

TOWN of SILVER CLIFF ORDINANCE NO. 12082015

AN ORDINANCE RELATING TO THE CREATION OF A JOINT MUNICIPAL COURT FOR THE TOWN OF STEPHENSON, TOWN OF LAKE, TOWN OF SILVER CLIFF AND THE TOWN OF MIDDLE INLET.

Purpose: The Towns of Stephenson, Middle Inlet and Lake currently operate a Municipal Court. The Town of Silver Cliff currently has no established Municipal Court. The Towns wish to enter into an intergovernmental agreement pursuant to Wis. Stats. § 66.0301 to create a joint Municipal Court to equitably share the costs of administering and operating the court. Wis. Stats. § 755.01(4), provides that cities, towns, and villages may establish a joint Municipal Court by enactment of identical ordinances by the each of the affected cities, towns and villages.

THE TOWN OF SILVER CLIFF DOES ORDAIN AS FOLLOWS:

**TOWNS OF LAKE, MIDDLE INLET, SILVER CLIFF AND STEPHENSON
JOINT MUNICIPAL COURT**

- a) Court Established. The Joint Municipal Court for the Towns of Lake, Middle Inlet, Silver Cliff and Stephenson permitted by Chapter 755 of the Wisconsin Statutes is hereby established and shall become operative and functional on the effective date of this ordinance.
- b) Municipal Judge; Qualifications. The person filling the Office of Municipal Judge shall be a resident of the Town of Lake, Town of Middle Inlet, Town of Silver Cliff or Town of Stephenson.
- c) Jurisdiction. The Joint Municipal Court and the Municipal Judge shall have jurisdiction as provided in Wis. Stats. § 755.045 and § 755.05, and as otherwise provided by Wisconsin law.
- d) Municipal Judge. The Joint Municipal Court shall be presided over by a Municipal Judge.
 - (1) Election; Term. Municipal Judge shall be elected at large by the electors of the Town of Stephenson in April of 2011 and the electors of the Towns of Lake, Middle Inlet, Silver Cliff and Stephenson at the spring election in odd numbered years commencing in April of 2019, for a term of four years, commencing on May 1 succeeding the election. The Municipal Judge shall serve until a successor is elected and qualified. Mid-term vacancies in the Office of Municipal Judge shall be filled by appointment, as agreed upon by the Town Boards pursuant to Wis. Stats. § 8.50(4)(fm).
 - (2) Salary. The Municipal Judge shall receive a salary, to be agreed upon by each Town board, paid equally by each Town, which shall be in lieu of fees and costs. No salary shall be paid to the Municipal Judge for any time during the term for which the official bond and oath have not been executed and filed, as required by paragraph (3) of this subsection.
 - (3) Bond; Oath. The Municipal Judge shall execute and file with the Clerk of Courts for Marinette County the oath prescribed by Wis. Stat. § 757.02 and a bond in the penal sum of One Thousand Dollars (\$1,000). The Municipal Judge shall not be

qualified to act until a certified copy of the bond is filed with the Clerks of each Town and a certified copy of the oath is filed with the Office of the State Administrator of Courts, as required by Wis. Stats. §755.03.

- (4) Sessions. The Joint Municipal Court shall be open on the days and hours set by the Municipal Judge, but no less than one session per month if citations have been issued.
- (5) Location. The Municipal Judge shall hold court in the Town Hall of the Town of Stephenson.
- e) Procedure. The procedure in the Joint Municipal Court shall be as provided by this Section and State law including, without limitation because of enumeration, Wis. Stats. Chapters 800 and 755 and Wis. Stats. §§23.50 to 23.85, 345.11, 345.20 to 345.53, and 972.11(3m).
- f) Use of Citations. The use of citations to be used for alleged violations of ordinances is hereby authorized. The form of the citation shall be the Wisconsin Uniform Municipal Court Citation established pursuant to Wisconsin Statute 800.02.
- g) Issuance of Citations. Citations can be issued by any law enforcement officer or town official as authorized by town ordinance. Citations issued pursuant to Subsection (f) shall be signed by a peace officer or authorized town official or upon application of any other city or town officer or employee, shall be endorsed by the respective Town Attorney, or authorized legal counsel and served by personal service by a municipal employee or as provided in Wisconsin Statute 968.04(3)(b)(2).
- h) Forfeitures. The Municipal Judge may impose punishment and forfeitures provided under Wisconsin Law and as provided in the ordinances of the respective Towns. The Municipal Judge shall collect all forfeitures, penalty assessments, jail assessments, court costs, fees and taxable costs in any action or proceeding before the Municipal Court and shall pay over the amounts collected to the appropriate Town or Village Treasurer no later than the last day of each month. At such time, the Municipal Judge shall also report to the appropriate Town Treasurer the title of the action, the offense for which the forfeiture was imposed, and the total amount of the forfeiture, assessment, fees and costs.
- i) Contempt of Court. The Municipal Judge may impose a sanction authorized under Wis. Stats. § 800.12(2) for contempt of court, as defined in Wis. Stats. § 785.01(1), in accordance with the procedures under Wis. Stats. § 785.03. The Municipal Judge may impose a forfeiture for contempt under Wis. Stats. § 800.12(1) in an amount not to exceed \$500.00 or, upon nonpayment of the forfeiture, penalty assessment under Wis. Stats. § 165.87, jail assessment under Wis. Stats. § 302.46, and any applicable domestic abuse assessment under Wis. Stats. § 973.055(1), a jail sentence not to exceed seven (7) days.
- j) Stipulation and Deposits in Joint Municipal Court.
 - (1) Deposit Schedule to be Established. The Towns shall establish by Resolution a schedule of deposits for violations of their Ordinances, except traffic regulations, which are governed by Wis. Stats. § 345.26.

(2) Stipulation and Deposit in Lieu of Court Appearance. Persons cited for violations of Town Ordinances for which a deposit has been established under this subsection shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in Wis. Stats. §§ 800.03, 800.04. and 800.09.

(3) Traffic, Snowmobile and All-Terrain Vehicle Deposits. The deposit schedule established by the Wisconsin Judicial Conference and the procedures set forth in Chapters 23, 345 and 350 of the Wisconsin Statutes shall apply to stipulation and deposits for violations of traffic regulations enacted in accordance with Wis. Stats. § 345.26, snowmobile and all-terrain vehicle regulations enacted in accordance with Wis. Stats § 23.33 and 350.18(3)(a) and 350.04(2).

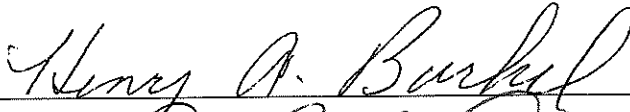
(4) When Not Permitted. Stipulations and deposits shall not be permitted after initial appearance or in cases of contempt under subsection.

k) Administering Agreement. The Towns of Lake, Middle Inlet, Silver Cliff, and Stephenson shall enter into an Agreement to share the costs of maintaining the Joint Municipal Court.

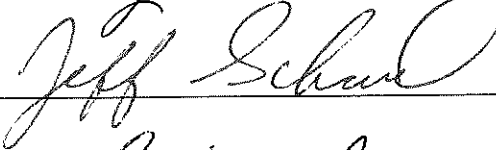
This Ordinance shall take effect from and after its passage by each of the four (4) municipalities and publication or posting as required by law.

ADOPTED THIS 8TH DAY OF DECEMBER 2015

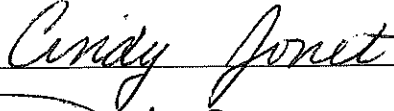
Henry Burkel, Town Chairman



Jeff Schaal, Town Supervisor



Cindy Jonet, Town Supervisor



Steffanie Bishop Town Clerk



INTERGOVERNMENTAL AGREEMENT FOR THE OPERATION OF

THE NEAR NORTH MUNICIPAL COURT

AGREEMENT, entered into 11/11/2015 by and between the Town of Lake, Town of Middle Inlet, Town of Silver Cliff and Town of Stephenson, all being municipal corporations organized and existing under the laws of the State of Wisconsin, hereinafter referred to as the "Member Municipalities."

WHEREAS Section 755.01 (1) Wis. Stats. provides that any municipality may establish a municipal court to be maintained at the expense of the municipality, and

WHEREAS Section 755.01 (4) Wis. Stats. provides that two or more cities, towns or villages may enter into an agreement under Section 66.30 Wis. Stats. for the joint exercise of the power granted under Section 755.01 (1), after enactment of identical ordinance by each affected City, Town or Village, and

WHEREAS the municipalities which are parties to this agreement have enacted identical ordinances thereby creating and establishing a municipal court to serve said municipalities, and

WHEREAS the Municipalities have expressed willingness to enter into a contract for the joint operation of said municipal court and for, the equitable sharing of the costs thereof, pursuant to Section 66.30 Wis. Stats.,

NOW THEREFORE, in consideration of the benefits to be derived by each municipality from the joint operation of the municipal court, the member municipalities contract and agree as follows:

1) **GENERAL**

- i) The municipal court shall be organized and shall operate pursuant to Chapter 755 Wis. Stats., the ordinances adopted by the member municipalities, and the terms of this agreement. In the event of conflicts the provisions of Wisconsin Statutes shall prevail.

2) **ORGANIZATION**

- i) Except for matters required by statute to be determined by the respective governing bodies or member municipalities, the general operation of the court shall be by the judge and the Municipal Court Committee.

3) **MUNICIPAL COURT COMMITTEE**

- a) **Composition.** The Municipal Court Committee shall be comprised of the Municipal Judge and one representative of each member municipality who shall be appointed by the Town Chairman or Village President of the member municipality, subject to confirmation by the respective governing body. 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.
- b) **Powers and Duties.** The Municipal Court Committee shall have general control over the operation of the court, except where such control is specifically granted to the Judge or the governing bodies by statute, in which case the Municipal Court Committee shall be a recommending agency. The Municipal Judge shall be responsible for the selection of the Clerk of the municipal court, subject to approval by the Municipal Court Committee.

- c) **Voting and Procedure.** The Municipal Court Committee shall be governed by Roberts Rules of Order and a majority vote of all the representatives of the Municipal Court Committee shall be required to adopt any motion or resolution. Four members or alternate members shall constitute a quorum.

4) MUNICIPAL JUDGE

- i) **Qualifications.** The joint court shall be under the jurisdiction of and presided over by a Municipal Judge who lives in one of the municipalities that is a party to this agreement forming the joint municipal court.
- ii) **Oath and Bond.** The judge shall, after an election or appointment to fill a vacancy, take and file the official oath as prescribed in section 757.02(1) Wis. Stats., and at the same time execute and file an official bond in the amount of One Thousand Dollars (\$1,000). The judge shall not act until the oath and bond have been filed as required by section 19.01(4)(c) Wis. Stats., and the requirements of section 755.03(2) Wis. Stats., have been complied with.
- iii) **Salary.** The Municipal Judge shall receive a salary, to be agreed upon by each Town or Village Board, paid equally by each municipality, which shall be in lieu of fees and costs. No salary shall be paid to the Municipal Judge for any time during the term for which the official bond and oath have not been executed and filed, as required by paragraph (2) of this subsection. The municipalities may, by separate ordinance, allocate funds for the administration of municipal court pursuant to section 66.03(1) Wis. Stats.

5) ELECTIONS

- i) **Term.** Municipal Judge shall be elected at large by the electors of the Town of Stephenson at the spring election in odd numbered years commencing in April of 2011, and at large by the electors of the Town of Lake, Town of Middle Inlet, Town of Silver Cliff and Town of Stephenson commencing in April 2019, for a term of four years, commencing on May 1 succeeding the election. The Municipal Judge shall serve until a successor is elected and qualified. Mid-term vacancies in the Office of Municipal Judge shall be filled by appointment, as agreed upon by the Town Boards, pursuant to Wis. Stats. § 8.50(4)(fm).
- ii) **Filing.** The Marinette County Clerk shall serve as the filing officer for the candidate(s).

6) JURISDICTION

- i) The Municipal Court shall have jurisdiction over incidents occurring on or after May 1, 2011 as provided in Article VII, Section 14 of the Wisconsin Constitution, Sections 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,
- ii) The Municipal Judge may issue civil warrants to enforce matters under the jurisdiction of the municipal court under Sections 755.045(2) and 66.0119 Wis. Stats.
- iii) The municipal court has jurisdiction over juvenile offenders when a municipality that is party to the Agreement enacts an ordinance under the authority of Section 938.17(2)(em) Wis. Stats.

7) MUNICIPAL COURT

- i) **Hours.** The municipal court for the Towns of Lake, Middle Inlet, Silver Cliff and Stephenson, shall be held at the Stephenson Town Hall. The municipal court shall be open at times as determined by the Municipal Judge, but no less than one session per month if citations have been issued.
- ii) **Employees.** The clerk is appointed by the Judge pursuant to Sec. 755.10 Wis. Stats. as authorized and approved by the Municipal Court Committee, Salary of the clerk is set, forth by the Judge and must be approved and recommended by the Municipal Court Committee, and approved by the governing bodies.

8) COLLECTION OF FORFEITURES

- i) The Municipal Judge may impose punishment and sentences as provided by Chapters 800 and 938 Wis. Stats., and as provided in the ordinances of the member municipalities. All forfeitures, fees, assessments, surcharges and costs shall be paid to the treasurer of the municipality within which the case arose by the last day of the month of receipt of the money by the municipal court.
- ii) At the time of payment, the municipal court shall report to the treasurer the title of the action, the nature of the offenses and total amount of judgments imposed in actions and proceedings in which such monies were collected,

9) CONTEMPT OF COURT

- i) The Municipal Judge, after affording an opportunity to the person accused to be heard in defense, may impose a sanction authorized under Section 800.12 Wis. Stars. and may impose a forfeiture therefore not to exceed five hundred dollars (\$500) or upon nonpayment of the forfeiture and the assessments thereon, a jail sentence not to exceed seven (7) days.

10) COURT OPERATING EXPENSES

- i) Each of the municipalities utilizing Stephenson Town Hall shall pay the Town of Stephenson a total of \$50 each year to cover utility expenses, along with any expenses for equipment needed for court. Mileage, if applicable, shall be paid to the Municipal Judge equally by the municipalities. The rate of mileage will be determined by the standard IRS mileage rate. Expenses for training of the Judge and other expenses involving the member municipalities shall be divided equally.

11) CONTRACT ADMINISTRATION AND AMENDMENTS

- i) The affirmative vote of a majority of all member-governing bodies shall be required to adopt any resolution pertaining to the operation of the court, or amending this Agreement.

12) CONTRACT MUNICIPALITIES

- i) The court may add additional communities in the future upon request of a community and approval of the Municipal Court Committee and the governing body of each then current court member. Any added community will come into the court as a Contract Municipality. If the Contract Municipality is satisfied with the operation of the court, and the Municipal Court Committee is satisfied with the nature and level of services being provided to the Contract Municipality, the Contract Municipality may apply for Member Municipality status with such application to be approved by vote of the Municipal Court Committee. Any Contract Municipality will have municipal court services provided pursuant to a contract entered into between the Contract Municipality and the Municipal Court. Contract Municipalities do not have a vote on the Municipal Court Committee. Any costs incurred by the court in adding the Contract Municipality will be charged to that municipality.

13) TERMINATION

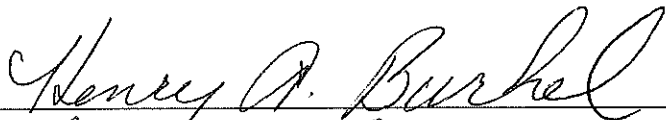
- i) Any Member Municipality may withdraw from this Agreement by giving notice in writing to the Judge and Chair of the Municipal Court Committee no later than August 31st of any year. Upon giving such notice, the Member Municipality's participation in the Municipal Court shall terminate at the end of said year. The Municipal Court hereby established shall not be abolished while the 755.01(4) Agreement is in effect.

14) COUNTERPARTS

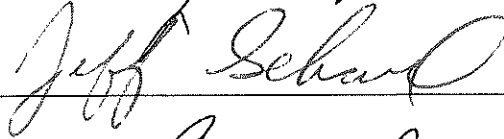
- i) This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

Agreed upon this eighth day of December, 2015.

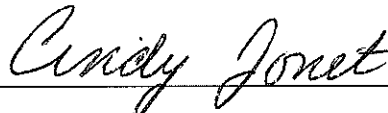
Henry Burkel, Town Chairperson



Jeff Schaal, Town Supervisor



Cindy Jonet, Town Supervisor



Steffanie Bishop, Town Clerk