

**TOWN OF ATHELSTANE
MUNICIPAL COURT & MUNICIPAL JUDGE
ORDINANCE NO. 11-I**

An ordinance creating the office of Municipal Judge and providing for the operation and maintenance of the Municipal Court for the Town of Athelstane, Wisconsin.

1. **Creation of Municipal Court** – Pursuant to the Authority granted by WI State Statute 755.01(1), the Municipal Court for the Town of Athelstane, WI is hereby established.
2. **Creation of the office of Municipal Judge** – Pursuant to the authority by WI State Statute 755, the office of Judge of the Municipal Court for the Town of Athelstane is hereby created.
3. **Election Term** – Municipal judges are elected at the spring election for a two-year term. Sec. 755.02 They take office on May 1. Although sec. 17.245 generally provides that when an elective office is created by a town it must be filled by the electorate, a town board may appoint a municipal judge to fill the newly created office of municipal judge if the ordinance creating the municipal court was enacted before December 1 preceding the spring election. The temporary appointee serves until the first elected municipal judge takes office following the spring election.
4. **Salary** – The Municipal Judge shall receive a salary of twelve hundred dollars (\$1,200.00) per year, which shall be in lieu of fees and costs. No salary shall be paid to the Judge for any time during his/her term for which he/she has not executed and filed his or her official bond and oath as required by Article 5 of this Ordinance.
5. **Bond and oath** – Municipal Judge shall execute and file with the Clerk of the Circuit Court for Marinette County the oath prescribed by WI State Statute 755.03 and a bond in the penal sum of one thousand dollars (\$1,000.00).

6. **Jurisdiction** – The Municipal court has jurisdiction over actions to impose forfeitures for violations of town ordinances. 755.045(1). A municipal judge does not have power to give equitable relief, such as, issue an injunction. However, the judge may order the payment of restitution for violations of town ordinances that prohibit conduct the same as or similar to that prohibited in the state criminal code. Secs. 66.051 and 755.045(3). Municipal court procedure is set forth in ch. 800.
7. **Procedure** – The Municipal Court for the Town of Athelstane, Wisconsin shall be opened as determined by the order of the Municipal Judge.

The Municipal Judge shall collect all fines and costs in any action or proceeding before him or her and shall pay over such monies to the Town Treasurer not later than the last day of each month. At that time the Municipal Judge shall also pay over to the Clerk all forfeitures collected by him or her in actions for violations of Town Ordinances.

The Town Board of the Town of Athelstane ordains that it's Municipal Judge may, pursuant to the provisions of WI State Statute 800.12, impose forfeitures for contempt of court as defined in WI State Statute 785. Such fine is not to exceed five hundred dollars (\$500.00).

8. **Offices, Personnel, Training** – The Municipal court and Judge's office must be in the town hall, if there is one and there is room, otherwise in another place in the town. Sec. 755.09 The Judge may appoint any authorized courtroom personnel, such as clerks and deputy clerks. Secs. 755.01 and 755.10. The town board sets their salaries. Court clerks must take an oath and file a bond.

Municipal judges take continuing judicial education courses, Sec. 755.18. The town is responsible for such costs.

9. **Severability** – In the event that any section herein shall be ruled unconstitutional by any competent court, such determination shall not affect the validity or effectiveness of the other sections of this Ordinance and the remainder of said Ordinance shall remain in full force and effect.

10. **Non-exclusivity** – Adoption of this Ordinance does not preclude the Town Board of the Town of Athelstane from adopting any other Ordinance or providing for enforcement of any other law or Ordinance relating to the same or other matters.

The foregoing Ordinance is hereby adopted by the Town Board of the Town of Athelstane on this 14th day of March, 2007.