

JOINT MUNICIPAL COURT ORDINANCE

Section I. Title/Purpose. This Ordinance is entitled “Joint Municipal Court”. The purpose of this Ordinance is as follows:

To promote safety, health and general welfare
by creating a Joint Municipal Court for the
Town of Shelby.

Section II. Adoption of Ordinance.

A. Joint Municipal Court. Pursuant to Chapter 755, Wis. Statute 2007-2008, there is hereby created and established a municipal court designated Joint Municipal Court for the City of Onalaska, the Town of Campbell, the Town of Shelby, the Village of Bangor, the Village of Holmen, the Village of Rockland, and the Village of West Salem, (hereafter “Joint Municipal Court”.)

B. Municipal Court Committee. There is hereby created a Municipal Court Committee. The Municipal Court Committee shall be comprised of one (1) representative of each member municipality who shall be appointed by the Mayor, President or Chair of the member municipality, subject to confirmation by the respective governing body, and in addition, one (1) member who shall be a Police Chief of a member municipality. The initial member Chief shall be the Chief of Police of Onalaska. The Chief's position shall be replaced on a yearly basis by means of rotation among the Chiefs. Chiefs will rotate as follows: Onalaska, Campbell, Shelby, Bangor, Holmen and West Salem. In order to assure participation and continuity of representation, each member municipality may appoint an alternate representative who shall act on committee matters in the absence of the representative. The term for each municipal member representative, other than Chief, shall be for two (2) years. Provided, however, that in order to insure some continuity on the Municipal Court Committee, the initial term for the representative from the City of Onalaska, the Town of Campbell, and the Village of Bangor shall be for a term of one (1) year. Thereafter, the term for the representative from the City of Onalaska, the Town of Campbell, and the Village of Bangor shall be for a term of two (2) years.

C. Creation and Qualification of the Position of Municipal Judge. Pursuant to Chapter 755, Wis. Statute 2007-2008, the office of Municipal Judge is hereby created. Eligibility for the office

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of Municipal Judge shall be as follows: To be eligible for the office of Municipal Judge a person must be a qualified elector in the City of Onalaska, the Town of Campbell, the Town of Shelby, the Village of Bangor, the Village of Holmen, the Village of Rockland or the Village of West Salem.

D. Election and Term of Municipal Judge. Until the term of the current City of Onalaska Municipal Judge expires in 2004, said judge shall serve as the judge of the Joint Municipal Court. Thereafter, the position of the Municipal Judge shall be by election. The Municipal Judge shall be elected at large, commencing in 2004 at the Spring Election, for a four (4) year term commencing on May 1st succeeding his or her election. Electors of the City of Onalaska, the Town of Campbell, the Town of Shelby, the Village of Bangor, the Village of Holmen, the Village of Rockland, and the Village of West Salem shall be eligible to vote for the Municipal Judge of the Joint Municipal Court.

E. Creation of the Position of Clerk of the Municipal Court. Pursuant to Chapter 755, Wis. Statute 2007-2008, the office of the Clerk of the Joint Municipal Court is hereby created. Said clerk shall take the position upon hire by the City of Onalaska after consideration of any recommendation from the Municipal Court Committee and written appointment by the Municipal Judge. Training and compensation of said clerk shall be as determined by the City of Onalaska after consideration of any recommendation by the Municipal Court Committee.

F. Duties of the Municipal Court Clerk. The clerk shall:

1. File and review citations and complaints, assuring their correctness;
2. Reply to departmental mail concerning routine matters as prescribed by the Municipal Judge;
3. Assign docket numbers to citations and complaint, type to docket;
4. Determine and schedule court dates and facilities subject to Section II.K(1) of this Ordinance;
5. Arrange for juvenile cases to be heard away from regular court;

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6. Communicate with law officers, attorneys and defendants regarding court proceedings;
7. Balance dockets at the conclusion of court proceedings;
8. Prepare and mail warrants and summons;
9. Prepare monthly report of financial activities;
10. Assist in the collection of traffic bonds;
11. Prepare necessary communications for jury trials and transfers to circuit court; and
12. Perform such other duties as may be required by the Municipal Judge and Municipal Court Committee.

G. Salary of Municipal Judge. The Municipal Judge shall receive a fixed salary and municipal judge's training pursuant to Section 55.18, Wis. Stats., the salary to be determined by the City of Onalaska after consideration of the recommendation of the Municipal Court Committee, subject to Chapter 755.04, Wis. Statutes 2007-2008, which shall be in lieu of fees and costs. The salary may be increased for a new term prior to the beginning of the term of the judge or for the second year of the term of the judge, but shall not be decreased during the term of the judge. The salary shall be paid in monthly installments. No salary shall be paid to the Municipal Judge for any time during his or her term for which he or she has not executed and filed the official bond and oath as required by Section II.H. of this Ordinance.

H. Oath and Bond of Municipal Judge. The Municipal Judge shall, after election to fill a vacancy, take and file the official oath as prescribed in Chapter 755.03, Wis. Statutes 2007-2008, with the Clerk of Circuit Court for La Crosse County, and at the same time shall execute and file an official bond in the amount determined by the governing bodies of the member municipalities.

I. Bond and Oath of Municipal Court Clerk. The Municipal Court Clerk shall, before entering upon the duties of the office, take and file the official oath as prescribed in Chapter 19.01, Wis. Statutes 2007-2008, with the City Clerk of the City of Onalaska and at the same time, shall execute and file an official bond in the amount determined by the governing bodies of the member municipalities. The City of Onalaska Clerk shall provide file copies to the other municipal members.

J. Jurisdiction of Municipal Judge. The municipal judge shall have jurisdiction as provided by the Statutes and Laws of the State of Wisconsin and pursuant to Section 755.045, Wis. Statutes 2007-2008.

K. Procedures of the Joint Municipal Court.

1. The Joint Municipal Court's location shall be in the City of Onalaska City Hall. The time(s) of the municipal court shall be determined by the Municipal Judge and the Municipal Court Committee.

2. The procedure for the Joint Municipal Court shall be as provided in this Section and the laws of the State of Wisconsin, including, but not by way of limitation, Chapters 60, 61, 62, 66, 755 and 800 of the Wis. Stats 2007-2008. The jurisdiction of the Municipal Judge is limited to misdemeanors. These include traffic offenses and municipal ordinance violations. The Joint Municipal Court is authorized to impose forfeitures, court costs, state penalty assessments and miscellaneous fees related to the cost of prosecution. The Municipal Judge shall have jurisdiction as is provided in Section 755.045, Statutes 2007-2008.

3. If the Municipal Judge is temporarily absent, sick or disabled, the provisions of Section 800.06(1), Wis. Statutes 2007-2008, shall apply, and if the Municipal Judge becomes incompetent, unable to or fails to act, or in the event of a vacancy, the provisions of Section 800.06(2), Wis. Statutes 2007-2008, shall apply. Any substitute Municipal Judge designated or assigned hereunder shall be compensated as authorized by the Municipal Court Committee. The Municipal Judge shall satisfy all continuing education requirements for municipal judges.

4. Upon the proper and timely written request for substitution of the Municipal Judge, the provisions of Section 800.05 Wis. Statutes 2007-2008, shall apply.

5. The procedures of the Joint Municipal Court shall be in accord with the applicable Wisconsin Statutes, this Ordinance and the Joint Municipal Court Agreement entered into between the member municipalities. The Joint Municipal Court shall abide by the Wisconsin Rules of Evidence and shall abide by the Uniform State Traffic

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Deposit Schedule. In non-traffic matters, each municipal member shall draft a bond schedule, which shall become effective upon approval by the municipal member's governing body. No bond shall exceed the maximum penalty that could be imposed for the ordinance violation.

6. The municipal attorney for each member municipality shall serve as the prosecutor for that member municipality's cases in Joint Municipal Court.

L. Fees and Costs.

1. Bonds for appearance, partial payments and other funds collected by the Joint Municipal Court shall be treated as escrow funds and deposited with the Municipal Court Clerk.

2. The Clerk of the Municipal Court shall collect all forfeitures and costs in any actions or proceedings and deposit the same in the account established for such purpose not later than the seventh (7th) business day succeeding receipt thereof. At the time of payment, said Clerk shall report to the City of Onalaska Financial Services Director the title of the action, the offense for which the forfeiture was imposed, and the total amount of the forfeiture, fees, penalty assessments and costs, if any. Said Financial Services Director shall disburse the forfeitures to the appropriate municipal member, disburse the fees as provided in Section 814.65, Wis. Statutes 2007-2008, and disburse any penalty assessments pursuant to Section 66.0114(1)(bm), Wis. Statutes 2007-2008.

3. Pursuant to Section 814.65(1), Wis. Statutes 2007-2008, the Municipal Judge shall collect a fee of Twenty Three Dollars (\$23.00) on each separate matter, whether it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant or summons or the action is tried as a contested matter.

4. The Clerk of the Joint Municipal Court shall provide a monthly accounting to each member municipality of the amounts collected and disbursed for each member municipality.

M. Withdrawal from Joint Municipal Court. Any member municipality may withdraw from this Agreement by giving notice in writing to the Municipal Court Committee no later than September 30th of any year. Upon giving such notice, the member municipality's

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participation in the Joint Municipal Court shall terminate on December 31st of said year.

N. Statutes Adopted by Reference. Chapters 755 and 800, Wis. Statutes 2007-2008, are hereby adopted by reference.

O. Contempt of Court.

1. The Municipal Judge may punish for contempt of the Joint Municipal Court persons guilty of any of the following acts. Contempt of court means intentional:

- a. Misconduct in the presence of the court which interferes with the court proceedings or with the administration of justice, or which impairs the respect due the court;
- b. Disobedience, resistance or obstruction of the authority, process or order of the court (including refusal to pay a court-imposed forfeiture);
- c. Refusal as a witness to appear, be sworn or answer a question; or
- d. Refusal to produce a record, document or other object.

2. The Municipal Judge may, upon finding any person guilty of contempt of court, order such person to forfeit not more than Fifty Dollars (\$50.00). In default of payment of the forfeiture and the penalty assessment imposed by state statute, the person found guilty may be imprisoned in the county jail not to exceed seven (7) days.

Section III. Inconsistent Ordinances Repealed. All Ordinances or parts of Ordinances of the Town of Shelby that contravene or are inconsistent with the provisions of this Ordinance are hereby repealed.

Section IV. Joint Municipal Court Agreement. All member municipalities shall enter into a mutually acceptable agreement for the operation of the Joint Municipal Court.

