

ORDINANCE NO. 27

An Ordinance Creating a Joint Municipal Court with the City of Marshfield and the Village of Stratford.

An Ordinance repealing provision for the Joint Municipal Court with the City of Marshfield and creating a Joint Municipal Court with the City of Marshfield and the Village of Stratford.

The Village Board of the Village of Spencer do hereby ordain as follows:

SECTION ONE. This Ordinance is intended to terminate the Joint Municipal Court with the City of Marshfield established by Chapter 27 of the Spencer Municipal Code and to create the Joint Municipal Court with the City of Marshfield and the Village of Stratford on January 1, 2018. The current Joint Municipal Court with the City of Marshfield shall remain operative until the Joint Municipal Court with the City of Marshfield and Village of Stratford is operative.

SECTION TWO. Chapter 27 of the Spencer Municipal Code is hereby amended to terminate the Joint Municipal Court with the City of Marshfield and create the Joint Municipal Court with the City of Marshfield and the City of Stratford, which shall read as follows:

27-1. Legislative authority.

The City of Marshfield (Marshfield), Wood County, Wisconsin, the Village of Spencer (Spencer), Marathon County, Wisconsin and the Village of Stratford (Stratford), Marathon County, Wisconsin, acting pursuant to Sec. 61.34(1), Wis. Stats., are hereby authorized to and do establish a Joint Municipal Court, as described in 27-4, below.

27-2. Purpose.

The purpose of this chapter shall be to promote the general health, safety, and welfare and to maintain required local uniformity of the enforcement of the participating municipalities.

27-3. Scope.

The scope of this ordinance includes enforcement of all ordinances adopted by the participating municipalities of Marshfield, Spencer, and Stratford which ordinances are in effect as of the effective date of this chapter, together with all such ordinances adopted hereinafter and during the existence of the described Municipal Court.

27-4. Joint Municipal Court established.

Pursuant to the authority granted by Chapter 755 Wis. Stats., there is hereby created and established a Municipal Court for the joint exercise of the power granted to the City of Marshfield, Village of Spencer, and the Village of Stratford under Sec. 755.01(1), Wis. Stats., to be designated as the "Marshfield Area Municipal Court" said court to become operative upon the date of the enactment of identical ordinances and ratification of an operating agreement by each affected municipality, provided such conditions are met, the Joint Municipal Court shall become operative on January 1, 2018. For purposes of this

requirement the term “identical ordinances” shall refer to ordinances which contain the same, exact substantive terms and conditions; nonetheless, it shall not be required that each municipality number or otherwise include this ordinance within its respective code of ordinances using the same, exact nomenclature.

27-5. Municipal Code.

- A. Office created. Pursuant to 755.01, Wis. Stats., there is created the office of Municipal Judge for the Marshfield Area Municipal Court. The Municipal Judge shall be a resident of the City of Marshfield, Village of Spencer, or Village of Stratford.
- B. Oath and Bond. The Judge shall, after election or appointment to fill a vacancy, take the official oath as prescribed in Sec 757.02(1), Wis. Stats., and file such oath with the City Clerk for the City of Marshfield. At the same time, the Judge shall execute and file an indemnity bond with the City Clerk for the City of Marshfield in an amount of \$5,000. The Judge shall not act until the oath and bond have been filed as required by Sec. 19.01(4)(c) Wis. Stats. And the requirements of Sec. 755.03(2) have been complied with.
- C. Salary. The salary of the Municipal Judge shall be set by resolution of the City Council of the City of Marshfield and shall be in lieu of fees and costs. No salary shall be paid for any time during the term during which such Judge has not executed the official bond or official oath. The salary may be increased by resolution of the Marshfield City Council before the start of the second or subsequent year of service of the term of the Judge, but shall not be increased during the term.
- D. Election Term. The Municipal Judge shall be elected at large at the spring election in odd numbered years for a term of four (4) years commencing on May 1 next succeeding his or her election.
- E. Jurisdiction. The Municipal Court Judge shall have jurisdiction as provided by law and Sec. 755.045, Wis. Stats. And exclusive jurisdiction of violations of City of Marshfield, Village of Spencer and Village of Stratford ordinances, resolutions, and bylaws.

27-6. Hours and location; appointment and compensation of employees.

- A. Hours. The Municipal Court shall be open on the days and hours established by the Municipal Court Judge subject to the approval of City Council and respective Village Boards.
- B. Employees. The Municipal Judge shall appoint, in writing, such clerks and deputy clerks as are authorized by the City Council and respective Village Boards. The compensation of any employees of the court shall be set by the City Council. The City Council shall also determine the fringe benefits to be provided and the hours of service.
- C. Location. The Municipal Judge shall keep his office and hold court sessions in the Marshfield City Hall or at a location as determined by the City of Marshfield Common Council.

27-7. Collection of forfeitures and cost.

The Municipal Judge shall collect all forfeitures, taxable costs, and assessments in any action or proceeding, shall pay over such moneys to the City of Marshfield Finance Director within seven (7) days of receipt. At such time, the Municipal Court shall report to the City of Marshfield Finance Director the title, nature of offenses, and amount of judgments imposed in actions and proceedings in which such monies were collected in accordance with Wis. Stats. Sec. 800.10(2). Should the Judge at any time fail to so report and deposit, his or her salary shall be suspended until such reports and deposits are made current.

27-8. Contempt of Court.

- A. The Municipal Judge may punish for contempt of Municipal Court persons guilty of any of the following acts. "Contempt of Court" means intentional:
 - 1. Misconduct in the presence of the Court, which interferes with the Court proceeding or with the administration of justice or which impairs the respect due the court.
 - 2. Disobedience, resistance, or obstruction of the authority, process, or order of the Court (including refusal to pay a court-imposed forfeiture).
 - 3. Refusal as a witness to appear, be sworn, or answer a question.
 - 4. Refusal to produce a record, document, or other object.
 - 5. Act of unlawfully detaining within Marathon and Wood County any witness or party to an action while going to, remaining at or returning from Court where such action has been set for hearing or trial and any other unlawful interference with the process or proceedings in any action within the County of Marathon or Wood.
- B. Contempt committed in the immediate view or presence of the Municipal Judge, and after the party so charged being heard in his defense, may be punished summarily. In other cases, the party shall be notified of the accusation and have a reasonable time to make his defense.
- C. The Municipal Judge may, upon finding any person guilty of contempt of court, order such person to forfeit not more than \$50. In default of payment of the forfeiture and the penalty assessment imposed by state statute, the person found guilty of contempt may be imprisoned in the county jail not to exceed seven (7) days.

27-9. Stipulations and deposits.

- A. Deposits for Ordinance Violations. The Municipal Judge shall establish and submit to the City Council and respective Village Boards for approval in accordance with Sec. 800.03(3), Wis. Stats., a schedule of deposits for violations of City and Village ordinances.
- B. Deposits for Traffic and Boating violations. The deposit schedule established by the Wisconsin Judicial Conference and the procedures set forth in Chapters 23 and 345, Wis. Stats., shall apply to stipulation and deposits for violations of traffic regulations enacted in accordance with Sec. 345.27 and boating regulations enacted in accordance with Sec. 30.77 Wis. Stats.
- C. Stipulations and Deposits in Lieu of Court Appearances. Persons cited for violations of City and Village ordinances, or violations of traffic or boating regulations for which a deposit has been established, shall be permitted to make a stipulation of no

contest and a deposit in lieu of court appearance as provided in Sec. 800.03, Sec. 800.04, and Sec. 800.09 Wis. Stats.

27-10. Alternative juvenile dispositions and sanctions.

- A. The Municipal Court shall have the authority to impose alternative dispositions and sanctions in Municipal Court.
- B. For a juvenile adjudged to have violated a municipal ordinance, the Court is authorized to impose any of the dispositions listed in Sec. 938.343 or 938.44, Wis. Stats., in accordance with the provisions of those statutes.
- C. For a juvenile adjudged to have violated a municipal ordinance who violates a condition of a dispositional order of the Court under Sec. 938.343 or 938.44, Wis. Stats., the Municipal Court is authorized to impose any of the sanctions listed in 938.355(6)(d), Wis. Stats., in accordance with the provisions of those statutes.
- D. The Municipal Court, in imposing a disposition under this section, shall order the juvenile to pay, in addition to any forfeiture, the costs of any counseling, safety program or alcohol or drug abuse assessment, including treatment, cost of electronic monitoring detention and placement in any detention facility.
- E. This section is enacted under the authority of Sec. 938.17(2)(cm), Wis. Stats.

27-11. Municipal Court abolishment.

- A. In general, the Marshfield Area Municipal Court may be abolished at the end of any term for which the Judge has been elected, upon action taken by the Marshfield City Council or Spencer Village Board to either repeal this ordinance and transmittal of a certified copy of an ordinance abolishing the Marshfield Area Municipal Court to the appropriate filing officer under Sec. 11.02(3e), Wis. Stats. To abolish the court it is not required that the City and Village take similar action. The act of one of the governing boards to repeal its ordinance in accord with the terms thereof shall be sufficient. In the event the City of Marshfield City Council or Spencer Village Board deem it to be in their best interests to abolish the Joint Municipal Court created under this ordinance, they shall take such action no less than sixty (60) days prior to the date on which the first nomination papers must be filed for the Municipal Judge's next term.
- B. Delivery of Books and Records by Judge. In accordance with Sec.755.12, Wis. Stats., within ten (10) days after the effective date of the abolition of the Marshfield Area Municipal Court, the Judge shall separate the court records, books, files, moneys and bonds according to the municipalities involved and deliver them to the appropriate City or Village Clerk.

27-12. Transitional period of Joint Municipal Court.

- A. Marshfield Area Municipal Judge to Preside Pending Initial Election. In the event that this ordinance is adopted by each of the City of Marshfield, Village of Spencer and Village of Stratford to take effect at a time in advance of the commencement of the next term of office for the Municipal Judge, the Municipal Judge of the currently existing Marshfield Area Municipal Court which consists of the City of Marshfield and Village of Spencer, an existing Municipal Court, shall continue to serve as the

Judge of the Joint Municipal Court for the City of Marshfield, Village of Spencer and Village of Stratford until the end of the current term of office.

- B. Vacancy in Office of Municipal Judge. In the event of a permanent vacancy in the office of the Marshfield Area Municipal Judge pending the initial election of the Joint Municipal Judge under this ordinance, the office of Municipal Judge may be filled by temporary appointment by the Marshfield City Council and the respective boards for the Village of Spencer and Village of Stratford acting jointly. The office shall then be permanently filled by special election by the electors of the City of Marshfield, Village of Spencer and Village of Stratford held concurrently with the next spring election following the occurrence of the vacancy, except that a vacancy occurring during the period after December 1 and on or before the date of the spring election shall be filled at the succeeding spring election, and no such election may be held after the expiration of the term of office nor at any time of holding the regular election for office.

27-13. Operating agreement.

In accordance with Sec. 755.01(4), Wis. Stats., the City of Marshfield, Village of Spencer and Village of Stratford shall enter into a joint operating agreement to exercise the authority under Sec. 755.01(1), Wis. Stats.

27-14. Amendments to Ordinance.

This ordinance, whose substantive terms shall be adopted by the City of Marshfield, Village of Spencer and Village of Stratford shall not be deemed to have been amended by either of the Governing Boards unless and until each of the Governing Boards shall adopt the same exact ordinance amending or creating this ordinance.

SECTION THREE: The creation and maintenance of the Municipal Court, as adopted under Section One of this Ordinance shall be subject to the following terms and conditions.

1. This ordinance shall not take effect in the City of Marshfield, Village of Spencer or Village of Stratford until each Governing Board has adopted an ordinance that contains the substantive terms as this ordinance, and the transmittal of a certified copy of the ordinance adopted by each City and Village to the appropriate filing officer under Sec. 11.02(3e), Wis. Stats.
2. In accordance with Sec. 8.50(4)(fm), 755.01 and 800.06(3), Wis. Stats., the initial judge to hold office shall be appointed to said office by the City Council and respective Village Boards to serve a term which shall expire on April 30, 2019.
3. The first election to the office of judge shall be held concurrent with and on the date of the spring Election in April, 2019, in accordance with Sec. 5.02(21), Wis. Stats., with the first regular term of office as defined in Ch. 33, Sec. 2(d) to commence on May 1, 2019.

SECTION FOUR: Savings Clause. If any provision of this Ordinance shall be less restrictive than applicable state statute or in conflict with such statutes, as they exist at passage hereof or as they may hereafter be amended, then, in such case, the state statute shall supersede the provision hereof to the extent applicable.

SECTION FIVE: Severability. If any provision of this Ordinance is found to be unconstitutional or otherwise contrary to law, then such provision shall be deemed void and severed from the Ordinance and the remainder of this Ordinance shall continue in full force and effort.

SECTION SIX: All ordinances or parts of ordinances inconsistent with or contravening the provisions of this ordinance are hereby repealed.

SECTION SEVEN: Effective Date. This ordinance shall take effect and be in force on January 1, 2018.

ADOPTED: Oct 9th 2017


Pauline Frome, Village President

APPROVED: Oct 9th 2017

ATTEST: 
Paul Hensch, Village Clerk

PUBLISHED: Oct 11th 2017