

## ORDINANCE 2015-09

**AN ORDINANCE TO REPEAL AND RECREATE CHAPTER 2-7 OF THE TOWN OF WAUKESHA MUNICIPAL CODE, CONCERNING A JOINT MUNICIPAL COURT**

**WHEREAS**, the Joint Municipal Court for the Town of Eagle, the Village of Eagle, the Town of Mukwonago, the Village of North Prairie, and the Town of Waukesha currently exists, but the Town is hereby terminating its involvement with that court, and choosing a new Joint Court with the Village of Big Bend

The Town Board of the Town of Waukesha, Waukesha County, State of Wisconsin, DO ORDAIN AS FOLLOWS:

Section 1: Title 2 of the Town of Waukesha Municipal Code entitled "Government and Administration," Chapter 7 entitled "Joint Municipal Court," is hereby repealed and recreated as follows:

**CHAPTER 7: JOINT MUNICIPAL COURT**

**SEC. 2-7-1 Joint Municipal Court Created.** Pursuant to WI Statute Chapter 755, there is hereby created and established a Municipal Court designated "Joint Municipal Court for the Village of Big Bend and the Town of Waukesha" (such parties referred to hereinafter as the "Member Municipalities," and such court referred to hereinafter as the "Joint Municipal Court") presided over by a Municipal Judge.

**SEC. 2-7-2 Qualifications of Municipal Judge.** To be eligible for the office of Municipal Judge, a person must be a qualified elector in either the Town of Waukesha or the Village of Big Bend.

**SEC. 2-7-3 Election and Term of Municipal Judge.** The Municipal Judge shall be elected at large at the spring election every four years, per WI Statute 755.02. The term of four (4) years shall commence on May 1 succeeding his or her election. Electors of the Town of Waukesha and the Village of Big Bend shall be eligible to vote for the Municipal Judge of the Joint Municipal Court.

**SEC. 2-7-4 Salary of Municipal Judge.** The Municipal Judge shall receive a salary and fringe benefits, including Municipal Judge training pursuant to WI Statute 755.18, as determined by the Town of Waukesha Board and Village of Big Bend Board with the approval of the Joint Municipal Budget; subject to WI Statute 755.04, which shall be lieu of fees and costs. The salary shall be paid quarterly. No salary shall be paid to the Municipal Judge for any time during his or her term for which he or she has not executed and filed the official bond and oath as required by subsection (5) of this section.

**SEC. 2-7-5 Bond and Oath of Municipal Judge.** The Municipal Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in WI Statute 757.02(1)

pursuant to WI Statute 755.03, with the Clerk of Circuit Court for Waukesha County, and at the same time shall execute and file an official bond in the penal sum of \$3,000.00.

**SEC. 2-7-6 Bond and Oath of Court Clerk.** The Court Clerk shall, before entering upon the duties of the office, take and file the official oath as prescribed in WI Statute 19.01, with the Municipal Court Judge. The Municipal Court Judge will then distribute copies of the clerk's oath to the Town Clerk of the Town of Waukesha and the Village of Big Bend; and at the same time, shall execute and file an official bond in the penal sum of \$3,000.00.

**SEC. 2-7-7 Jurisdiction of Municipal Judge.** The Municipal Judge shall have jurisdiction as provided by the Statutes and Laws of the State of Wisconsin and pursuant to WI Statute 755.045.

**SEC. 2-7-8 Procedures of the Joint Municipal Court.**

- a. The Joint Municipal Court shall be open as determined by order of the Municipal Judge.
- b. The Joint Municipal Court shall be held in the courtroom located in the Village of Big Bend Village Hall, providing that the Joint Municipal Judge may order that the Municipal Court may be held in an alternate public building within the Town of Waukesha or Village of Big Bend upon approval of the Village of Big Bend Village Board and the Town of Waukesha Town Board.
- c. The procedure in Joint Municipal Court shall be as provided by the Statutes and Laws of the State of Wisconsin.
- d. The Municipal Judge or Municipal Court Clerk shall collect all forfeitures, fees, penalties, assessments and costs in any action or proceeding before the Joint Municipal Court and shall pay over all such monies to the Village of Big Bend Treasurer not later than the fifth (5<sup>th</sup>) business day following official receipt thereof in Joint Municipal Court.

**SEC. 2-7-9 Contempt in Joint Municipal Court.** The Municipal Judge may impose a sanction as authorized under WI Statute 800.12 for Contempt of Court as defined in WI Statute 785.01(1), in accordance with the procedures under WI Statute 785.03.

**SEC. 2-7-10 Joint Municipal Court Committee.** The governing body shall appoint two representatives to serve on the Joint Municipal Court committee that is described in the Intergovernmental Agreement between the Member Municipalities. Such representatives shall serve for the term and subject to such conditions as established by the governing body upon making the appointment. Such representatives serve at the pleasure of the governing body, and may be removed without cause at any time.

## Section 2: SEVERABILITY

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance.

The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

**Section 3: EFFECTIVE DATE AND REPEAL**

This ordinance shall be effective upon the last to occur of the following events: The passage and posting or publication as provided by law; the adoption of substantially identical ordinances by all Member Municipalities; May 1, 2016. Upon this ordinance taking effect, Title 2, Section 7 of the Town of Waukesha Municipal Code is hereby repealed. This ordinance shall be interpreted as being a continuance of the prior ordinance with regard to all terms that are not explicitly modified herein.

This ordinance passed this 12 day of November, 2015.

TOWN OF WAUKESHA

  
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John Marek, Town Chairman

Attest:

  
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Kathy Nickolaus, Town Clerk-Treasurer

Posted November 16 2015