

Chapter 23
COURT, MUNICIPAL

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[HISTORY: Adopted by the Village Board of the Village of Black Creek at time of adoption of Code (see Ch. 1, General Provisions, Art. II). Amendments noted where applicable.]

§ 23-1. Court established.

Pursuant to the authority granted by Chapter 755 of the Wisconsin Statutes, there is hereby created and established a Municipal Court to be designated "Village of Black Creek Joint Municipal Court," serving the Villages of Black Creek, Nichols and Bear Creek in Outagamie County, pursuant to the Agreement for the Operation of the Black Creek/Nichols/Bear Creek Municipal Court, June 2011, as accepted by all participating municipalities, a copy which is on file with the Village Clerk-Treasurer.

§ 23-2. Municipal Judge.

- A. Qualifications. The Court shall be under the jurisdiction of and presided over by a Municipal Judge, who resides in any of the member municipalities as defined in the agreement.
- 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, the Judge shall execute and file an official bond with the Clerk of the municipality in an amount of \$1,000. 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(2), Wis. Stats., have been complied with.
- C. Salary. The salary of the Municipal Judge shall be fixed by the Village Board of Black Creek and shall be in lieu of fees and costs. No salary shall be paid to the Judge for any time during which such Judge has not executed and filed the official bond or official oath as required by § 755.03, Wis. Stats., and filed pursuant to § 19.01(4)(c), Wis. Stats.

§ 23-3. Elections.

- A. 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 State Election Board shall serve as the filing officer for the candidates.

- B. Electors. Electors in the Village shall vote for the Judge.
- C. Vacancy. Any vacancy occurring in the office of Municipal Judge shall be filled pursuant to state law.

§ 23-4. Jurisdiction.

- A. The Municipal Court shall have jurisdiction over incidents occurring on or after September 1, 2006, 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 Village seeks to impose forfeitures for violations of municipal ordinances, resolutions and bylaws.
- B. 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.:
 - (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.
 - (3) This section is enacted under the authority of § 938.17(2)(cm), Wis. Stats.

§ 23-5. Municipal Court.

- A. Hours. Black Creek Municipal Court shall be open as determined by order of the Municipal Judge.
- B. Employees. The Judge shall, in writing, appoint such clerks and assistants as are authorized by the Village Board of Black Creek. Their salaries shall be fixed by the Board of Trustees of the Village of Black Creek.
- C. Location. The Municipal Judge shall keep his/her office at a location provided by the Board of Trustees of the Village of Black Creek and shall hold court at locations agreed to by members of Black Creek Joint Municipal Court. The Municipal Judge may issue process and perform ministerial functions any place in the State of Wisconsin.

§ 23-6. Collection of forfeitures and costs.

The Municipal Judge may impose punishment and sentences as provided by Chs. 800 and 938, Wis. Stats., and as provided in ordinances of the Village. All forfeitures, fees, assessments, surcharges and costs shall be paid to the Treasurer of the Village of Black Creek

within seven days of collection. 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.

§ 23-7. 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 or a jail sentence in accordance with state statute.

§ 23-8. Stipulations and deposits.

- A. Deposits for ordinance violations. The Municipal Judge shall establish and submit to the Village Board for approval in accordance with § 800.037, Wis. Stats., a schedule of deposits for violations of each municipality's ordinances, resolutions and bylaws.
- B. Deposits for traffic and boating violations. The deposit schedule established by the Wisconsin Judicial Conference and the procedures set forth in Chs. 23 and 345, Wis. Stats., shall apply to stipulations and deposits for violations of traffic regulations enacted in accordance with § 345.27, Wis. Stats., and boating regulations enacted in accordance with § 30.77, Wis. Stats.
- C. Stipulations and deposits in lieu of Court appearance. Persons cited for violations of the Village's ordinances, resolutions or bylaws, 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 § 800.037, § 800.035 and § 800.09, Wis. Stats., unless personal appearance is required.

