

**JOINT MUNICIPAL COURT**  
**ORDINANCE 2.1000**

Per § 66.0301 of Wis. Stats.

**(1) PURPOSE:** The City of Gillett previously has adopted an Ordinance 12-4-2003 by Ord. No. 2003-14 (§1.06 of the former Municipal Code), which established a Municipal Court for the City of Gillett, Wisconsin. At this time the City of Gillett and Town of Brazeau would like to enter into an intergovernmental agreement pursuant to §66.0301 Wis. Stats. for a Joint Municipal Court to equitably share the cost of administering and operating the Court. Pursuant to §755.01(4) Wis. Stat., any agreement for a Joint Municipal Court must be affected by enactment of identical ordinances by the City and Town.

**(2) JOINT MUNICIPAL COURT:**

(a) Court established. The Joint Municipal Court for the City of Gillett and Town of Brazeau created by Chapter 755 Wis. Stats. is hereby established and shall become operative and functional on 6-20-2023. The City of Gillett Municipal Court which currently exists and shall continue to operate until the operation of said Joint Municipal Court.

(b) Jurisdiction. The Joint Municipal Court and the Municipal Judge shall have jurisdiction as provided in §755.045 and §755.05 Wis. Stats., and as otherwise provided by Wisconsin Law.

(c) Municipal Judge. The Joint Municipal Court shall be presided over by a Municipal Judge.

1. Election; term. The current Municipal Judge serving the Gillett Municipal Court shall serve as the Judge for the Joint Court until the end of the term of said Municipal Judge; said term expires on April 30, 2023. The judge who is elected in the Spring of 2023 shall continue to serve the Municipal Judges term which will expire April 30, 2027. At the Spring election of 2023, the Municipal Judge shall be elected at large by the electors of the City and the Towns at the spring election in odd numbered years for a term of four years commencing on May 1, 2019 succeeding the election. Municipal Judge shall serve until a successor is elected and qualifies. Mid-term vacancies in the office of Municipal Judge shall be filled by appointment, as agreed upon by the City Council and the Towns Board, pursuant to §8.50(4)(fm), Wis. Stat.

2. Salary. The Municipal Judge shall receive a monthly salary paid by the City, which shall be lieu of fees and costs. No salary shall be paid to the Municipal Judge for any time during the term for which the official bond and oath have not been executed and filed, as required by Subsection (2)(c)3 of this subsection.

3. Bond; oath. The Municipal Judge shall execute and file with the Clerk of Courts for Oconto County the oath prescribed by §757.02 Wis. Stat. and a bond. The Municipal Judge shall not be qualified to act until a certified copy of the bond is filed with the City and Towns Clerks and a certified copy of the oath is filed with the Office of the State Administrator of Courts, as required by §755.03 Wis. Stat.

4. Sessions. The Municipal Court shall be open on the days and hours set by the Municipal Judge.

(d) Location. The Municipal Judge shall keep an office and hold court in the City Hall of the City of Gillett.

(e) Proceedings. The procedure in the Joint Municipal Court shall be as provided by this section and state law, including, without limitation because of enumeration, Chapters 800 and 755 and §23.50 to §23.85, §§345.11, 345.53 and 972.11(3m), Wis. Stats.

(f) Forfeitures. The Municipal Judge may impose punishment and forfeitures provided under Wisconsin law, and as provided in the ordinances of the City and Towns. The Municipal Judge shall collect all forfeitures, penalty assessments, jail assessments, court costs, fees and taxable costs in any action or proceeding before the Municipal Court and shall pay over the amounts collected to the City Clerk within 15 days of receipt. At such time, The Municipal Judge also shall report to the City Clerk the title of the action, the offense for which forfeiture was imposed and the total amount of the forfeiture, assessment, fees and costs.

(g) Contempt of court. The Municipal Judge may impose a sanction authorized under §800.12(2) Wis. Stat. for contempt of court, as defined in §785.01(1) Wis. Stat., in accordance with the procedures under §785.03 Wis. Stat. The Municipal Judge may impose a forfeiture for contempt under §800.12(1) Wis. Stat. in an amount not to exceed \$50 or, upon nonpayment of the forfeiture, penalty assessment under §165.87 Wis. Stat., jail assessment under §302.46 Wis. Stat., and any applicable domestic abuse assessment under §973.055(1) Wis. Stat., a jail sentence to not exceed seven days.

(h) Stipulation and deposits in Municipal Court.

1. Deposit schedule to be established. The respective City Council and Towns Board shall adopt a bond schedule, which shall be effective upon approval by said governing bodies. No bond shall exceed the maximum penalty which could be imposed for the ordinance violation.
2. Stipulation and deposit in lieu of court appearance. Persons cited for violations of City or Towns ordinances for which a deposit has been established under this section shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in §§800.03, 800.04 and 800.09 Wis. Stats.
3. Traffic and all-terrain vehicles deposits. The deposit schedule established by the Wisconsin Judicial Conference and the procedures set forth in Chapters 23 and 345 of the Wisconsin Statutes shall apply to stipulation and deposits for violations of traffic regulations enacted in accordance with §345.26 Wis. Stat. and all-terrain vehicle regulations enacted in accordance with §23.33 Wis. Stat.
4. When not permitted. Stipulations and deposits shall not be permitted after initial appearance or in cases of contempt under Subsection (2)(g).

(i) Court authority to impose alternative juvenile dispositions and sanctions.

1. For a juvenile adjudged to have violated an ordinance, the Municipal Court is authorized to impose any of the dispositions listed in §938.343 and §938.344 Wis. Stats., in accordance with the provisions of those statutes.
2. For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court under §938.343 or §938.344 Wis. Stats., the Municipal Court is authorized to impose any of the sanctions listed in §938.355(6)(d) Wis. Stat., in accordance with the provisions of those statutes.
3. The Municipal Judge may impose community service as an alternative to a monetary forfeiture in the case of a juvenile violator if the appropriate municipality has established a community service program. In such a case, the juvenile may be required to complete a community service project as specified by the Court. Supervision of the juvenile upon whom the sentence is imposed shall be the responsibility of the parent, parents, or legal guardian having custody of the juvenile.

(j) Effective date. This section shall take effect from and after its passage by municipality and publication or posting as required by law but in no event shall said ordinance take effect before 6-20-2023 with the exception that the Gillett Municipal Court which has previously been established shall continue in existence until the operation of the Joint Municipal Court as established by this Ordinance takes effect.

Adopted by the Town Board of the Town of Brazeau, Oconto County, Wisconsin, this  
20<sup>th</sup> day of June, 2023.

RW  
Ryan Wendt, Chairman

Attest:

BK  
Brooke Kriescher, Clerk