

ORDINANCE #2023-5

AN ORDINANCE TO CREATE SECTION 2-10 OF THE CODE OF ORDINANCES FOR
THE VILLAGE OF WILD ROSE

THE VILLAGE BOARD OF THE VILLAGE OF WILD ROSE DOES HEREBY ORDAIN AS
FOLLOWS:

SECTION I. Section 2-10 of the Code of Ordinances is hereby created to read as follows:

Sec. 2-10 Joint Municipal Court

- (a) *Established.* Pursuant to Wis. Stats. ch. 755, there is hereby created and established effective May 1, 2024 the Wautoma Area Municipal Court designated "joint municipal court" for the Village of Hancock, the Village of Wild Rose, and the City of Wautoma, (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 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 the City of Wautoma Chief of Police. 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 the City of Wautoma Chief of Police, shall be for two 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 Wautoma, shall be for a term of one year. Thereafter, the term for the representative from the City of Wautoma, the Village of Hancock, and the Village of Wild Rose shall be for a term of two years.
- (c) *Creation and Qualification of the Position of Municipal Judge.* Pursuant to Wis. Stats. ch. 755, 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 the Village of Hancock, the Village of Wild Rose or the City of Wautoma.
- (d) *Election and Term of Municipal Judge.* The municipal judge shall be elected at large commencing in 2024 at the spring election, for a four-year term, commencing on May 1 succeeding his or her election. Electors of the Village of Hancock, the Village of Wild Rose and the City of Wautoma 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 Wis. Stats. ch. 755, the office of the clerk of the joint municipal court is hereby created. Said clerk shall take the position upon hiring by the City of Wautoma 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 Wautoma 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 material pertinent to cases;
- (4) Determine and schedule court dates and facilities subject to subsection (k)(1) of this 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 a 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;
- (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 Wis. Stats. § 755.18, the salary to be determined by the City of Wautoma after consideration of the recommendation of the municipal court committee, subject to Wis. Stats. § 755.04, 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 subsection (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 Wis. Stats. § 755.03, with the clerk of circuit court for Waushara 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 Wis. Stats. § 19.01, with the city clerk of the City of Wautoma 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 Wautoma 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 Wis. Stats. § 755.045.
- (k) *Procedures of Joint Municipal Court.*
- (1) The joint municipal court's location shall be the City of Wautoma 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 state law, including, but not by way of limitation, Wis. Stats. chs. 60, 61, 62, 66, 755, and 800. The jurisdiction of the municipal judge is limited to misdemeanors. This includes 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 Wis. Stats. § 755.045.
 - (3) If the municipal judge is temporarily absent, sick or disabled, the provisions of Wis. Stats. § 800.06(1), shall apply, and if the municipal judge becomes incompetent, unable or fails to act, or in the event of a vacancy, the provisions of Wis. Stats. § 800.06(2), 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 Wis. Stats. § 800.05, shall apply.
 - (5) The procedures of the joint municipal court shall be in accord with the applicable Wisconsin Statutes, this section 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 deposit schedule. In nontraffic 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 which 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 business day succeeding receipt thereof. At the time of payment, said clerk shall report to the City of Wautoma Clerk/Treasurer 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 city Clerk/Treasurer shall disburse the forfeitures to the appropriate municipal member, disburse the fees as provided in Wis. Stats. § 814.65, and disburse any penalty assessments pursuant to Wis. Stats. § 66.0114(1)(bm).
- (3) Pursuant to Wis. Stats. § 814.65(1), the municipal judge shall collect a fee currently of \$38.00 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 August 1 of the year prior to the end of the municipal judge's term. Upon giving such notice, the member municipality's participation in the joint municipal court shall terminate on May 1 of the year ending with the municipal judge's term.

(n) Statutes Adopted by Reference. Wis. Stats. chs. 755 and 800, 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 proceeding 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 \$50.00. 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 days.

SECTION II. Severability: In the event that any provision of this Ordinance is for any reason held to be invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portions of this Ordinance shall be deemed separate, distinct and independent provisions of the Ordinance and all remaining portions of this Ordinance shall remain in full force and effect.

SECTION III. All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby to such extent repealed.

SECTION IV. This ordinance shall take effect and be in full force and effect if it is passed by the Village Board of the Village of Wild Rose.

Dated this _____ day of _____, 20_____

VILLAGE OF WILD ROSE

BY: _____

Tim Ganzel
Village President

BY: _____

Lindsey Inda
Clerk/Treasurer

PASSED:
APPROVED:
PUBLISHED: