

CHAPTER 11

JOINT MUNICIPAL COURT

Ordinance to Create a Joint Municipal Court for the City of Onalaska, Town of Campbell, Town of Shelby, Village of Bangor, Village of Holmen, Village of Rockland, and Village of West Salem.

The Village Board of the Village of Rockland, Wisconsin, does hereby ordain as follows:

I. JOINT MUNICIPAL COURT

- A. Established pursuant to Chapter 75 Wisconsin Statutes, 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, Village of Holmen, Village of Rockland, and the Village of West Salem (hereinafter collectively referred to as "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, Bangor, Shelby, 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. Stats., the office of Municipal Judge is hereby created. Eligibility for the office of Municipal Judge shall be as follows: To be eligible for the office of Municipal Judge, a person must be a qualified elector in either 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 expired in 2004, said judge shall serve as the judge of the Joint Municipal Court. Thereafter, the position of 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 May 1 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. Stats., 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 determined by the City of Onalaska after consideration of any recommendation by the Municipal Court Committee.
- F. Duties of 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 complaints, type the docket sheets and gather all materials pertinent to cases;
 4. Determine and schedule court dates and facilities subject to subsection (K)(1) of the Section;
 5. Arrange for juvenile cases to be heard away from regular court;
 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 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 the Municipal Judge's training pursuant to Section 755.18, Wis. Stats., the salary to be determined by the City of Onalaska after consideration of the Municipal Court Committee, subject to Section 755.04, Wis. Stats., 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 her or her term for which he or she has not executed and filed the official bond and oath as required by Subjection (H) of this Section.
- H. Bond and Oath of Municipal Judge: The Municipal Judge shall, after election to fill a vacancy, take and file the official oath as prescribed in Section 755.03, Wis. Stats., 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 office, take and file the official oath as prescribed in Section 19.01, Wis. Stats., 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 the 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. Stats.

K. Procedures of Joint Municipal Court:

1. The Joint Municipal Court's location shall be the City of Onalaska City Hall. The Municipal Judge and the Municipal Court Committee shall determine the time(s) of the Municipal Court.
2. The procedure for the Joint Municipal Court shall be as provided in this Section and State law, including, but not by way of limitation, Chapters 60, 61, 62, 755, and 800 of the Wisconsin Statutes. The jurisdiction of the Municipal Judge is limited to misdemeanors. This includes traffic offenses and municipal court 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, Wis. Stats.
3. If the Municipal Judge is temporarily absent, sick, or disabled, the provisions of Section 800.06(1), Wis. Stats., shall apply, and if the Municipal Judge becomes incompetent, unable, or fails to act, or in the event of a vacancy, the provisions of Section 800.06(2), Wis. Stats., 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 proper and timely written request for substitution of the Municipal Judge, the provisions of Section 800.05, Wis. Stats., shall apply.
5. The procedures of the Joint Municipal Court shall be in accordance with the applicable Wisconsin Statutes, this Ordinance, and the Joint Municipal Court Agreement entered into between member municipalities. The Joint Municipal Court shall abide by the Uniform State Traffic 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:

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 Joint 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, the 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 forfeiture to the appropriate municipal member, disburse the fees as provided in Section 814.65, Wis. Stats., and disburse any penalty assessments pursuant to Section 66.0114(1)(bm), Wis. Stats.

3. Pursuant to Sec. 814.65(1), Wis. Stats., the Municipal Judge shall collect a fee of Twenty-three (\$23.00) dollars on each separate matter, whether it is on default of appearance, a plea of guilty or no contest, on the 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 30 of any year. Upon giving such notice, the member municipality's participation in the Joint Municipal Court shall terminate on December 31 of said year.

(N) Statutes Adopted by Reference. Chapters 755 and 800, Wis. Stats., 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 (\$50.00) Dollars. In default of payment of the forfeiture and the

penalty assessment imposed by State Statute, the person found guilty of contempt may be imprisoned in the County Jail not to exceed seven (7) days.

11.02 All ordinances or parts of ordinances that contravene or are inconsistent with the provisions of this Ordinance be and are hereby repealed.

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

11.04 This Ordinance shall take effect and be in full force and effect on January 1, 2004, of passed and adopted by all member municipalities and published as required by law.

Dated this 9th day of December, 2003.

VILLAGE SEAL

Dan Brooks, Village President

Sue Donskey, Village Clerk

Adopted: December 9, 2003

Posted: December , 2003