

**TOWN OF HARMONY  
ORDINANCE NO. 060616B**

AN ORDINANCE CREATING A JOINT MUNICIPAL COURT OF THE TOWNS OF MILTON, HARMONY AND LIMA PURSUANT TO SEC. 755.01 (4) OF THE WISCONSIN STATUTES.

RECITALS

- A. The Town of Milton and the Town of Albion have previously established a municipal court which, in the Town of Milton, was created under Ordinance no. 89-2 on October 2, 1989, codified as Chapter 97 of the Town of Milton Municipal Code.
- B. The Town of Albion has withdrawn from participation in said municipal court.
- C. It is the desire of the town boards of the Town of Milton, the Town of Harmony and the Town of Lima to establish a new municipal court as a joint exercise of their powers under Wis. Stat. § 755.01.
- D. The Town of Milton currently elects a municipal judge whose current term ends on April 30, 2018.

THE TOWN BOARD OF THE TOWN OF HARMONY, COUNTY OF ROCK, STATE OF WISCONSIN, ORDAINS AS FOLLOWS:

SECTION 1. Chapter 20 of the Town of Harmony Municipal Code is created to read as follows:

“SECTION I. ESTABLISHMENT OF COURT.

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 Towns of Milton, Harmony and Lima.” Pursuant to Wis. Stat. § 755.01 (4), the Town of Harmony shall enter into an agreement with the Town of Milton and the Town of Lima entitled “Intergovernmental Agreement Between the Towns of Milton, Harmony and Lima of Rock County, Wisconsin, Concerning a Municipal Court and Law Enforcement.” The establishment of this Municipal Court is contingent upon the entry into that agreement by each of the three towns and upon the enactment of an identical ordinance by the Town of Milton and the Town of Lima.

SECTION II. JURISDICTION.

The Municipal Court created under this Chapter shall have exclusive jurisdiction of offenses against the ordinances and the Municipal Code of this Town except as

otherwise provided under Wisconsin law, and shall exercise such jurisdiction to the fullest extent permitted under Wisconsin law.

### SECTION III. MUNICIPAL JUDGE

The Municipal Court shall be presided over by a Municipal Judge.

- A. Election; Term. The Municipal Judge shall be elected at large by the electors of the Towns of Milton, Harmony and Lima at the spring election in odd-numbered years for a term of four years, or until a successor is elected and qualifies commencing on May 1 succeeding his or her election. Mid-term vacancies in the office of Municipal Judge shall be filled by appointment pursuant to Wis. Stat. § 8.50 (4) (fm). Pursuant to Wis. Stat. § 755.01 (4), the Municipal Judge serving as such in the Town of Milton at the time of the adoption of the ordinance creating this Chapter shall serve as Municipal Judge for the Municipal Court created under this Chapter until the end of the term he is serving at the time of adoption.
- B. Salary. The Municipal Judge shall receive a monthly salary paid by the Town of Milton, which shall be in lieu of fees and costs. No salary shall be paid to the Judge for any time during his term for which he has not executed and filed his official bond and oath as required by subsection C of this Section.
- C. Bond; oath. The Municipal Judge shall, after election or appointment, execute and file with the Clerk of the Towns of Milton, Harmony and Lima the oath prescribed by Wis. Stat. § 757.02, and, within 10 days thereafter, shall file with each Clerk a bond in an amount fixed by the Town of Milton Board, which shall pay the costs of the bond. The Municipal Judge shall also file a certified copy of the oath with the office of director of state courts within 10 days after taking the oath.
- D. Authority. The Municipal Judge shall exercise the authority of the office to the fullest extent permitted under Wisconsin law.
- E. Sessions. The Municipal Court shall be open on the days and hours set by order of the Municipal Judge and approved by the Town Board of Milton.

### SECTION IV. LOCATION.

The Municipal Judge shall keep his office and hold court in the Milton Town Hall in the City of Milton, Wisconsin, or at such other place as may be established by order of the Municipal Judge.

### SECTION V. PROCEDURE

The procedure in Municipal Court shall be as provided in this Chapter and under state law, including, without limitation because of enumeration, Wis. Stat. Chs. 800 and 755 and §§ 23.66 to 23.99, 778.14, 778.15, 778.18, and 345.20 to 345.53.

#### SECTION VI. COLLECTION AND RETURN OF FORFEITURES.

The Municipal Judge shall collect all forfeitures, penalty assessments, fees and taxable costs in any action or proceeding before the Judge and shall pay over such moneys to the Town of Milton Treasurer within thirty days of collection. At such time, the Municipal Judge shall also report to the Town of Milton Treasurer the title and nature of offenses and the total amount of judgments imposed in actions and proceedings in which such moneys were collected, and shall also report the same to the Town of Harmony clerk for offenses committed in the Town of Harmony and to the Town of Lima clerk for offenses committed in the Town of Lima.

#### SECTION VII. CONTEMPT OF COURT

- A. The Municipal Judge, after affording an opportunity to the person to be heard in defense, may punish for contempt of Municipal Court any person guilty of either of the following acts and no other:
  - (1) Disorderly, contemptuous and insolent behavior toward the Judge while engaged in any judicial proceeding or other conduct which tends to interrupt the proceedings or to impair the respect due the Judge's authority.
  - (2) Resistance of or disobedience to any lawful order or process made or issued by the Judge.
- B. The Municipal Judge may, upon finding any person guilty of contempt, order such person to forfeit not more than \$200 plus penalty assessments under Wis. Stat. § 757.05.
- C. Upon nonpayment of the forfeiture and penalty, the person found guilty of contempt may be sentenced to the county jail not to exceed seven (7) days.

#### SECTION VIII. STIPULATIONS AND DEPOSITS IN MUNICIPAL COURT.

- A. Deposit schedule to be established. The Municipal Judge shall establish and submit to the Town Boards of the Towns of Milton, Harmony and Lima, for their respective approvals, a schedule of deposits for violations of the ordinances of each Town, except traffic regulations governed by Wis. Stat. § 345.26 and boating violations governed by Wis. Stat. § 23.67. When approved by the Town Board, such deposit schedule shall be posted in the office of the Municipal Court Clerk and the Town of Milton Chief of Police.

- B. Stipulation and deposit in lieu of court appearances. Persons cited for violations of town ordinances or municipal codes for which a deposit has been established under this Section shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in Wis. Stat. §§ 800.035 and 800.09.
- C. Traffic and boating deposits. The deposit schedule established by the Wisconsin Judicial Conference and the procedures set forth in Wis. Stat. Chs. 23 and 345, shall apply to stipulations and deposits for violations of traffic regulations in accordance with § 345.26 and boating regulations enacted in accordance with Wis. Stat. § 30.77.
- D. When not permitted. Stipulations and deposits shall not be permitted after initial appearance or in cases of contempt under Section VII of this Chapter.”

SECTION 2. This Ordinance shall take effect upon the adoption of identical ordinances by the Towns of Milton and Lima, and upon passage and posting as required by law.

DATE: \_\_\_\_\_

\_\_\_\_\_  
John Bergman, Town Chair

**SUMMARY OF ORDINANCE FOR PUBLICATION**

PLEASE TAKE NOTICE that the Town Board of the Town of Harmony, Rock County, Wisconsin, has adopted Ordinance No. \_\_\_\_\_ on \_\_\_\_\_, 2016. This Ordinance establishes a joint municipal court between the Towns of Harmony, Milton and Lima.

The full text of the Ordinance may be obtained from the Town Clerk, Tim Tollefson, by calling him at 608-868-6065, by viewing it on the Town’s web site at <http://www.townofharmony.com>, or by viewing the Ordinance at the Town Hall at W9046 440 N. Highway 14, Janesville, WI, where it is posted.

**CERTIFICATE**

I hereby certify that the above ordinance was adopted by the Town Board of the Town of Harmony on the \_\_\_\_ day of \_\_\_\_\_, 2016, and that on the \_\_\_\_ day of \_\_\_\_\_, 2016, a summary of the above ordinance in the form set forth above was published in the *Milton Courier*, the official newspaper of the Town of Harmony.

\_\_\_\_\_  
Tim Tollefson, Town Clerk,  
Town of Harmony  
Rock County, Wisconsin

Subscribed and sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Public, Rock County, Wisconsin  
My Commission expires: \_\_\_\_\_

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