

ORDINANCE 2021-01

AN ORDINANCE REPEALING AND RECREATING SECTION 52-7 OF THE CODE OF GENERAL ORDINANCES OF THE TOWN OF BEAVER (NORTHEAST WI JOINT MUNICIPAL COURT) PER §66.0301 OF THE WISCONSIN STATUTES

THE TOWN BOARD OF THE TOWN OF BEAVER, DOES ORDAIN THAT SECTION 52-7 BE REPEALED AND RECREATED AS FOLLOWS:

SECTION 1.

1) Municipal Court Created

Pursuant to the authority granted by Chapter 755 of the Wisconsin Statutes, there is hereby created and established a Joint Municipal Court to be designated “Northeast WI Joint Municipal Court” for the Town of Pound, Town of Beaver, Town of Brazeau, Village of Coleman, Village of Crivitz and the Village of Pound, said court to become operative and function on June 1, 2021.

2) Municipal Judge

Qualifications: The Joint Court shall be under the jurisdiction of and presided over by a Municipal Judge, who resides in one of the municipalities that is a party to the agreement forming this joint court.

Oath and Bond: The Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in §757.02(1), Wis. Stats., and at the same time execute and file an official bond in the amount of twelve thousand dollars (\$12,000.00). The Judge shall not act until the oath and bond have been filed as required by §19.01(4)(c) Wis. Stats., and the requirements of §755.03(2) have been complied with. The clerk is required to take her official oath and receive bond.

Salary: The salary of the Municipal Judge shall be fixed by the Town Boards and Village Boards of the municipalities that are parties to the agreement which 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, as required by §755.03, Wis. Stats., and filed pursuant to §19.01(4)(c) Wis. Stats. The municipalities may by separate ordinance allocate funds for the administration of the Municipal Court pursuant to §66.0301 Wis. Stats.

3) Elections

Term: Clifford Patz was elected in April 2021 as the Municipal Judge for a four- year term. Town of Pound, Town of Beaver, Town of Brazeau, Village of Coleman, Village of Crivitz and the Village of Pound agree that he will serve as judge for the Northeast WI Joint Municipal Court until the end of his term which is April 2025. The municipal judge shall then be elected at large in the spring election in odd numbered years with the first election of the municipal judge for the joint municipal court to be held in April 2025, for a term of 4 years, with the term

commencing on May 1 following the election. All candidates for the position of municipal judge shall be nominated by nomination papers as provided in Section 8.10, Wis. Stats., and selection at a primary election if such is held as provided in Section 8.11, Wis. Stats. The Marinette County Clerk shall serve as filing officer for the candidates.

Electors: Electors in all municipalities that are parties to the agreement shall vote for judge.

4) Jurisdiction

The Municipal Court shall have jurisdiction over incidents occurring on or after June 1, 2021 for the Town of Pound, Town of Beaver, Town of Brazeau, Village of Coleman, Village of Crivitz and the Village of Pound as provided in Article VII, §14 of the Wisconsin Constitution, §§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.

The Municipal Judge may issue civil warrants to enforce matters under the jurisdiction of the Municipal Court under §755.045(2), §66.0119, Wis. Stats.

The Municipal Court has jurisdiction over juvenile offenders when a municipality that is party to the agreement enacts an ordinance under the authority of §938.17(2)(cm), Wis. Stats.

5) Municipal Court

Hours: The Municipal court shall be open at such location and at such times as determined by the governing bodies of the municipalities that are parties to the agreement and the Municipal Judge.

Employees: The Judge shall, in writing, appoint such clerks as authorized and funded by the Town Boards and Village Boards of the municipalities that are parties to the agreement.

6) Collection of Forfeitures and Costs

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 municipalities that are parties to the agreement. All forfeitures, fees, assessments, surcharges and costs shall be paid to the treasurer of the Municipality within which the case arose within 30 days after receipt of the money by the Municipal Court. At the time of the 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.

7) Contempt of Court

The Municipal Judge, after affording an opportunity to the person accused to be heard in defense, may impose a sanction authorized under §800.12 Wis. Stats. and may impose a forfeiture therefore not to exceed fifty dollars (\$50) or upon nonpayment of the forfeiture and the assessments thereon, a jail sentence not to exceed seven (7) days.

Abolition

The Municipal court hereby established shall not be abolished with the §755.01(4) agreement in effect.

SECTION 2.

All ordinances or parts of ordinances contravening or inconsistent with the provisions of this ordinance be and are hereby repealed.

SECTION 3.

This ordinance shall take effect and be in full force and effect from and after its passage by the municipalities that are parties to the agreement and publication as required by law.

Adopted by the Town Board of the Town of Beaver, Marinette County, Wisconsin, this 10th day of May 2021.

David Bedora, Chairperson

ATTEST:

Barb Patz, Clerk/Treasurer

DATE OF PUBLICATION: May 12, 2021