

ORDINANCE NO. 106

AN ORDINANCE TO CREATE AND ESTABLISH
A MUNICIPAL COURT FOR THE CITY OF OCONOMOWOC,
TOWN OF OCONOMOWOC, TOWN OF MERTON, TOWN OF SUMMIT, VILLAGE
OF HARTLAND, VILLAGE OF OCONOMOWOC LAKE, VILLAGE OF CHENEQUA,
VILLAGE OF LAC LA BELLE, VILLAGE OF MERTON AND
THE VILLAGE OF NASHOTAH PURSUANT TO SECTION 755.01(4)
AND SECTION 66.30 WISCONSIN STATUTES.

The Village Board of Trustees of the Village of Oconomowoc Lake
do ordain as follows:

SECTION 1. MUNICIPAL COURT

(1) MUNICIPAL COURT CREATED

There is hereby created and established a Municipal Court under the provisions of Chapter 755 of the Wisconsin Statutes to be designated as "Municipal Court for the City of Oconomowoc, and the Town of Oconomowoc, and the Town of Merton, and the Town of Summit, and the Village of Hartland, and the Village of Oconomowoc Lake, and the Village of Chenequa, and the Village of Lac La Belle, and the Village of Merton, and the Village of Nashotah", or so many of those municipalities which enact an ordinance identical to this ordinance pursuant to Sec. 755.01(4) Wis. Stats.

(2) 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 one of the following municipalities: City of Oconomowoc, Town of Oconomowoc, Town of Merton, Town of Summit, Village of Hartland, Village of Oconomowoc Lake, Village of Chenequa, Village of Lac La Belle, Village of Merton or Village of Nashotah, or those municipalities which enact an ordinance identical to this ordinance and enter into an agreement pursuant to Sec. 66.30 Wis. Stats. for the joint exercise of the power granted under 755.01 Wis. Stats. Such Municipal Judge shall be elected at large in the spring election for a term of two (2) years commencing on May 1. The first Municipal Judge of this court shall be elected for a term commencing May 1, 1988. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in Section 8.10, Wis. Stats., and selection at a primary election if such is held as provided in Section 8.11, Wis. Stats. The Board of Trustees of the Village of Oconomowoc Lake shall provide for a primary election whenever three (3) or more candidates file nomination papers for such

position of Municipal Judge as provided in Section 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) ELECTIONS

The Municipal Clerk of each municipality shall see to the compliance with Statutes 5.58(1c), 5.60(1)(b), 5.60(2), 7.10(1)(a), 7.60(4)(a) and 8.10(6)(a) to provide for the election of a Municipal Judge under S.755.01(4).

(4) OATH AND BOND

The Judge shall, after his election or appointment to fill a vacancy, take and file the official oath as prescribed in Section 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 his oath and bond have been filed as required by Section 19.01(4)(c) Wis. Stats. and the requirements of Section 755.03(2) have been complied with.

(5) SALARY

The salary of the Municipal Judge shall be fixed by the governing bodies of the municipalities that created and established this Municipal Court, which shall be in lieu of fees and costs. No salary shall be paid for any time during his term during which such Judge has not executed his official bond or official oath, as required by Section 755.03, Wis. Stats., and filed pursuant to Section 19.01(4)(c) Wis. Stats. The municipalities may by separate ordinances, resolutions, or through the budget process, allocate funds for the administration of the Municipal Court pursuant to Section 66.30.

(6) JURISDICTION

The Municipal Judge of the Municipal Court shall have such jurisdiction as provided by Sections 755.045 and 755.05 Wis. Stats., and as otherwise provided by State Law. The Municipal Judge is authorized to issue inspection warrants under Sections 66.122 and 66.123 Wis. Stats.

(7) LOCATION AND HOURS

The Municipal Court shall be held in the Council Chambers of the City of Oconomowoc City Hall at 174 E. Wisconsin Avenue, Oconomowoc, Wisconsin. The Municipal Court shall be open at such times as determined by the Municipal Judge.

(8) FINES AND FORFEITURES

The Municipal Judge may impose punishment and sentences as provided by Section 800.09, Wis. Stats., and as provided in the ordinances of the following municipalities: City of Oconomowoc, Town of Oconomowoc, Town of Merton, Town of Summit, Village of Hartland, Village of Oconomowoc Lake, Village of Chenequa, Village of Lac La Belle, Village of Merton or Village of Nashotah. All forfeitures, fees, penalty assessments and costs shall be paid to the Treasurer of the Municipality within which the case arose within 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 to the Treasurer the title of the action, the offense for which a forfeiture was imposed and the total amount of the forfeiture, fees, penalty assessment and costs, if any.

(9) STIPULATIONS AND DEPOSITS IN MUNICIPAL COURT

The Municipal Court herein established shall be operated pursuant to and in compliance with the provisions of Chapter 800 Wis. Stats., and where applicable, other provisions of the Wis. Stats. as referred to in subsection (10) below. The Municipal Judge shall establish in accordance with Section 800.03(3) Wis. Stats., a schedule of deposits for violations of City, Village and Town ordinances, resolutions and bylaws, except traffic regulations which are and shall be governed by Chapter 345.27 Wis. Stats. and boating violations which are, and shall be governed by Chapter 23.67 Wis. Stats. Such deposit schedule shall be approved by the respective governing bodies of the municipalities creating and establishing this Court and shall be posted in the office of the Municipal Court Clerk and the police departments of the respective communities.

(10) PROCEDURE IN MUNICIPAL COURT

The procedure in Municipal Court shall be as provided by this Ordinance and State Law including, but not excluding because of enumeration Chapter 66, 345, 751, 755, 757 and 800 of the Wis. Stats.

(11) CONTEMPT PROCEDURES

(a) The Municipal Judge may impose a sanction authorized under Section 800.12(2) for contempt of court, as defined in Section 785.01(1) Wis. Stats., in accordance with the procedures under Section 785.03 Wis. Stats.

(b) The Municipal Judge may impose a forfeiture for contempt under Section 800.12(1) Wis. Stats. in an amount not to exceed \$50. or, upon nonpayment of the forfeiture and the penalty assessment under Section 165.87, Wis. Stats., a jail sentence not to exceed 7 days.

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

SECTION 2. All ordinances or parts of ordinances contravening or inconsistent with the provisions of this ordinance be and they are hereby repealed.

SECTION 3. This ordinance shall take effect and be in full force and effect from and after its passage and publication as required by law. This ordinance was adopted by the Village Board on the 16th day of November, 1987.

VILLAGE OF OCONOMOWOC LAKE

By: William F. Roberts
Village President

ATTEST:

Jane Perkins
Clerk

STATE OF WISCONSIN)
COUNTY OF WAUKESHA) SS

AFFIDAVIT OF POSTING
ORDINANCE

Ordinance #106 creating and establishing
a Municipal Court for the . . . Village of Oconomowoc
Lake . . . pursuant to Section 755.01(4) and Section
66.30 Wisconsin Statutes.

The undersigned, being first duly sworn, on oath deposes
and states that on November 17, 1987, at the direction
of the Clerk of the Village of Oconomowoc Lake, he posted copies
of the above ordinance in the following public places in said
Village, to-wit:

- (1) Opposite the entrance to the Oconomowoc Lake Club on the northern side of the road in front of the Club;
- (2) At the entrance to the Village Hall on West Pabst Road;
- (3) At the northeast corner of the junction of County Trunk Highway "P" (West Beach Road) and the private drive (South Beach Road) leading into the Ibach, LaBelle, McNellis, et al properties.

DG Wiener

Subscribed and sworn to before me this
17th day of November, 1987

June Perkins
Notary Public, Waukesha County, Wisconsin

My Commission expires June 23, 1991