

ORDINANCE NO: 47A

Town of Saratoga

AN ORDINANCE CREATING AND ESTABLISHING A JOINT MUNICIPAL COURT

The Town Board of the Town of Grand Rapids, Wisconsin, and Town Board of the Town of Saratoga, Wisconsin, pursuant to Chapter 755 Wisconsin Statutes do ordain as follows with regard to its Town Ordinances:

47.1 STATUTORY AUTHORITY

Pursuant to the authority granted by Chapter 755 of the Wisconsin Statutes, there is hereby created and established a Joint Municipal Court serving the Towns of Grand Rapids and Saratoga, said court to be designated as the "Grand Rapids/Saratoga Municipal Court" and becomes operative and functional after each municipality passes a copy of this ordinance.

The Grand Rapids/Saratoga Municipal Court shall have jurisdiction over incidents occurring on or after April 1, 2007 as provided in Article VII, Chapter 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.

The Municipal Judge may issue civil warrants to enforce matters under the jurisdiction of the Municipal Court under § 755.045(2), and § 66.0119, Wis. Stats.

The Grand Rapids/Saratoga Municipal Court has jurisdiction over juvenile offenders under the authority of § 938.17(2), Wis. Stats.

If the Grand Rapids/Saratoga Municipal Court finds that the juvenile violated a civil law or an ordinance, the Municipal Court may enter an order making a disposition of the case under § 938.343 and § 938.344, and may impose sanctions under § 938.355(6)(d) and § 938.355(6m) Wis. Stats.

47.2 OFFICE OF MUNICIPAL JUDGE

There is hereby created the office of Municipal Judge of the Grand Rapids/Saratoga Municipal Court. The Municipal Judge shall be a resident of the Town of Grand Rapids or Town of Saratoga and shall be licensed to practice law in the State of Wisconsin.

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 file such oath with the county Clerk of Circuit Court. At the same time, the Judge shall execute

and file an indemnity bond with the clerk of the municipality, an amount not less than \$5,000. 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 satisfied.

The Municipal Judge shall receive a salary as determined by the Grand Rapids Town Board which shall be in lieu of fees and costs. The salary may be increased by said Town Board before the start of the second or subsequent year of service of the term of the Judge, but shall not be decreased during a term.

The Municipal Judge shall be elected at large for a term of four years at the spring election held every four years and shall take office on May 1 following the election. The four year term for municipal judge shall commence with the term for which election will be held in April 2012.

47.3 MUNICIPAL COURT OFFICE AND SUPPORT STAFF

The Grand Rapids/Saratoga Municipal Court shall be open as determined by order of the Municipal Judge. The Judge shall in writing appoint such clerks and deputy clerks as are authorized by the Grand Rapids Town Board. Their salaries shall be fixed by said Town Board. The Municipal Judge shall keep his/her office and hold court in the Town of Grand Rapids Municipal Building. However, the Municipal Judge may issue process and perform ministerial functions at any place in Wood County.

47.4 PROCEDURE

The procedures set forth in Chapter 800 Wis. Stats. are hereby adopted.

47.5 COLLECTION OF FORFEITURES

The Grand Rapids/Saratoga 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 respective Town Treasurer within seven (7) days of collection. 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.

47.6 SCHEDULE OF DEPOSITS

The Municipal Judge shall establish and submit to the respective Town Board for approval in accordance with § 800.037, Wis. Stats., a schedule of deposits for violations of Town ordinances, resolutions and bylaws. The deposit schedule established by the Wisconsin Judicial Conference shall apply to violations of traffic regulations enacted in accordance with § 345.27 and boating regulations enacted in accordance with § 30.77, Wis. Stats.

47.7 CONTEMPT OF COURT

The procedures governing contempt of court, including authorized sanctions, set forth in sec. 800.12 Wis. Stats. shall be followed.

47.8 ABOLITION/CONTINUATION OF COURT

In the event that the Grand Rapids/Saratoga Municipal Court is abolished by the Town of Grand Rapids and the Town of Saratoga wishes the Court to continue, the municipal judge, if not a resident of the Town of Saratoga, shall resign upon the effective date of such dissolution, and the Town Board of the Town of Saratoga shall appoint a replacement to complete the judicial term. In the event that the Town of Saratoga decides to discontinue its participation in the joint court and the Town of Grand Rapids continues its participation, and if the municipal judge is a resident of the Town of Saratoga, the judge shall resign upon the effective date of the discontinuation of participation, and the Town Board of the Town of Grand Rapids shall appoint a replacement to complete the judicial term. In either case, both towns shall cooperate with one another to ensure a smooth transition to allow the functions of the Court to continue in its regular course of business.

47.9 REVOCATION OF PREVIOUS ORDINANCE

Town of Saratoga Ordinance 47 shall be revoked upon the passage of this ordinance

This ordinance shall take effect from and after the date of its passage and publication as provided by law.

July 20, 2011
Date

Terry Rickaby
Chairman

Douglas Passineau
Supervisor

Patty Heeg
Supervisor

John Frank
Supervisor

Danny Forbes
Supervisor

Heidi Kawleski