

Chapter 35

MUNICIPAL COURT

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§ 35-1. Municipal 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 Municipal Court for the City of Portage and the Village of Endeavor (hereinafter referred to as "Municipal Court"), said court to become operative and function on January 1, 2014.

§ 35-2. Jurisdiction.

- (a) The Municipal Court shall have jurisdiction over incidents occurring on or after March 1, 2008 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.
- (b) The municipal judge may issue civil warrants to enforce matters under the jurisdiction of the municipal court under § 755.045(2), § 66.0119 and § 6.0119(3), Wis. Stats.
- (c) Pursuant to the authority granted by § 938.17(2)(cm), Wis. Stats, the municipal judge may impose the disposition contemplated by each of the following statutes upon a juvenile for a violation of city municipal ordinances:
 - (1) Any disposition allowed under Chapter 48, Wisconsin Statutes;
 - (2) § 938.343, Wis. Stats.;
 - (3) § 938.344, Wis. Stats.;
 - (4) § 938.361, Wis. Stats.;

Any of the above listed dispositions may be used in combination with any other(s) when imposed by the municipal judge.

§35-3. Municipal judge.

- (a) Qualifications. There is hereby created the office of municipal judge of the Municipal Court. The municipal judge shall be an adult resident of the City of Portage or the Village of Endeavor, not otherwise disqualified from holding office.
- (b) 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 shall execute and file an

indemnity bond. 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.

- (c) Compensation. The municipal judge shall receive a salary as fixed by the common council of the City of Portage, which shall be in lieu of fees and costs. No salary shall be paid to the judge for any time during his/her term for which he/she has not executed and filed the official bond and oath.

§ 35-4. Elections.

- (a) Term. The initial municipal judge shall be the municipal judge currently serving in the Portage Municipal Court. At the expiration of his current term, the municipal judge shall be elected at large in the spring election in odd-numbered years for a term of four (4) years commencing on May 1, 2015. 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 filing officer for the candidates shall be as designated in Wis. Stat. §8.10(6)(bm).
- (b) Vacancy. Any permanent vacancy or temporary absence occurring in the office of municipal judge shall be filled pursuant to state law.
- (c) Electors. Electors in both municipalities, the City of Portage and the Village of Endeavor, shall vote for the municipal judge.

§ 35-5. Operations and procedures.

- (a) Hours. The Municipal Court shall be open as determined by order of the municipal judge.
- (b) Employees. The judge shall, in writing, appoint a clerk and up to two deputy clerks. Their salaries shall be fixed by the common council of the City of Portage.
- (c) Location. The municipal judge shall keep his/her office and hold court in the City of Portage municipal building. However, the municipal judge may issue process and perform ministerial functions at any place authorized by the common council of the City of Portage.

§ 35-6. Collections.

The municipal judge may impose punishment and sentences as provided by Wis. Stat. Chaps. 800 and 938, and as provided in the ordinances of the City of Portage and the Village of Endeavor. 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 city treasurer of the City of Portage. 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.

§ 35-7. 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 as set forth in the City of Portage or Village of Endeavor bond schedule. Upon nonpayment of the forfeiture and or court costs, a jail sentence not to exceed seven days may be imposed.

§ 35-8. Stipulations and deposits.

- (a) *Deposits for ordinance, traffic and boating violations.* The deposit amount and schedule of deposits for violation of traffic regulations, boating regulations, and municipal ordinances, resolutions and bylaws shall be set pursuant to Wis. Stat. §800.037.
- (b) Stipulations and deposits in lieu of court appearance. Persons cited for violations of ~~city~~ 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 Wis. Stat. §800.035.

§ 35-9. Abolition

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

This ordinance shall take effect and be in force from and after passage and publication or posting.

The foregoing ordinance was duly adopted by the Village Board of the Village of Endeavor, Marquette County, Wisconsin, at a meeting held on November 12, 2013, by a vote of 5 in favor, 0 opposed, and 0 not voting.

APPROVED:

By: Steve Biba

Steve Biba, Village President

ATTEST:

Eileen Bennett

Eileen Bennett, Village Clerk-Treasurer

Published or

Posted: 11-13-13

STATE OF WISCONSIN}

} SS

COUNTY OF MARQUETTE}

I, Eileen Bennett, Village Clerk of the Village of Endeavor, Wisconsin, do hereby certify that the Ordinance #35 passed and adopted by the Village Board of the Village of Endeavor, Wisconsin, on the 12th day of November, 2013 with the original document on file in my office, and that the same is a true and correct copy thereof and has not been subsequently repealed, amended or revoked.

IN WITNESS WHEREOF, I have set my hand and seal of the said Village of Endeavor, this 12th day of November, 2013.

A handwritten signature in cursive script that reads "Eileen Bennett". The signature is written in black ink and is positioned above a horizontal line.

Eileen Bennett, Village Clerk

Endeavor, Wisconsin

(SEAL)