

TOWN OF BLACK BROOK
ORDINANCE NO. 2020-02

**An Ordinance Creating a Joint Municipal Court
with the City of Amery, Village of Clear Lake and the Village of Clayton**

THE TOWN BOARD OF THE TOWN OF BLACK BROOK DO ORDAIN AS FOLLOWS:

Chapter 2-3-14 MUNICIPAL COURT

2-3-14(a) AUTHORITY.

The City of Amery, the Village of Clear Lake, the Village of Clayton and the Town of Black Brook, Polk County, Wisconsin, acting pursuant to Sec. 61.34(1), Wis. Stats., are hereby authorized to and do establish a joint Municipal Court, as described in 21.04, below.

2-3-14(b) PURPOSE.

The purpose of this chapter shall be to promote the general health, safety, and welfare and to maintain required local uniformity of the enforcement of the participating City, Villages and Town.

2-3-14(c) SCOPE.

The scope of this ordinance includes enforcement of all ordinances adopted by the participating City, Villages, and Town which ordinances are in effect as of the effective date of this chapter, together with all such ordinances adopted hereinafter and during the existence of the described Municipal Court.

2-3-14(d) JOINT MUNICIPAL COURT.

Pursuant to the authority granted by Chapter 755 Wis. Stats., there is hereby created and established a Municipal Court for the joint exercise of the power granted to the City of Amery, Village of Clear Lake, Village of Clayton and Town of Black Brook under Sec. 755.01(1), Wis. Stats., to be designated as the "Amery Area Municipal Court" said court to become operative upon the date of the enactment of identical ordinances and ratification of an operating agreement by each affected municipality. For purposes of this requirement, the term "identical ordinances" shall refer to ordinances which contain the same, exact substantive terms and conditions; nonetheless, it shall not be required that each municipality number or otherwise include this ordinance within its respective code of ordinances using the same, exact nomenclature.

2-3-14(e) MUNICIPAL JUDGE.

- a) Office Created – Pursuant to Section 755.01, Wis. Stats., there is created the office of municipal judge for the City and Villages. The Municipal Judge shall be a resident of the City of Amery, Village of Clear Lake, Village of Clayton or Town of Black Brook.
- b) Oath and Bond – The Judge shall, after election or appointment to fill a vacancy, take the official oath as prescribed in Sec. 757.02(1), Wis. Stats., and file such oath with the county Clerk of Circuit Court. At the same time, the Judge shall execute and file an indemnity bond with the clerk of the municipality in an amount of \$5,000. The Judge shall not act until the oath and bond have been filed as required by Sec. 19.01(4)(c) Wis. Stats. And the requirements of Sec. 755.03(2) have been complied with.
- c) Salary – The salary of the Municipal Judge shall be set by resolution of the City Council of the City of Amery and shall be in lieu of fees and costs. No salary shall be paid for any time during the term during which such Judge has not executed the official bond or official oath. The salary may be increased by resolution of the Amery City Council before the start of the second or subsequent year of service of the term of the Judge, but shall not be decreased during the term.
- d) Election Term – The municipal judge shall be elected at large at the spring election in odd numbered years for a term of six (6) years commencing on May 1st next succeeding his or her election.

- e) Jurisdiction – The Municipal Court Judge shall have jurisdiction as provided by law and W.S.A. s. 755.045 and exclusive jurisdiction of violations of City of Amery, Villages of Clear Lake and Clayton, and Town of Black Brook ordinances, resolutions, and bylaws.

2-3-14(f) MUNICIPAL COURT.

- a) Hours – The Municipal Court shall be open on the days and hours established by the Municipal Court Judge subject to the approval of the Council and Boards.
- b) Employees – The Municipal Judge shall appoint, in writing, such clerks and deputy clerks as are authorized by the City Council and Village and Town Boards. The compensation of any employees of the court shall be set by the City Council. The City Council shall also determine the fringe benefits to be provided and the hours of service.
- c) Location – The Municipal Judge shall keep his office and hold court sessions in the Amery City Hall or at a location as determined by the City Council.

2-3-14(g) COLLECTION OF FORFEITURES AND COSTS.

The Municipal Judge shall collect all forfeitures, taxable costs, and assessments in any action or proceeding, shall pay over such moneys to the Treasurer of the City of Amery no later than five p.m. each Monday, and shall file a written account of all moneys received by him or her for the prior week. At such time, the Municipal Court shall report to the Treasurer the title, nature of offenses, and amount of judgments imposed in actions and proceedings in which such monies were collected in accordance with Wis. Stats. Sec. 800.10(2). Should the Judge at any time fail to so report and deposit, his or her salary shall be suspended until such reports and deposits are made current.

2-3-14(h) CONTEMPT OF COURT.

- a) The Municipal Judge may punish for contempt of Municipal Court persons guilty of any of the following acts. "Contempt of Court" means intentional:
 - i) 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.
 - ii) Disobedience, resistance, or obstruction of the authority, process, or order of the Court (including refusal to pay a court-imposed forfeiture).
 - iii) Refusal as a witness to appear, be sworn, or answer a question.
 - iv) Refusal to produce a record, document, or other object.
 - v) The act of unlawfully detaining within Polk County any witness or party to an action while going to, remaining at or returning from Court where such action has been set for hearing or trial and any other unlawful interference with the process or proceedings in any action within the County of Polk.
- b) Contempt committed in the immediate view or presence of the Municipal Judge, and after the party so charged being heard in his defense, may be punished summarily. In other cases, the party shall be notified of the accusation and have a reasonable time to make his defense.
- c) The Municipal Judge may, upon finding any person guilty of contempt of court, order such person to forfeit not more than \$50. 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.

2-3-14(i) STIPULATIONS AND DEPOSITS.

- a) Deposits for Ordinance Violations. The Municipal Judge shall establish and submit to the City Council, Village and Town Boards for approval in accordance with Sec. 800.03(3), Wis. Stats., a schedule of deposits for violations of City and Village ordinances.
- b) Deposits for Traffic and Boating violations. The deposit schedule established by the Wisconsin Judicial Conference and the procedures set forth in Chapters 23 and 345, Wis. Stats., shall apply to stipulation

and deposits for violations of traffic regulations enacted in accordance with Sec. 345.27 and boating regulations enacted in accordance with Sec. 30.77 Wis. Stats.

- c) Stipulations and Deposits in Lieu of court Appearances. Persons cited for violations of City, Village and Town ordinances, or violations of traffic or boating regulations for which a deposit has been established, shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in Sec. 800.03, Sec. 800.04, and Sec. 800.09 Wis. Stats.

2-3-14(j) ALTERNATIVE JUVENILE DISPOSITIONS AND SANCTIONS

- a) The Municipal Court shall have the authority to impose alternative dispositions and sanctions in Municipal Court.
- b) For a juvenile adjudged to have violated a municipal ordinance, the Court is authorized to impose any of the dispositions listed in W.S.A. ss.938.343 or 938.344, in accordance with the provisions of those statutes.
- c) For a juvenile adjudged to have violated a municipal ordinance who violates a condition of a dispositional order of the Court under W.S.A. s938.343 or 938.344, the Municipal Court is authorized to impose any of the sanctions listed in W.S.A. s 938.355(6)(d), in accordance with the provisions of those statutes.
- d) The Municipal Court, in imposing a disposition under this section, shall order the juvenile to pay, in addition to any forfeiture, the costs of any counseling, safety program or alcohol or drug abuse assessment, including treatment, costs of electronic monitoring detention and placement in any detention facility.
- e) This section is enacted under the authority of W.S.A. s 938.17(2)(cm).

2-3-14(k) MUNICIPAL COURT ABOLISHMENT.

- a) In general, the Amery Area Municipal Court may be abolished at the end of any term for which the Judge has been elected, upon action taken by the Amery City Council, Clear Lake Village Board, Clayton Village Board or Black Brook Town Board to either repeal this ordinance and transmittal of a certified copy of an ordinance abolishing the Amery Area Municipal Court to the appropriate filing officer under s. 11.02(3e), Wis. Stats. To abolish the court, it is not required that the City, Villages or Town take similar action. The act of one of the governing boards to repeal its ordinance in accord with the terms thereof shall be sufficient. In the event the City of Amery City Council, Clear Lake Village Board, Clayton Village Board or Black Brook Town Board deem it to be in their best interests to abolish the Joint Municipal Court created under this ordinance, they shall take such action no less than 60 days prior to the date on which the first nomination papers must be filed for the Municipal Judge's next term.
- b) Delivery of Books and records by Judge. In accordance with s. 755.12, Wis. Stats., within ten (10) days after the effective date of the abolition of the Amery Area Municipal Court, the Judge shall separate the court records, books, files, moneys and bonds according to the municipalities involved and deliver them to the appropriate City, Village or Town Clerk.

2-3-14(l) TRANSITIONAL PERIOD OF JOINT MUNICIPAL COURT.

- a) Amery Area Municipal Judge to Preside Pending Initial Election. In the event that this ordinance is adopted by each of the City of Amery, Village of Clear Lake, Village of Clayton and Town of Black Brook to take effect at a time in advance of the commencement of the next term of office for the Municipal Judge, the Municipal Judge of the City of Amery, an existing Municipal Court, shall continue to serve as the Judge of the Joint Municipal Court until the end of the current term of office.
- b) Vacancy in Office of Municipal Judge. In the event of a permanent vacancy in the office of the Amery Area Municipal Judge pending the initial election of the Joint Municipal Judge under this ordinance, the office of Municipal Judge may be filled by temporary appointment by the Amery City Council, Clear

Lake Village Board, Clayton Village Board and Town of Black Brook acting jointly. The office shall then be permanently filled by special election by the electors of the member City, Villages and Town, held concurrently with the next spring election following the occurrence of the vacancy, except that a vacancy occurring during the period after December 1 and on or before the date of the spring election shall be filled at the 2nd succeeding spring election, and no such election may be held after the expiration of the term of office nor at any time of holding the regular election for the office.

2-3-14(m) OPERATING AGREEMENT.

In accordance with s. 755.01(4), Wisconsin Statutes, the City of Amery, Villages of Clear Lake and Clayton, and Town of Black Brook shall enter into a joint operating agreement to exercise the authority under s. 755.01(1), Wisconsin Statutes.

2-3-14(n) AMENDMENTS TO ORDINANCE.

This ordinance, whose substantive terms shall be adopted by the City of Amery, Village of Clear Lake, Village of Clayton, and Town of Black Brook shall not be deemed to have been amended by either of the Governing Boards unless and until each of the Governing Boards shall adopt the same, exact ordinance amending or creating this ordinance.

SECTION TWO: The creation and maintenance of the Municipal Court, as adopted under Section One of this Ordinance shall be subject to the following terms and conditions.

1. This ordinance shall not take effect in the City of Amery, Village of Clear Lake, Village of Clayton or Town of Black Brook until each Governing Board has adopted an ordinance that contains the same substantive terms as this ordinance, and the transmittal of a certified copy of the ordinance adopted by each City, Villages and Town to the appropriate filing officer under s. 11.02(3e), Wis. Stats.
2. In accord with §8.50(4)(fm), 755.01 and 800.06(3), Wis. Stats., the initial judge to hold office shall be appointed to said office by the City Council and Village Boards to serve a term which shall expire on April 30, 2026.
3. The first election to the office of judge shall be held concurrent with and on the date of the spring Election in April, 2026, in accord with Sec. 5.02(21), Wis. Stats., with the first regular term of office as defined in Ch. 33, Sec. (2)(d) to commence on May 1, 2026.

SECTION THREE: Section Two shall not be codified.

Adopted: December 17, 2020

Published: December 18, 2020

TOWN OF


Charles Barney, Town Chairperson


Sally Pickard
Town Clerk