

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE VILLAGE CODE OF THE VILLAGE OF GLENBEULAH REGARDING POLICE AUTHORITY

WHEREAS, pursuant to Wis. Stat. § 61.34 the Village Board of the Village of Glenbeulah has the power to act for the good order, public health, safety and welfare of its citizens; and

WHEREAS, the Village Board has or intends to enter into a Police Services Agreement with the Village of Elkhart Lake for purposes of providing police protection services within the Village of Glenbeulah; and

WHEREAS, the Village has or intends to join the Joint Municipal Court known as the Northern Moraine Municipal Court for prosecution of any ordinance enforcement citations; and

WHEREAS, it is necessary to create Village Code Section 1.11, Municipal Court, to establish the Village as a member of the Northern Moraine Municipal Court; and

WHEREAS, it is necessary to create Village Code Section 1.12, Violations and Penalties; Citations, to establish the authority for contracted law enforcement officers and Village officials to issue citations for violation of Village ordinances.

NOW, THEREFORE, the Village Board of the Village of Glenbeulah does hereby ordain as follows:

Section 1. Creating Code. Section 1.11, Municipal Court, of the Village of Glenbeulah Code of General Ordinances is hereby created to read as follows:

"1.11 MUNICIPAL COURT:

(1) Municipal Court: Pursuant to the authority granted by Chapter 755 of the Wisconsin Statutes, the Village Board does hereby designate the "Northern Moraine Municipal Court," as the municipal court for the Village of Glenbeulah, said court to become operative and functional for the Village of Glenbeulah upon the adoption and publication of this ordinance. This Ordinance as adopted by each municipal member of the Court, shall constitute the agreement contemplated by Wis. Stat. § 755.01(4).

(2) Municipal Judge:

(a) Qualifications: The Joint Court shall be under the jurisdiction of and presided over by a Municipal Judge, who shall be an attorney licensed to practice law in Wisconsin, and who resides in one of the municipalities that is a party to the agreement forming this joint court, which are the Village of Elkhart Lake, the Village of Howards Grove, Village of Glenbeulah and the Town of Rhine, each in Sheboygan County, Wisconsin.

(b) Oath and Bond: The Judge shall, after election or appointment to fill a

vacancy, take and file the official oath as prescribed in § 757.02(1), Wis. Stats., and at the same time execute and file an official bond in the amount of \$25,000.00. The 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 § 755.03(2) have been complied with.

(c) Salary: The salary of the Municipal Judge shall be fixed by the Boards of the municipalities that are parties to the agreement which shall be in lieu of fees and costs. No salary shall be paid for any time during the term during which such Judge has not executed the official bond or official oath, as required by § 755.03, Wis. Stats., and filed pursuant to § 19.01(4)(c) Wis. Stats. The municipalities may by separate resolution allocate funds for the administration of the Municipal Court pursuant to § 66.0301 Wis. Stats.

(d) Current Judge: The Municipal Judge presiding over the Northern Moraine Municipal Court at the time of the initial adoption of this Ordinance shall carry out their current term as Municipal Judge of the Northern Moraine Municipal Court.

(3) Elections:

(a) Term: The Municipal Judge shall be elected at large in the spring election for a term of four (4) years commencing on May 1, 2021, and elections being held every four (4) years from that time. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in § 8.10, Wis. Stats., and selected at a primary election if such is held as provided in § 8.11, Wis. Stats. The State elections board shall serve as filing officer for the candidates.

(b) Electors: Electors in all municipalities that are parties to the agreement shall vote for judge.

(4) Jurisdiction: The Municipal Court shall have jurisdiction over incidents occurring on or after April 15, 2001, as provided in Article VII, § 14 of the Wisconsin Constitution, §§ 755.045 and 755.05, Wis. Stats., and as otherwise provided by State Law. In addition, it shall have exclusive jurisdiction over actions in the municipalities that are parties to the agreement seeking to impose forfeitures for violations of municipal ordinances, resolutions and by-laws.

The Municipal Judge may issue civil warrants to enforce matters under the jurisdiction of the Municipal Court under §§ 755.045(2), and 66.0119, Wis. Stats.

The Municipal Court has jurisdiction over juvenile offenders when a municipality that is party to the agreement enacts an ordinance under the authority of § 938.17(2)(cm), Wis. Stats.

(5) Municipal Court Hours; Employees:

(a) Hours: The Municipal court shall be open at such location and at such times as determined by the governing bodies of the municipalities that are parties to the agreement and the Municipal Judge.

(b) Employees: The Judge shall, in writing, appoint such clerks and deputy clerks as authorized and funded by the municipalities that are parties to the agreement.

(6) Collection of Forfeitures and Costs: The Municipal Judge may impose punishment, fees, and sentences as provided by Chapters 800, 814 and 938 Wis. Stats., and as provided in the ordinances of the municipalities that are parties to the agreement. All forfeitures, fees, assessment, surcharges, and costs shall be paid to the treasurer of the Municipality within which the case arose within seven (7) days after receipt of the money by the Municipal Court. At the time of the payment, the Municipal Court shall report to the treasurer the title of the action, the nature of the offenses and the total amount of judgments imposed in actions and proceedings in which such monies were collected.

(7) Contempt of Court: The Municipal Judge, after affording an opportunity to the person accused to be heard in defense, may impose a sanction authorized under § 800.12 Wis. Stats. and may impose a forfeiture therefor not to exceed fifty dollars (\$50) or upon nonpayment of the forfeiture and the assessments thereon, a jail sentence not to exceed seven (7) days.

(8) Abolition: The Municipal court hereby established shall not be abolished while the § 755.01(4) agreement is in effect.

(9) Inconsistent Ordinances Repealed: All ordinances or parts of ordinances contravening or inconsistent with the provisions of this ordinance be and are hereby repealed.

(10) Effective Date: This ordinance shall take effect and be in full force and effect from and after its passage by the municipalities that are parties to the agreement and publication as required by law.”

Section 2. Creating Code. Section 1.12, Violations and penalties; citations, of the Village of Glenbeulah Code of General Ordinances is hereby created to read as follows:

“1.12, VIOLATIONS AND PENALTIES; CITATIONS.

(1) Authorization for use of citation: Pursuant to Wis. Stat. § 800.02, the Village of Glenbeulah hereby elects to use the citation method of enforcement of ordinances by contracted law enforcement officers. All Village officers and other Village personnel charged with responsibility of enforcing the provisions of this Code of Ordinances are hereby authorized pursuant to § 66.0113(1)(a), Wis. Stats., to issue citations for violations of this Code of Ordinances, including ordinances for which a statutory counterpart exists.

(2) Officials authorized to issue citation: Citations authorized in Section (1) above may be issued by contracted law enforcement officers of the Village. Pursuant to Wis. Stat. § 800.02, the Village of Glenbeulah elects to use both the citation and complaint methods of enforcement by the following designated Village officials with respect to sections of the Code which are directly related to the official's area of responsibility. The officials granted authority to issue citations under this section may

delegate the authority to other Village employees within the designated official's department with the approval of the Village Board.

- (a) Building Inspector.
- (b) Fire Chief.
- (c) Weed Commissioner.
- (d) Village President or designated Village Board members.
- (e) Clerk-Treasurer.
- (f) Contracted law enforcement.

(3) Form of citation: The form of the citation to be issued by Village law enforcement officers or other designated Village officials is incorporated herein by reference and shall provide for the following information:

- (a) The name and address (date of birth and physical description, if possible) of the alleged violator.
- (b) The factual allegations describing the alleged violation.
- (c) The date and place of the offense.
- (d) The section of the ordinance violated.
- (e) A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so.
- (f) The time at which the alleged violator may appear in court.
- (g) A statement which in essence informs the alleged violator:
 1. That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time.
 2. That if the alleged violator makes such a deposit, he need not appear in court unless subsequently summoned.
 3. That if the alleged violator makes a cash deposit and does not appear in court, he will be deemed to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees, and surcharges imposed under Ch. 814, Wis. Stats., not to exceed the amount of the deposit or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.
 4. That if the alleged violator does not make a cash deposit and does not appear in court at the time specified; an action may be

commenced against the alleged violator to collect the forfeiture and the penalty assessment imposed under Ch. 814, Wis. Stats.

5. That if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under § 800.093, Wis. Stats.

(h) A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he read the statement required under Subsection (g) and shall send the signed statement with the cash deposit.

(i) Such other information as may be deemed necessary.

(4) Cash deposits: The cash deposits for the various ordinances for which a citation may be issued are as established on the deposit schedule adopted by the Village Board, a copy of which is on file with the Village Clerk-Treasurer. In addition to the deposit amount listed, the deposit must include a penalty assessment and court costs as imposed by Ch. 814, Wis. Stats.

(5) Receipt of cash deposits: Deposits shall be made in cash, money order, personal checks or certified check to the Clerk-Treasurer. Receipts shall be given for all deposits received.

(6) Procedure: Section 66.0113(3), Wis. Stats., relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

(7) Nonexclusivity:

A. Adoption of this chapter does not preclude the Village Board from adopting any other ordinance providing for the enforcement of any other law or ordinance relating to the same or other matters.

B. The issuance of a citation hereunder shall not preclude the Village or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order."

Section 3. Repealing Code. Section 2.03, Chief of Police, of the Village of Glenbeulah Code of General Ordinances is hereby repealed.

Section 4. Amending Code. Section 3.04, Contract Service, of the Village of Glenbeulah Code of General Ordinances is hereby amended to read as follows (deletions indicated by ~~striketrough~~; insertions by underline):

3.04 CONTRACTED SERVICES:

(1) Duties: In addition to the duties imposed by s. 3.03, the contracted services of

~~Sheboygan County~~ the Elkhart Lake Police Department shall keep a record of all arrests made by members of the department, traffic tickets issued, the dates, hours and places thereof, names of persons arrested, arresting officers, offenses charged, actions taken and results."

Section 5. Repealing Code. Section 4.95, Enforcement, of the Village of Glenbeulah Code of General Ordinances is hereby repealed.

Section 6. Severability. Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

Section 7. Effective Date. This Ordinance shall take effect upon enactment and publication as required by law.

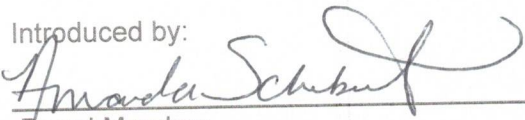
Enacted this 8 day of January, 2025.

VILLAGE OF GLENBEULAH

By: 
DOUGLAS DAWN, President

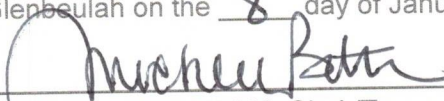
Date Approved: _____

Introduced by:


Board Member

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Village Board and approved by the President of the Village of Glenbeulah on the 8 day of January, 2025.


MICHELE BERTRAM, Clerk/Treasurer

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