

ORDINANCE OF THE TOWN OF COTTAGE GROVE, WISCONSIN

Adopted pursuant to Sec. 25.01 of the Town of Cottage Grove Code

Title: Update to Chapter 4 Regarding Municipal Court Costs, Municipal Judge Term, and Statute reference corrections

Code Section(s) created, amended, or repealed	<u>Section 04.02</u>
Presented to Board by	<u>Town Clerk</u>
Committee Review by	<u>None (Prepared by Town Attorney and Town Clerk)</u>
Date(s) Public Hearing(s) held (if required)	<u>December 16, 2013</u>
Date adopted	<u>January 6, 2014</u>
Vote	<u>5-0</u>
Date of posting of adoption of ordinance	<u>January 10, 2014</u>
Date of publication of adoption of ordinance	<u>January 10, 2014</u>

WHEREAS, The Wisconsin Legislature increased the court costs that may be imposed by municipal courts set forth in 2013 Wis. Act 53, which became effective as of November 8, 2013 (see attached);and,

WHEREAS, it has been and continues to be the Town's policy that court costs imposed by the Municipal Court of the Town of Cottage Grove should be imposed and collected at the maximum level permitted by law, which as increased to \$38.00 pursuant to 2013 Wis. Act 53 and amended Wis. Stats. § 814.65(1).

THE TOWN BOARD OF THE TOWN OF COTTAGE GROVE DOES ORDAIN AS FOLLOWS:

Town of Cottage Grove Ord. Section 4.02 hereby is amended to read as follows:

04.02 OFFICE OF MUNICIPAL JUDGE

(1) COURT CREATED

Pursuant to ch. 755, Stats., there is hereby created: the municipal court of the town of Cottage Grove, Dane county, Wisconsin.

(2) OFFICE OF MUNICIPAL JUDGE CREATED

Pursuant to ch. 755, Stats., there is hereby created the office of: judge of the municipal court, for the Town of Cottage Grove.

(3) ELECTION AND TERM OF SERVICE OF JUDGE

- (a) The municipal judge shall be elected at large, at the spring election, for a term of 4 years.
- (b) The term of service for the municipal judge shall commence on May 1, of the year of the judge's election.

(4) OATH AND BOND OF JUDGE

- (a) Immediately following the election, and prior to May 1, the judge shall take and file the official oath, prescribed in s. 755.03, Stats.; and at the same time execute and file an official bond, in an amount specified by the town board.
- (b) No judge may act as such, until the official oath and bond have been filed; pursuant to s. 19.01, Stats.

(5) COST OF COURT OPERATION AND SALARY OF JUDGE

- (a) The town shall pay all necessary expenses related to the operation of the municipal court.
- (b) The municipal judge shall receive a salary in lieu of fees and costs. The salary shall be established at the annual town meeting; and may be increased by action of the annual town meeting prior to the start of the second or any subsequent year of the term of service of the judge.
- (c) The judge shall not be paid a salary for any period during the term, in which there is not an executed official oath and bond on file; as required by (4).

(6) EMPLOYEES

- (a) The municipal judge shall appoint, in writing, the court clerk and any deputy clerk authorized by the town board.
- (b) The salary of the court clerk and any deputy clerk shall be established by the town board; and may be reviewed at the same time the salary of the municipal judge is reviewed.
- (c) Prior to taking office, the court clerk and any deputy clerk shall take and file the official oath as specified in s. 19.01, Stats.; and if required, shall file a bond in the amount specified by the town board. All oaths and bonds shall be filed with the town clerk.
- (d) The cost of any required bond, shall be paid directly by the town.

(7) JURISDICTION

The municipal judge shall have jurisdiction pursuant to s. 755.045, Stats., and as otherwise provided by law.

(8) COURT PROCEDURE

- (a) The municipal court of the town of Cottage Grove, shall be in session at such times as determined by the municipal judge.
- (b) The municipal judge shall hold court, and maintain an office, in the town hall. Bail hearings may be held in an alternate location; as determined by the municipal judge.
- (c) The municipal court clerk shall collect all forfeitures, fines, and restitutions resulting from any action or proceeding heard in said court; and shall turn over all monies received to the town treasurer, no later than 7 days following the receipt by the court.
- (d) The conduct of the municipal court shall be as specified in this ordinance, and by state statutes.

(9) COURT COSTS

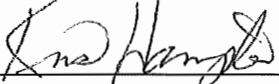
The municipal judge shall impose and collect a fee for court costs at the maximum level permitted by law. (See Wis. Stats. § 814.65(1), which is hereby incorporated and made a part of this ordinance.

(10) EFFECTIVE DATE

- (a) The original ordinance was adopted on 1 Nov 1982.
- (b) An amendment was adopted on January 6, 2014.
- (c) This section shall take effect upon passage and publication.

Adopted this 6th day of January, 2014, by a vote of 5 for, 0 against, and 0 abstain.

TOWN OF COTTAGE GROVE



Kris Hampton, Town Chair

ATTEST:



Kim Banigan, Town Clerk