- G. Location and Hours: The Municipal Court shall be held in the Council Chambers of the City of Lake Mills Municipal Building at 200 Water Street. The Municipal Court shall be open at such times as determined by the Municipal Judge.
- H. Forfeitures, Costs and Contributions: The Municipal Judge may impose forfeitures, costs and contributions as provided by § 800.09, Wis. Stats., and as provided in the ordinances of the City of Lake Mills, Town of Lake Mills, and any contracting municipalities. Court costs shall be imposed in an amount of no less than twenty-eight dollars (\$28.00) per citation for which a deposit is made or for which the court has made a finding of guilt. Court costs shall be increased to the maximum allowable amount whenever authorized by statute. All forfeitures, fees, penalty assessments, domestic abuse assessments, driver improvement surcharges, and the fee to be paid to the department of administration, shall be paid to the treasurer of the municipality within which the case arose within seven (7) days after receipt of the money by the Municipal Judge or other court personnel. At the time of the payment, the Municipal Judge shall report the title of the action, the offense for which a forfeiture was imposed and the total amount of the forfeiture, fees, penalty assessment, domestic abuse assessment, driver improvement surcharge and costs, if any. The treasurer of each municipality shall disperse the fees as provided in § 814.65(1), Wis. Stats., and in accordance with the monthly report provided by the Court Clerk, except that court costs, minus the fee per citation payable to the department of administration, shall be retained by the City of Lake Mills as payment towards the administrative costs of the Municipal Court. The forfeitures received by the respective treasurers from the Court shall be retained by the respective municipality. All jail assessments paid to the Municipal Court shall be paid to the county treasurer within seven (7) days after receipt of the money by the Municipal Judge or other court personnel.

1-8-2: **MUNICIPAL COURT PROCEDURE:**

- A. The procedure in Municipal Court shall be as provided in this section and the State law, including but not necessarily limited due to enumeration, Chs. 66, 345, 751, 755, 757 and 800, Wis. Stats. The provisions of Chapter 800, Wis. Stats., including any amendments thereto, are hereby incorporated by reference as the procedures to be followed in the Municipal Court for the City and

Town of Lake Mills as though they were set forth in their entirety herein.

- B. The Municipal Judge may impose punishment and sentences as provided by § 800.09, Wis. Stats., and as provided in the ordinances of the City of Lake Mills, Town of Lake Mills, and any contracting municipalities.
- C. The Municipal Judge shall establish in accordance with § 800.03(3), Wis. Stats., a schedule of deposits for violations of City and Town ordinances, resolutions, bylaws, except traffic regulations, which are and shall be governed by § 345.27, Wis. Stats., and boating violations, which are and shall be governed by § 23.67, Wis. Stats. Such deposit schedule shall be approved by the respective governing bodies creating and establishing or contracting with this Court and shall be posted in the office of the Municipal Court Clerk and the police departments of the respective municipalities.
- D. Contempt Procedure:
  - 1. The Municipal Judge may impose a sanction authorized under § 800.12(2), Wis. Stats., for contempt of court as defined in § 785.01(1), Wis. Stats., in accordance with the procedures under § 785.03, Wis. Stats.
  - 2. The Municipal Judge may impose a forfeiture for contempt under § 800.12(1), Wis. Stats., in an amount not to exceed fifty dollars (\$50.00) or, upon nonpayment of the forfeiture and the penalty assessment under § 165.87, Wis. Stats., jail assessment under § 302.46, Wis. Stats., and any applicable domestic abuse assessment under § 973.055(1), Wis. Stats., a jail sentence not to exceed seven (7) days.
- E. Court Authority to Impose Alternative Juvenile Dispositions and Sanctions.
  - 1. For a juvenile adjudged to have violated an ordinance, the Municipal 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 and who also 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.
  - 3. This section is enacted under the authority of § 938.17(2)(cm), Wis. Stats.

1-8-3: **GUARDIAN AD LITEM:** The municipal court shall appoint a guardian ad litem for any defendant that the court has reason to believe is mentally incompetent.

Section 2. This ordinance was sponsored by Council President Ed Grunden for the City of Lake Mills.

Section 3. All ordinances or parts of ordinances inconsistent with or contravening the provisions of this ordinance are hereby repealed.

Section 4. This ordinance shall be in full force and effect upon passage and publication as provided by law.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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Pamela Lazaris, Council Vice-President

Attest:

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James E. Heilman, City Clerk-Treasurer