

VILLAGE OF CRIVITZ ORDINANCE NO. 2024-008

AN ORDINANCE AMENDING SECTION 2-3-12 RELATING TO THE CREATION OF A JOINT MUNICIPAL COURT FOR THE VILLAGE OF WAUSAUKEE, VILLAGE OF CRIVITZ, TOWN OF STEPHENSON, TOWN OF LAKE, TOWN OF SILVER CLIFF AND THE TOWN OF MIDDLE INLET.

Purpose: The Towns of Stephenson, Middle Inlet, Lake, and Silver Cliff, and the Village of Wausaukee currently operates as a Municipal Court. The Village of Crivitz currently has no established Municipal Court. The Towns and Villages 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 each of the affected cities, towns and villages.

THE VILLAGE OF CRIVITZ DOES ORDAIN AS FOLLOWS:

VILLAGE OF WAUSAUKEE, VILLAGE OF CRIVITZ, TOWNS OF LAKE, MIDDLE INLET, SILVER CLIFF, AND STEPHENSON JOINT MUNICIPAL COURT

- a) Court Established. The Joint Municipal Court for the Villages of Crivitz and Wausaukee, 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 Village of Crivitz, Village of Wausaukee, 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 Village of Wausaukee, the Towns of Lake, Middle Inlet, Silver Cliff and Stephenson at the spring election in odd numbered years commencing in April of 2019, and the Village of Crivitz in April 2027, 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 . Midterm vacancies in the Office of Municipal Judge shall be filled by appointment, as agreed upon by the Town/Village 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/Village Board, paid equally by each Town/Village, 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/Village 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 972.1 1(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/Village official as authorized by Town/Village ordinance. Citations issued pursuant to Subsection (f) shall be signed by a peace officer or authorized Town/Village official or upon application of any other City or Town, or Village officer or employee, shall be endorsed by the respective Town/Village 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 Town or Village. 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 or Village 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 Town or Village 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/Village 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 Villages of Crivitz and Wausaukee, and 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 six (6) municipalities and publication or posting as required by law.

Offered by George Gocht

Seconded by Ginger Deschane

VOTE:	Ayes	<u>5</u>	Nays	<u>0</u>
	Abstentions	<u>0</u>	Absent	<u>2</u>

Date of Adoption 9-28-24

Date of Publication 9-25-24

BY ORDER OF THE BOARD OF TRUSTEES
VILLAGE OF CRIVITZ, WISCONSIN

Amy Grandaw
Amy Grandaw
President

Attest: Kaitlin Deschane
Kaitlin Deschane
Clerk / Treasurer