

11.1 Joint Municipal Court

Section I. Title/ Purpose. This Ordinance is entitled “Joint Municipal Court”. The purpose of this ordinance is to promote safety, health, and general welfare by creating a Joint Municipal Court for the Town of Shelby.

Section II. Adoption of Ordinance.

- A. **Established.** Pursuant to Ch. 755 Wis. Stats., there is hereby created and established a municipal court designated "Joint Municipal Court" for the City of Onalaska, Town of Campbell, Town of Shelby, Village of Bangor, Village of Holmen, Village of Rockland and the Village of West Salem, (hereinafter referred to individually as “Member Municipality” and collectively as “Member Municipalities”).
- 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 in addition, one (1) member who shall be a Police Chief of a member municipality. The Chief’s position shall be replaced on a yearly basis by means of rotation among the chiefs. Chiefs will rotate as follows: Onalaska, Campbell, Shelby, Bangor, Holmen, and West Salem. In the event a Member Municipality not listed above has a Police Chief, they shall be added to the rotation. 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 Chief, shall be for two (2) years.
- C. **Creation and Qualification of the Position of Municipal Judge.** Pursuant to Ch. 755, Wis. Stats., 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 of a Member Municipality.
- D. **Election and Term of Municipal Judge.** The position of the municipal judge shall be by election. The municipal judge shall be elected at large at the spring election, for a four (4) year term, commencing on May 1st succeeding their election. Electors of the Member Municipalities 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 Ch. 755, Wis. Stats., the office of the Clerk of the Joint Municipal Court is hereby created. Said Clerk shall take the position upon hire by the City of Onalaska and written appointment by the municipal judge. One member of the Joint Municipal Court Committee, selected by the Chair, shall participate in the interviews for the hiring of the Municipal Court Clerk. Training and compensation of said clerk shall be as determined by the City of Onalaska after consideration of any recommendation by the Municipal Court Committee.
- F. **Salary of Municipal Judge.** The municipal judge shall receive a fixed salary and municipal judge's training pursuant to Sec. 755.18, Wis. Stats., the salary to be determined by the City of Onalaska after consideration of the recommendation of the Municipal Court Committee, subject to Sec. 755.04, Wis. Stats., 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

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during their term for which they have not executed and filed the official bond and oath as required by this Section.

- G. **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 Sec. 755.03, Wis. Stats., with the City Clerk of the City of Onalaska. In lieu of an official bond, the Member Municipalities shall collectively maintain the Municipal Court Judge on a dishonesty insurance policy or other appropriate insurance policy that covers the judge and a copy of the policy shall be provided yearly to the Joint Municipal Court Committee.
- H. **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 Sec. 19.01 Wis. Stats., with the City Clerk of the City of Onalaska. The City of Onalaska shall provide a copy of the sworn oath to the other Member Municipalities.
- I. **Jurisdiction of Municipal Judge.** The municipal judge shall have jurisdiction as provided in Article VII, Secs. 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 and seeking to impose forfeitures for violations of municipal ordinances, resolutions and by-laws.
- J. **Joint Municipal Court.**
 - 1. **Location.** The Joint Municipal Court's location shall be the City of Onalaska City Hall. The time(s) of the municipal court shall be determined by the municipal judge and the Municipal Court Committee.
 - 2. **Vacancies.** If the municipal judge is temporarily absent, sick or disabled, the provisions of Sec. 800.06(1), Wis. Stats., shall apply, and if the municipal judge becomes incompetent, unable or fails to act, or in the event of a vacancy, the provisions of Sec. 800.06(2), Wis. Stats., shall apply. Any substitute municipal judge designated or assigned hereunder shall be compensated as authorized by Sec. 800.065(3), Wis. Stats.
 - 3. 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 Sec. 800.05, Wis. Stats., shall apply.
 - 5. The procedures of the Joint Municipal Court shall be in accord with the applicable Wisconsin Statutes, this Chapter 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 non-traffic matters, each Member Municipality shall draft a bond schedule, which shall become effective upon approval by the Member Municipality's governing body. No bond shall exceed the maximum penalty which could be imposed for the ordinance violation.
- K. **Fees and Costs.**
 - 1. The municipal judge may impose punishment and sentences as provided by Ch. 800 and 938 Wis. Stats., and as provided in the ordinances of the Member Municipalities that are parties to the agreement. The Treasurer of the City of Onalaska and the Municipal Court Clerk certifies the monthly accounting with the State of Wisconsin. Such reports are available by request to each Member Municipality.
 - 2. The municipal judge shall collect a fee for Court Costs 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. For the purposes of this section, the "Court Costs" for matters adjudicated by the Coulee Region Joint Municipal Court shall be at


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the maximum rate allowed pursuant to Sec. 814.65, Wis. Stats., or its successor or replacement.


- L. **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 September 30th of any year. Upon giving such notice, the member municipality's participation in the joint municipal court shall terminate on December 31st of said year.
- M. **Statutes Adopted by Reference.** Chs. 755 and 800, Wis. Stats. as may be amended, are hereby adopted by reference.
- N. **Contempt of Court.** The municipal judge, after affording an opportunity to the person accused to be heard in defense, may impose as sanction authorized under Sec. 800.12, Wis. Stats., and may impose a forfeiture therefore not to exceed Two Hundred Dollars (\$200.00) or upon nonpayment of the forfeiture and the assessments thereon, a jail sentence not to exceed seven (7) days.

Section III. Effective Date. This Ordinance shall take effect upon passage and publication. The provisions of this Ordinance shall prevail over any previous Ordinances of the Town of Shelby that are or may be in conflict therewith.


Date passed: April 13, 2021



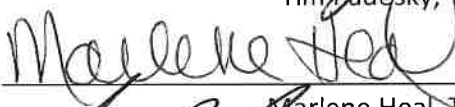
Tim Candahl, Town Chair




Renee Knutson, Town Supervisor



Tim Padesky, Town Supervisor



Marlene Heal, Town Supervisor



Tim Ehler, Town Supervisor

ATTEST:



Fortune M. Weaver, Town Clerk