

ORDINANCE 2025-010
JOINT MUNICIPAL COURT
INTERGOVERNMENTAL COOPERATION AGREEMENT

AN ORDINANCE TO RESCIND AND RECREATE ORDINANCE 2019-008 OF THE MUNICIPAL CODE OF TOWN OF CLAYTON, AND

PURSUANT TO WIS. STATS. §66.0301 AND CHAPTER 755 OF THE WISCONSIN STATUTES.

THE TOWN BOARD OF THE *TOWN OF CLAYTON*, WINNEBAGO COUNTY, WISCONSIN, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Ordinance 2019-008 of the Code of Ordinances of the *Town of Clayton*, Winnebago County, Wisconsin, is hereby rescinded and recreated as follows:

A. Joint Municipal Court Created/Annual Fee

(1) 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 Winneconne Joint Municipal Court [hereinafter referred to as Joint Municipal Court] having jurisdiction over the Village of Winneconne, Town of Winneconne, Town of Vinland, the Town of Clayton, the Town of Neenah, the Town of Winchester, and the Town of Horton, said Court to become operative and functional on **January 5, 2026** or at such time as certification has been received from the Chief Judge of the Judicial Administrative District and notification has been provided to the Director of State Courts of the adoption of this Ordinance, whichever is later.

(2) Pursuant to §66.0301(2) Wis. Stats. the Joint Municipal Court has implemented an annual fee of \$200.00 per municipality. This fee will be billed each year on January 15 and must be paid within 30 days of issuance. The funds collected will be allocated toward the administration and operational support of the Joint Municipal Court.

B. Municipal Judge

(1) Qualifications: The Joint Municipal Court shall be under the jurisdiction of and presided over by a Municipal Judge who resides in one (1) of the municipalities that is a party to the agreement forming the Joint Municipal Court.

(2) Oath and Bond: The Municipal 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 \$20,000.00. The Municipal Judge shall not act until the oath and bond have been filed as required by §19.01(4) Wis. Stats and the requirements of §755.03(2) Wis. Stats. have been complied with.

(3) Salary: The salary of the Municipal Judge shall be determined by the Village of Winneconne Board and paid for by the Village of Winneconne. No salary shall be paid for any time during the term during which the Municipal Judge has not executed the official bond or official oath, as required by §755.03, Wis. Stats., and filed pursuant to §19.010(4) Wis. Stats.

C. Elections

(1) Term: The Municipal Judge shall be elected at large and serve for a term of four (4) years commencing on May 1 succeeding his or her election. 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 County Clerk's office shall serve as filing officer for the candidates.

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

D. Jurisdiction

The Joint Municipal Court shall have jurisdiction over incidents occurring on or after the establishment of the Joint Municipal Court as provided in Article VII, Sec. 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 bylaws.

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

The Joint 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.

E. Winneconne Joint Municipal Court

(1) Hours: The Joint 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.

(2) Employees: The Municipal Judge shall, in writing, appoint such clerks and deputy clerks as authorized by the Village of Winneconne Board and funded by the Village of Winneconne. The Clerk of the Joint Municipal Court shall, before entering upon the duties of the office, take the oath provided in §19.01 Wis. Stats. and give a bond if required by the Village Board. Oaths and bonds for such Clerks shall be filed with the Village Clerk. The cost of the bond shall be paid by the Village of Winneconne.

(3) Duties: The Clerk of the Joint Municipal Court shall perform all duties as required by law and such other duties as are requested by the Municipal Judge.

F. 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 Joint Municipal Court and shall be deposited into a bank trust account. This account shall be the temporary depository for court funds. The Municipal Court Clerk shall maintain a complete record of deposits and expenditures including without limitation the title of the action, the nature of the offenses for which a forfeiture was imposed and the total

amount of the forfeiture, fees, penalty assessments and costs, if any. The Municipal Court Clerk shall prepare a monthly listing of the funds that are due to be disbursed as provided in §814.675(1), §165-87, §167.31(5) and §346.655 Wis. Stats. All forfeitures shall be disbursed monthly by the Municipal Court Clerk to the member of the municipality for which the monies were collected.

G. 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. Stat., and may impose a forfeiture therefor not to exceed two hundred dollars (\$200) plus costs, or upon nonpayment of the forfeiture and the assessments thereon, a jail sentence not to exceed seven (7) days.

H. Abolition

The Joint Municipal Court hereby established shall not be abolished except as provided under Wis. Stats. §755.01(4).

SECTION II. This Ordinance shall take effect from and after its passage and publication as provided by law.

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INTRODUCED: _____

PASSED: _____

PUBLISHED: _____

TOWN OF CLAYTON

BY: _____
Russ Geise, Town Chairman

ATTEST:

Kelsey Faust-Kubale, Clerk

I certify that this is a true and correct copy of the original on file at the office of the Town of Clayton.

Kelsey Faust-Kubale, Clerk

Dated: _____