

Chapter 30

COURT, MUNICIPAL

[HISTORY: Adopted by the Village Board of the Village of Spring Green 2-23-2005 (Ch. 22 of the Village Code); amended in its entirety 4/28/10 by Chapter 30. Amendments noted where applicable.

GENERAL REFERENCES

Citations — See Ch. 25.

§ 30-1. Joint Court and Court Commission Established.

Pursuant to authority granted by Ch. 755, Wis. Stats., there is hereby created and established a Municipal Court to be designated "Municipal Court for the Village of Spring Green," said Court to become operative and function on May 1, 2005.

Pursuant to the authority granted by Ch. 755, Wis. Stats., there was created and established a Joint Municipal Court for the Village of Spring Green and the Village of Plain (River Valley Court). Said Joint Court became operative and functioning on May 6, 2010. In addition there was created and established a Joint Court Commission to be designated the "River Valley Court Commission" on which the Village of Spring Green and Village of Plain are represented.

River Valley Court Commission

The River Valley Court Commission shall consist of four members, one village board member each from the Village of Spring Green and Village of Plain and one at large member each appointed by the Village of Spring Green and the Village of Plain. Members of the River Valley Court Commission shall serve two-year terms starting May 1. The initial appointments shall be for one or two years as the case may be, to allow for the staggering of terms so that no more than half of the members of the commission are appointed in any year. The Village of Spring Green will appoint on the even years and the Village of Plain will appoint in the odd years. The River Valley Court Commission shall meet as necessary to authorize employee salaries, compile and submit an annual budget to the Village Boards by September 1 of each year and conduct other business as required.

§ 30-2. Jurisdiction.

- A. The Municipal Court shall have jurisdiction over incidents occurring on or after May 1, 2005, as provided in Section 14 of Article VII of the Wisconsin Constitution and §§ 755.045 and 755.05, Wis. Stats., and as otherwise provided by Wisconsin law. In addition, the Municipal Court shall have exclusive jurisdiction over actions in which the municipality and, after May 6, 2010, in the Village of Plain, seeking to impose forfeitures for violation of municipal ordinances, resolutions and bylaws.
- B. The Municipal Judge may issue civil warrants to enforce matters under the jurisdiction of the Municipal Court pursuant to § 66.0119, Wis. Stats.

Amended April 28, 2010 to establish Joint Court and Court Commission. Amended November 10, 2011 to change term from two to four years.

- C. Pursuant to § 938.17(2)(cm), Wis. Stats., the Municipal Court has jurisdiction over juvenile offenders and may impose the dispositions set forth in §§ 938.343 and 938.344, Wis. Stats., and the sanctions set forth in § 938.355(6)(d) and (6m), Wis. Stats. [Amended 10-26-2005]

§ 30-3. Municipal Judge.

- A. Qualifications. There is hereby created the office of Municipal Judge of the Municipal Court of the River Valley Court. The Municipal Judge shall be a resident of the Village of Spring Green and/or a resident of the Village of Plain.
- B. Oath and bond. The Municipal Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed by § 757.02(1), Wis. Stats., and file such oath with the Sauk County Clerk of Circuit Court. At the same time, the Municipal Judge shall execute and file an indemnity bond with the Village Clerk-Treasurer in an amount to be fixed by the Village Board. The Municipal 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 § 757.02, Wis. Stats., have been complied with.
- C. Salary. The Municipal Judge shall receive a salary as determined by the River Valley Court Commission and which shall be in lieu of fees and costs. No salary shall be paid to the Municipal Judge for any time during his/her term for which he/she has not executed and filed the official bond and oath. The salary may be increased by the River Valley Court Commission before the start of the second or subsequent year of service of the term of the Municipal Judge but shall not be decreased during a term.
- D. Election; term; vacancy. The Municipal Judge shall be elected at large for a term of four years at the spring election held in even-numbered years and shall take office on May 1 following the election. Any vacancy occurring in the office of Municipal Judge shall be filled pursuant to Wisconsin law.¹

§ 30-4. Hours; employees; location.

- A. Hours. The Municipal Court for the River Valley Court shall be open as determined by order of the Municipal Judge.
- B. Employees. The Municipal Judge shall appoint in writing such clerks and deputy clerks as are authorized by the River Valley Court Commission.
- C. Location. The Municipal Judge shall keep his/her office and hold court in an adequate facility provided by the Village of Spring Green and/or Village of Plain. However, the Municipal Judge may issue process and perform ministerial functions as per §765.16(6).

§ 30-5. Collection of forfeitures and costs.

The Municipal Court shall collect all forfeitures, penalty assessments, fees and taxable costs in any action or proceeding and shall pay over such moneys to the Village Clerk-Treasurer monthly. At such time, the Municipal Court shall report to the Village Clerk-Treasurer the title, nature of offenses and total amount of judgments imposed in actions and proceedings in which

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

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such moneys were collected.

§ 30-6. Stipulations and deposits.

- A. Deposits for ordinance violations. The Municipal Judge shall establish and submit to the River Valley Court Commission for approval in accordance with § 800.03(3), Wis. Stats., a schedule of deposits for violations of Village ordinances, resolutions and bylaws.
- B. Deposits for traffic 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 § 349.06, Wis. Stats.
- C. Stipulation and deposit in lieu of court appearance. Persons cited for violations of Village ordinances or resolutions or violations of traffic 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 §§ 800.03, 800.04 and 800.09, Wis. Stats.

§ 30-7. Contempt of court. ²

The Municipal Judge may impose a forfeiture for contempt under § 800.12(1), Wis. Stats., in an amount not to exceed \$50 or, upon nonpayment of the forfeiture, plus costs, fees and surcharges imposed under Ch. 814, Wis. Stats., a jail sentence not to exceed seven days.

§ 30-8. Failure to Pay Forfeiture

Whenever a defendant fails to pay a forfeiture, costs or assessments within the time allowed to do so for violation of any ordinance of the village, upon application to the Municipal Court of the village and following a hearing, the Municipal Judge may order that the unpaid sum of the forfeiture, costs or assessments be assessed against any real property owned by the defendant within the village and be included in the current or next tax roll for collection. Notice of the application to the Municipal Court shall be given to the defendant who shall have the right to be heard at the time of hearing of the application in Municipal Court.

2. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).