

## Chapter 19

### COURT, JOINT MUNICIPAL

**[HISTORY: Adopted by the Town Board of the Town of Middle Inlet 1-13-2011. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Citations — See Ch. 14.

#### **§ 19-1. Purpose.**

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

#### **§ 19-2. Court established.**

The Joint Municipal Court for the Town of Stephenson and the Town of Middle Inlet is permitted by Chapter 755 of the Wisconsin Statutes, is hereby established and shall become operative and functional on the effective date of this chapter.

#### **§ 19-3. Residency of Municipal Judge.**

The person filling the Office of Municipal Judge shall be a resident of the Town of Stephenson or the Town of Middle Inlet.

#### **§ 19-4. Jurisdiction.**

The Joint Municipal Court and the Municipal Judge shall have jurisdiction as provided in §§ 755.045 and 755.05, Wis. Stats., and as otherwise provided by Wisconsin law.

#### **§ 19-5. Municipal Judge.**

The Municipal Court shall be presided over by a Municipal Judge.

- A. Election; term. The Municipal Judge shall be elected at large by the electors of the Towns of Stephenson and Middle Inlet at the spring election in odd-numbered years commencing in April 2011, 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 § 8.50(4)(fm),

Wis. Stats.

- B. 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 bonds and oath have not been executed and filed, as required by Subsection C of this section.
- C. Bond; oath. The Municipal Judge shall execute and file with the Clerk of Courts for Marinette County the oath prescribed by § 757.02, Wis. Stats., and a bond in the penal sum of \$1,000. The Municipal Judge shall not be qualified to act until a certified copy of the bond is filed with the Town 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 § 755.03, Wis. Stats.
- D. 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.
- E. Location. The Municipal Judge shall hold court in the Town Hall of the Town of Stephenson.

**§ 19-6. Procedure.**

The procedure in the Joint Municipal Court shall be as provided by this chapter and state law, including, without limitation because of enumeration, Chapters 800 and 755 and §§ 23.50 to 23.85, 345.11, 345.20 to 345.53, and 972.11(3m), Wis. Stats.

**§ 19-7. Use of citations.**<sup>1</sup>

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 § 800.02, Wis. Stats.

**§ 19-8. Issuance of citations.**

Citations can be issued by any law enforcement officer or Town official as authorized by Town ordinance. Citations issued pursuant to § 19-7 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 § 968.04(3)(b)(2), Wis. Stats.

**§ 19-9. 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

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1. Editor's Note: See also Ch. 14, Citations.

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 Clerk no later than the last day of each month. At such time, the Municipal Judge shall also report to the appropriate Town Clerk the title of the action, the offense for which the forfeiture was imposed, and the total amount of the forfeiture, assessment, fees and costs.

**§ 19-10. Contempt of court.**

The Municipal Judge may impose a sanction authorized under § 800.12(2), Wis. Stats., for contempt of court, as defined in § 785.01(1), Wis. Stats., in accordance with the procedures under § 785.03, Wis. Stats. The Municipal Judge may impose a forfeiture for contempt under § 800.12(1), Wis. Stats., in an amount not to exceed \$500 or, upon nonpayment of the forfeiture, penalty assessment under § 757.05, Wis. Stats., jail assessment under § 302.46, Wis. Stats., and any applicable domestic abuse assessment under § 973.055(1), Wis. Stats., a jail sentence not to exceed seven days.

**§ 19-11. Stipulation and deposits in Joint Municipal Court.**

- A. Deposit schedule to be established.<sup>2</sup> The Towns shall establish by resolution or ordinance a schedule of deposits for violation of Town ordinances, except traffic regulations, which are governed by § 345.26, Wis. Stats.<sup>3</sup>
- B. Stipulation and deposit in lieu of court appearance. Persons cited for violations of Town ordinances for which a deposit has been established under this section shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in §§ 800.035 and 800.09, Wis. Stats.
- C. 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 § 345.26, Wis. Stats., snowmobile and all-terrain vehicle regulations enacted in accordance with §§ 23.33 and 350.18(3)(a) and 350.04(2), Wis. Stats.
- D. When not permitted. Stipulations and deposits shall not be permitted after initial appearance or in cases of contempt under § 19-10.

**§ 19-12. Administration agreement.**

The Stephenson and Middle Inlet Town Boards shall enter into an agreement to share costs of maintaining the Joint Municipal Court.<sup>4</sup>

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2. Editor's Note: See also § 14-3, Schedule of deposits.

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

4. Editor's Note: The Intergovernmental Agreement for the Operation of the Near North Municipal Court is on file in the Town offices.

**§ 19-13. When effective.**

This chapter shall take effect from and after its passage by each of the two municipalities and publication and posting as required by law.