

ORDINANCE # 2010-4-A  
MUNICIPAL CODE OF THE TOWN OF ATHELSTANE  
AND THE TOWN OF BEECHER  
AND THE TOWN OF DUNBAR  
AND THE TOWN OF NIAGARA  
AND THE TOWN OF PEMBINE  
PER §66.0301 OF THE WISCONSIN STATUTES

**THE TOWN BOARD OF THE TOWN OF NIAGARA, DOES ORDAIN 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 “Northern Joint Municipal Court.” said court to become operative and function on May 1, 2010.

**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 \$1000.00. 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.

*Salary:* The salary of the municipal judge shall be fixed by the town board 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 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:* The municipal judge shall be elected at large in the spring election in odd-numbered years for a term of four years commencing on May 1, 2011. All candidates for the position of municipal judge shall be nominated by nomination papers as provided in §8.10, Wis. Stats., and selection at a primary election if such is held as provided in §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 May 1, 2010 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 and deputy clerks as are authorized and funded by the town board of the municipalities that are parties to the agreement.

#### **6) Collection of Forfeiture**

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 7 days after receipt of the money by the municipal court. At the time of 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.

#### **8) Abolition**

The municipal court hereby established shall not be abolished while the §755.01(4) agreement is 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.

\_\_\_\_ Signed copy on file \_\_\_\_\_  
Al Sauld - Town Chairman

\_\_\_\_ Signed copy on file \_\_\_\_\_  
Mark DeClark - Town Supervisor

Attest:

\_\_\_\_ Signed copy on file \_\_\_\_\_  
Dawn Johnson - Town Clerk

\_\_\_\_ Signed copy on file \_\_\_\_\_  
Richard Payette - Town Supervisor