

ORDINANCE NO. 56

MUNICIPAL COURT

The Town Board of the Town of Geneva, Walworth County, State of Wisconsin, does ordain that the Town of Geneva Ordinance No. 56 is hereby repealed and that the following is hereby created.

Section 1. Intent.

It is the intention of the Town Board of the Town of Geneva that its municipal Ordinances be enforced; that such enforcement be fairly administered in order to do substantial justice; that such justice be swift and economical to the taxpayers of the Township.

With the above aims in mind, and the Town Board being informed of those sections of the Wisconsin Statutes relating to Municipal Court creation and procedure; and the Town Board having determined, based on evidence presented, and its own independent investigation, creation of a Municipal Court would be in the best interests of the Town of Geneva, economical, swift, and fair, the Town Board hereby adopts the following:

Section 2. Repeal and Recreation.

All prior Municipal Ordinances and Code Sections in conflict with the following are hereby repealed.

Section 3.

- A. Creation. The Town Board of the Town of Geneva hereby creates, pursuant to Chapter 755, Wisconsin Statutes, a court designated as "Municipal Court for the Town of Geneva".
- B. Appointment and Duties. All court personnel, including the Municipal Court Judge, shall be appointed, elected, or hired in conformance with Chapter 755 of the Wisconsin Statutes and shall likewise have those duties, powers, and responsibilities as described in all relevant sections of the Wisconsin Statutes.
- C. Municipal Judges. The Town of Geneva Municipal Court shall consist of a single branch. The Judge for said branch shall be elected for a term of 2 years, beginning the first day of May succeeding the judge's election.
- D. Oath and Bond. Any Judge elected pursuant to Subsection C shall take, subscribe, and file the following oath:

STATE OF WISCONSIN)
) ss
COUNTY OF WALWORTH)

I, the undersigned, who has been elected to the Office of Municipal Judge, but have not yet entered upon the duties thereof, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Wisconsin; that I will administer justice without respect to persons and will faithfully and impartially discharge the duties of said office to the best of my ability. So help me God.

Municipal Judge

SUBSCRIBED and **SWORN** to before me this
_____ Day of _____, 19____.

Notary Public, Walworth County, Wisconsin
My Commission: _____

Contemporaneous with the taking and filing of the above oath, a newly elected Municipal Judge shall execute and file with the Walworth County Clerk of Courts, and the Town Clerk, an official bond in such an amount as shall be set by the Town Board.

A. Judge's Salary. The Municipal Judge shall be paid by salary in an amount established by the Town Board by resolution. The Municipal Judge shall receive no compensation other than the salary set by the Town Board. The salary of the Municipal Judge shall be reviewed annually. Such salary may be increased prior to the start of the second year term of the Judge. No Judge's salary shall be decreased during his or her term. The Judge shall receive no salary until the official bond and oath described above are on file. Wisconsin Statutes Section 755.04, as amended, is hereby adopted herein by reference.

Section 4. Other Employees.

Once elected, and after filing of the required oath and bond, the Judge shall appoint such clerks and deputy clerks as are authorized by the Town Board. Salaries for any such employees shall be fixed by the Town Board. Clerks shall be required to take the oath provided by Wisconsin Statutes Section 19.01, and provide a bond as should be set by the Town Board. The cost of the bond shall be paid by the Municipality. Such bond shall be filed with the Town Clerk.

Section 5.

A. Jurisdiction.

1. The Town of Geneva Municipal Court shall have subject matter and personal jurisdiction as granted by Wisconsin Statutes Section 755.045, Section 755.05, and Section 800.01, and exclusive jurisdiction in violations of Town Ordinances unless such actions are transferred to a Court of Record, as provided by law.

2. The Town of Geneva Municipal Court shall have jurisdiction and authority to impose alternative juvenile dispositions and sanctions as follows:
 - (a) For a juvenile adjudged to have violated an Ordinance, the Municipal Court is authorized to impose any of the dispositions listed in Section 938.343 and Section 938.344, Wisconsin Statutes, in accordance with the provisions of those Statutes.
 - (b) For a juvenile adjudged to have violated an Ordinance and who later violates a condition of the dispositional order of the Court as ordered under Section 938.343 or Section 938.344, Wisconsin Statutes, the Municipal Court is authorized to impose any of the sanctions listed in Section 938.355(6)(d), Wisconsin Statutes, in accordance with the provisions of those Statutes.
 - (c) Contempt. A Judge may cite a defendant for contempt of court as defined in Wisconsin Statutes Section 785.01(1) in accordance with the procedures under Wisconsin Statutes Section 785.03. Such contempt shall be punishable pursuant to Wisconsin Statutes Section 800.12 by forfeiture only in an amount not to exceed Fifty (\$50.00) Dollars. Failure to pay such forfeiture, and the penalty assessment under Wisconsin Statutes Section 165.87, empowers the Judge to impose a jail sentence not to exceed seven (7) days.

Section 6.

- A. Procedure. Municipal Court procedures shall be as set forth in Wisconsin Statutes Chapter 800, as amended, and as described below.
- B. Location. Municipal Court shall be conducted at the Town Hall of the Town of Geneva.

Section 7.

- A. Other Municipal Court procedures shall be conducted in accord with applicable Wisconsin Statutes and Town Ordinances. The Municipal Court shall abide by the Uniform State Traffic Deposit Schedule. In non-traffic matters, the Municipal Judge shall draft a bond schedule. No bonds shall exceed the maximum penalty which could be imposed for the Ordinance violation. The Police Chief shall be furnished a copy of all bond schedules and amendments thereto, and shall make his Officers aware of the same.
- B. The Municipal Judge shall impose all forfeiture fees, penalty assessments, and costs in any action or proceeding before him or her and the monies collected hereunder shall be turned over to the Town of Geneva Treasurer. The Town Treasurer shall disburse the fees as provided in 814.65, Wisconsin Statutes, as amended, and disburse penalty assessments pursuant to Section 66.12(1)(b), Wisconsin Statutes, as amended.

- C. The Chief of Police shall select and assign a Police Officer to the Municipal Court.
- D. The Municipal Judge shall, where a case has been submitted to him in final form, issue a determination of guilt or innocence of the charge within 15 days thereafter. Such determination shall be in writing, and shall contain a statement of the findings of fact and conclusions of law upon which the decision is based. The above notwithstanding, and in lieu thereof, the Judge may make an oral determination of guilt or innocence upon close of the case. Any oral decision shall contain a statement of the factual findings and legal conclusions upon which the decision is based.

Section 8.

- A. Training. Municipal Judges shall participate in a program of continuing judicial education as required by the Supreme Court.
- B. Municipalities shall bear the costs of programs under Subsection A, provided by the Court.

Section 9. Severability.

If any Section, Subsection, Sentence, Clause, or Phrase of this Ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other Section, Subsection, Sentence, Clause, or Phrase hereof. The Town Board of the Town of Geneva hereby declares that it would have passed this Ordinance and each Section, Subsection, Sentence, Clause, Phrase, or Portion thereof irrespective of the fact that any one or more Sections, Subsections, Sentences, Clauses, Phrases, or Portions thereof may be declared invalid or unconstitutional.

Section 10. Effective Date.

This Ordinance shall be effective from and after its adoption by the Town Board and its posting or publication thereof as provided by the Statutes of the State of Wisconsin.

Adopted this 10th day of March, 1997.

THE TOWN BOARD OF THE TOWN OF GENEVA,
WALWORTH COUNTY, WISCONSIN

George W. Jacobson, Chairman (Signature on File)

Robert W. Babikan, Supervisor (Signature on File)

Janet L. Winters, Supervisor (Signature on File)

Charlotte B. Peterson, Supervisor (Signature on File)

Joseph F. Kopecky, Supervisor (Signature on File)

ATTEST:

Warren Schinke, Clerk (Signature on File)