

TOWN OF CLATYON

ORDINANCE 2019-008

**AN ORDINANCE TO CREATE CHAPTER 3, PUBLIC SAFETY, SECTION 3.0
MUNICIPAL COURT OF THE MUNICIPAL CODE OF TOWN OF CLAYTON**

**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:

Chapter 3 – Public Safety, Section 3.0 – Municipal Court of the Code of Ordinances of the
Town of Clayton is hereby created as follows:

(a) Joint 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 “Municipal Court” for
the court to become operative and function on June 1, 2019 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.

(b) Municipal Judge

(1) Qualifications: The Joint 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 court.

(2) 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 \$20,000.00. The 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) have been complied with.

(3) Salary: The salary of the Municipal Judge shall be determined and paid for by the
Village Board of the Village of Winneconne. 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) Wis. Stats. The municipalities may by
separate ordinance allocate funds for the administration of the Municipal Court pursuant to
§66.0302 Wis. Stats.

(c) Elections

(1) Term: The Municipal Judge shall be elected at large in the spring election
commencing with April 2020 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 State Elections Board shall serve as filing officer for the candidates.

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

(d) Jurisdiction

The Municipal Court shall have jurisdiction over incidents occurring on or after June 1, 2019 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 by-laws.

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

(e) Municipal Court

(1) 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.

(2) Employees: The Judge shall, in writing, appoint such clerks and deputy clerks as are determined and paid for by the Village Board of the Village of Winneconne.

(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 Municipal Court. Within seven (7) days after receipt of the money by the Municipal Court, the forfeiture amount shall be paid to the treasurer of the Municipality within which the case arose. The Municipal Court shall pay all other fees, assessments, surcharges and costs to the appropriate governmental entity or agency. 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.

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

(h) Abolition

The Municipal Court hereby established shall not be abolished while the Clerk of Municipal Court §755.01(4) agreement is in effect.

(1) Appointment: The Municipal Judge shall, in writing, appoint such clerks and deputy clerks as are authorized by the Municipalities. Their salaries shall be fixed by the Village Board.

(2) Oath: The Clerk of Municipal Court, shall, before entering upon the duties of 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-Treasurer. The cost of the bond shall be paid by the Village.

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

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

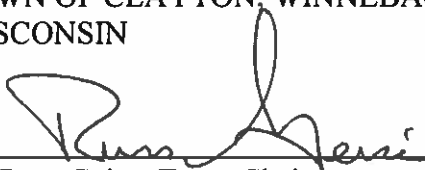
SECTION III. This ordinance shall take effect from and after its passage and publication as provided by law.

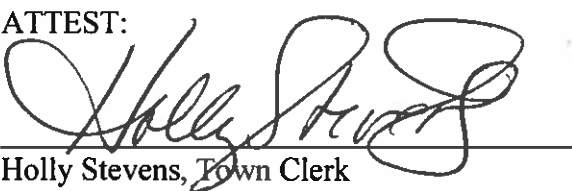
INTRODUCED: 06-19-19

PASSED: 06-19-19

PUBLISHED: 06-20-19

TOWN OF CLAYTON, WINNEBAGO COUNTY,
WISCONSIN

By: 
Russ Geise, Town Chairperson

ATTEST:

Holly Stevens, Town Clerk