

"AN ORDINANCE CREATING THE OFFICE OF MUNICIPAL JUDGE
AND A MUNICIPAL COURT"

ORDINANCE NO. 26

The Town Board of the Town of Oakland, Jefferson
County, Wisconsin, DO ORDAIN as follows:

Ordinance 10 of the Oakland Municipal Code shall be and
is hereby repealed and Ordinance 26 shall be and is hereby
created to read as follows:

1. MUNICIPAL JUDGE.

a. Office Created. Pursuant to sec. 755.01, Wis.
Stats., there is created the office of Municipal Judge
for the Town of Oakland.

b. Election; Term. The Municipal Judge shall be
elected at large at the spring election in odd-numbered
years for a term of two (2) years, or until a successor
is elected and qualifies, commencing on May 1 next suc-
ceeding his election. Mid-term vacancies in the office
of Municipal Judge shall be filled by special election
under sec. 8.50, Wis. Stats., and any amendments there-
to.

c. Salary. The Municipal Judge shall receive a
salary which shall be set by the Town Board for the
Town of Oakland and which shall be in lieu of fees and
costs. No salary shall be paid to the Judge for any
time during his term if he has not executed and filed
his official bond and oath as required by paragraph d
of this subsection.

d. Bond; Oath. (1). The Municipal Judge shall
execute and file with the Clerk of Courts for
Jefferson County the oath prescribed by sec.
755.03, Wis. Stats., and a bond in the penal amount
to be set by the Town Board of the Town of Oakland.

(2). The Municipal Judge shall not be quali-
fied to act until a certified copy of the bond is
filed with the Town Clerk and a certified copy of
the oath is filed with the office of Director of
State Courts within the 10-day time period as re-
quired by sec. 755.03, Wis. Stats.

e. Jurisdiction. The Municipal Judge shall have
jurisdiction as provided by law and sec. 755.045, Wis.

Stats., and exclusive jurisdiction of violations of town ordinances, resolutions and by-laws.

2. MUNICIPAL COURT.

a. Court Established. The municipal court for the Town of Oakland is established pursuant to Chapter 755 and sec. 755.01, Wis. Stats.

b. Hours. The municipal court for the Town of Oakland shall be open as determined by order of the Municipal Judge.

c. Location. The Municipal Judge shall keep his office and hold court in the Town Hall.

d. Procedure. The procedure in the municipal court for the Town of Oakland shall be as provided by this section and state law including, without limitation because of enumeration, sections 23.66 to 23.99, 345.20 to 345.60, and Chapters 755, 778, and 800, Wis. Stats.

e. Collection and Return of Forfeitures. The Municipal Judge, or his clerk, shall collect all forfeitures, penalty assessments, fees and taxable costs in any action or proceeding before him and shall pay over such monies to the "Municipal Forfeiture Account" established at a banking institution within 7 days of collection. Periodically, but not less than bi-monthly, the Municipal Judge, or his clerk, shall also report to the Town Treasurer, the title, nature of offenses and total amount of judgments imposed in actions and proceedings in which such monies were collected.

f. Contempt of Court. The Municipal Judge shall have the power to impose a sanction for contempt of court pursuant to the procedure set out in sec. 800.12, Wis. Stats., and any amendments thereto.

g. Penalty for Contempt of Court. The Municipal Judge may, upon finding any person guilty of contempt, order such person to forfeit not more than \$50 plus the penalty assessment under sec. 165.87, Wis. Stats. Upon non-payment of the forfeiture and the penalty assessment, the person found guilty of contempt may be sentenced to the county jail not to exceed 7 days.

3. STIPULATIONS AND DEPOSITS IN MUNICIPAL COURT.

a. Deposit Schedule to be Established. The Municipal Judge shall establish and submit to the Town Board

for approval in accordance with sec. 800.03(3), Wis. Stats., a schedule of deposits for violations of town ordinances, town resolutions and by-laws, except traffic regulations which are governed by sec. 345.27, Wis. Stats., and boating violations which are governed by sec. 23.67, Wis. Stats. When approved by the Board, such deposit schedule shall be posted in the Town Hall.

b. Stipulation and Deposit in Lieu of Court Appearance. Persons cited for violations of town ordinances, town resolutions or by-laws for which a deposit has been established under this subsection shall be permitted to make a stipulation of No Contest and a deposit in lieu of court appearance as provided in secs. 800.03, 800.04, and 800.09, Wis. Stats.

c. Traffic and Boating Deposits. 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 entered in accordance with sec. 345.27 and boating regulations entered in accordance with sec. 30.77, Wis. Stats.

d. When Not Permitted. Stipulations and deposits shall not be permitted in cases of contempt under subsection f.

4. SEVERABILITY. Should any provision, clause, or phrase of this section be held invalid or unconstitutional for any reason, such holding shall not affect the validity of the section as a whole or any part thereof other than the part so declared invalid or unconstitutional.

5. EFFECT ON EXISTING VIOLATIONS. The repeal of the existing ordinance on municipal justices and the adoption of this section shall not affect the prosecution of any cases under the prior ordinance.

Dated this 16th day of February, 1987.

TOWN OF OAKLAND,
TOWN BOARD, by:

Raymond C. Deane
Town Chairman