

TOWN OF OSCEOLA

Polk County, Wisconsin 54020

Office: 715-755-3060 Fax: 715-755-2271 Public Works: 715-755-3077

Ordinance Number # 07-20-08

AN ORDINANCE TO AMEND CHAPTER 6 OF THE TOWN OF OSCEOLA CODE OF ORDINANCES ESTABLISHMENT OF A JOINT MUNICIPAL COURT.

NOW THEREFORE The Town Board of Supervisors of the Town of Osceola does ordain as follows:

06-01 Authority.

The Village Boards of the Villages of Osceola and Dresser and the Town of Osceola, Polk County, Wisconsin, acting pursuant to §61.34(1), Wis. Stats., and the Town Board of the Town of Farmington, Polk County, Wisconsin, acting pursuant to its possession of village powers and §§60.10(2)(c), 60.22(3). and 61.34(1), Wis. Stats., are hereby authorized to and do establish a joint Municipal Court, as described in 06-04, below.

06-02 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 Villages and Towns.

06-03 Scope.

The scope of this ordinance includes enforcement of all ordinances adopted by the participating Villages and Towns, 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.

06-04 Joint Municipal Court.

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 Villages of Osceola and Dresser and the Towns of Osceola and Farmington under s. 755.01 (1), Wis. Stats., to be designated as the "Municipal Court for the Villages of Osceola and Dresser and the Towns of Osceola and Farmington" said court to become operative upon the date of the enactment of identical ordinances and ratification of an operating agreement by each affected village and town. 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 Village or Town number or otherwise include this ordinance within its respective code of ordinances using the same, exact nomenclature.

06-05 Jurisdiction.

A. The Municipal Court shall have jurisdiction over incidents occurring on or after the effective date of the ordinance, as provided by Article VII, Section 14 of the Wisconsin Constitution, ss. 755.01 (4), 755.045 and 755.05, Wis. Stats., and as otherwise provided by state law. In addition, it shall have exclusive jurisdiction over actions in which the Villages or Towns seek to impose forfeitures for violations of municipal ordinances.

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

C. The Municipal Judge may order the payment of restitution for violations of ordinances that prohibit conduct that is the same as or similar to conduct prohibited by state statute and punishable by fine or imprisonment or both. In such cases, the Judge shall use the restitution procedure under s. 800.093, Wis. Stats.

06-06 Juvenile Offenses.

A. The Municipal Court shall have the authority to impose alternative juvenile dispositions and sanctions.

(1) For a juvenile adjudged to have violated an ordinance, the Court is authorized to impose any of the dispositions listed in ss. 938.343 and 938.344, Wisconsin Statutes, 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 ss. 938.343 or 938.344, Wis. Stats., the Municipal Court is authorized to impose any of the sanctions listed in s. 938.355(6)(d), Wis. Stats., in accordance with the provisions of those statutes.

B. This section is enacted under the authority of s. 938.17(2)(cm), Wis. Stats.

06-07 Municipal Judge.

There is hereby created the office of the Municipal Judge of the Municipal Court of the Villages of Osceola and Dresser and the Towns of Osceola and Farmington.

A. Qualifications. The Municipal Judge shall be a resident of the Village of Osceola or Dresser or the Town of Osceola or Farmington. The Municipal Judge shall be a high school graduate and shall pass a drug screen test prior to taking the oath of office. Thereafter, the Municipal Judge shall participate in random drug screening.

B. Oath and Bond. The Judge shall, after election or appointment to fill a vacancy, take the official oath as prescribed in s. 757.02(1), Wisconsin Statutes, and file such oath

with the Clerk of Circuit Court for Polk County. At the same time, the Judge shall execute and file an indemnity bond, payable jointly to each Village or Town, with the Village and Town Clerks in the amount of \$25,000. The Judge shall not act until the oath and bond have been filed as required by s. 19.01(4)(c) Wisconsin Statutes, and the requirements of s. 755.03 (2) Wisc. Stats., have been complied with.

C. Salary. The Municipal Judge shall receive a salary as determined jointly by the Boards of the Villages of Osceola and Dresser and the Towns of Osceola and Farmington, which shall be in lieu of fees and costs. No salary shall be paid for any time during the term during which the Judge has not executed the official bond or official oath. The salary may be increased by the Village and Town Boards acting jointly before the beginning of the second or subsequent year of service of the term of the Judge, but shall not be decreased during the term.

D. Election. The Municipal Judge shall be elected at large for a term of two years at the spring election held in the next even numbered year following the effective date of this ordinance, and every two years thereafter, and shall take office on May 1 following the election. Candidates for Municipal Judge shall be nominated by filing nomination papers under s. 8.10 (6)(bm), Wis. Stats., and shall register with the filing officer specified in s. 11.02 (3e), Wis. Stats. Electors of the Village of Osceola, the Village of Dresser and the Towns of Osceola and Farmington shall be eligible to vote for the Judge for the Joint Municipal Court established under this ordinance.

06-08 Hours; Employees; Location

A. Hours. The Municipal Court of The Villages of Osceola and Dresser and the Towns of Osceola and Farmington shall be open as determined by order of the Municipal Judge.

B. Employees. The Municipal Judge, shall in writing, appoint such clerks and deputy clerks as are authorized jointly by the Village and Town Boards. Their compensation shall be fixed by joint action of the Village and Town Boards.

C. Location. Subject to s. 755.09(2), Wisconsin Statutes, the Municipal Judge shall keep an office and hold court in the Village of Osceola at a place as shall be determined by the Municipal Judge. However, the Municipal Judge may issue, process and perform ministerial functions at any place in Polk County.

06-09 Collection of forfeitures and costs.

The Municipal Court shall collect all forfeitures, penalty assessments, fees and taxable costs in any action or proceeding and shall pay over such monies to the Village or Town Treasurer of the Village or Town entitled to those particular forfeitures, penalty assessments, fees and taxable costs within seven days of collection. At such time, the Municipal Court shall report to the respective Treasurers the title, nature of the offenses

and amounts of Judgments imposed in actions and proceedings in which such monies were collected.

06-10 Contempt of Court.

The Municipal Judge, after affording an opportunity to the accused to be heard in defense, may punish for contempt as provided in s. 800.12, Wisconsin Statutes and may impose a forfeiture therefore not to exceed \$50, or upon nonpayment of the forfeiture, the forfeiture plus a penalty assessment under s. 165.755, Wisconsin Statutes, and jail assessment under s. 302.46, Wisconsin Statutes, and a jail sentence not to exceed seven days.

06-11 Stipulations and deposits.

A. Deposits for ordinance violations. The Municipal Judge shall establish and submit to each Village and Town Board for approval in accordance with s. 800.03(3), Wisconsin Statutes, a schedule of deposits for violation of the ordinances of the Villages of Osceola and Dresser and the Towns of Osceola and Farmington.

B. Deposits for traffic and boating violations. The deposit schedule established by the Wisconsin Judicial Conference and the procedures set forth in Chs. 23 and 345, Wisconsin Statutes., shall apply to stipulation and deposits for violations of traffic regulations enacted in accordance with s. 345.27 and boating regulations enacted in accordance with s. 30.77 Wisconsin Statutes.

06-12 Abolition of Joint Municipal Court.

A. In General. The Municipal Court of the Villages of Osceola and Dresser and the Towns of Osceola and Farmington may be abolished at the end of any term for which the Judge has been elected, upon action taken by one or more of the Village and Town Boards to either repeal this ordinance or to terminate the joint operating agreement entered into in pursuit of this ordinance or both upon transmittal of a certified copy of an ordinance abolishing the Joint Municipal Court to the appropriate filing officer under s. 11.02(3e), Wis. Stats. To abolish the Court it is not required that both of the Villages and both of the Towns take similar action. The act of one of the Village or Town Boards to repeal its ordinance or to terminate the operating agreement in accord with the terms thereof shall be sufficient. In the event that one or both of the Villages or the Towns deem it to be in their best interests to abolish the Joint Municipal Court created under this ordinance, they shall take such action sufficiently in advance of the time for filing of nomination papers for the office of Municipal Judge for the term of office next following the term of the Joint Municipal Court during which such decision is made in order to allow one or both of the Villages or Towns to establish their own separate Municipal Court and to fill the office by election at the time of abolition of the Joint Municipal Court.

B. Delivery of Books and Records by Judge. In accordance with s. 755.12, Wis. Stats., within ten (10) days after the effective date of the abolition of the Joint 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 Village or Town Clerk.

06-13 Transitional Period of Joint Municipal Court.

A. Osceola Municipal Judge to Preside Pending Initial Election. In the event that this ordinance is adopted by each of the Villages of Osceola and Dresser and Towns of Osceola and Farmington, to take effect at a time in advance of the commencement of the next term of office for the Municipal Judge, as is specified in 06-07, above, the Municipal Judge of the Villages of Osceola and Dresser and Town of Osceola, an existing Municipal Court, shall continue to serve as the judge of the joint court 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 Osceola 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 Village and Town Boards acting jointly. The office shall then be permanently filled by special election by the electors of the member Villages and Towns, 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 2nd 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 the office.

C. Financial and Other Operational Needs. For that period of time extending between the effective date of this ordinance and the commencement of the initial term of office of the Municipal Judge elected to serve on the Joint Municipal Court, the Villages and Towns shall agree upon cost sharing as well as upon operational support needs as and for the Court, upon consultation with the incumbent Municipal Judge.

06-14 Operating Agreement.

In accordance with s. 755.01(4), Wisconsin Statutes, the Villages of Osceola and Dresser and Towns of Osceola and Farmington shall enter into a joint operating agreement to exercise the authority under s. 755.01(1), Wisconsin Statutes, which operating agreement shall include but not be limited to the following understandings: cost sharing for the operation of the joint Municipal Court; designation of an officer, committee or Village Board to act as liaison with the Municipal Court and between the Villages and Towns on matters pertaining to or requiring determinations pertaining to court operations, budgets, employees and terms and conditions of employment of persons other than the Municipal Judge, jurisdictional and other court-related matters placed in the purview of the Villages under Wisconsin law, other mutual concerns and transition pending abolition of the Joint Municipal Court

06-15 Amendments to Ordinance.

This ordinance, whose substantive terms shall be adopted by each of the participating Villages and Towns, shall not be deemed to have been amended by either of the Village and Town Boards unless and until each of the Village and Town Boards shall adopt the same, exact ordinance amending or creating this ordinance.

06-16 Effective Date of Ordinance.

This ordinance shall not take effect in the Village of Osceola, the Village of Dresser, the Town of Osceola or the Town of Farmington until each Village Board and Town Board has adopted an ordinance which contains the same substantive terms as this ordinance. Thereafter, this ordinance shall take effect on the first day of the month next following the occurrence of the latter of the following, three events: (1) the adoption of this ordinance by each of the Villages of Osceola and Dresser and Towns of Osceola and Farmington; (2) the ratification by each Village and Town Board of an operating agreement for the Joint Municipal Court; and (3) transmittal of a certified copy of the ordinance adopted by each Village and Town Board to the appropriate filing officer under s. 11.02(3e), Wis. Stats.

This Ordinance shall, subject only to Section 06-16 as adopted above, take effect upon its adoption and publication as required by law. This section shall not be codified.

**TOWN OF OSCEOLA
POLK COUNTY WISCONSIN**

CODE OF ORDINANCES

Chapter 6

Joint Municipal Court

06-16 Effective Date of Ordinance.

This ordinance shall not take effect in the Village of Osceola, the Village of Dresser, the Town of Osceola or the Town of Farmington until each Village Board and Town Board has adopted an ordinance which contains the same substantive terms as this ordinance. Thereafter, this ordinance shall take effect on the first day of the month next following the occurrence of the latter of the following, three events: (1) the adoption of this ordinance by each of the Villages of Osceola and Dresser and Towns of Osceola and Farmington; (2) the ratification by each Village and Town Board of an operating agreement for the Joint Municipal Court; and (3) transmittal of a certified copy of the ordinance adopted by each Village and Town Board to the appropriate filing officer under s. 11.02(3e), Wis. Stats.

This Ordinance shall, subject only to Section 06-16 as adopted above, take effect upon its adoption and publication as required by law. This section shall not be codified.

Passed this 10th Day of December, 2007

By the Town Board of the Town of Osceola

Steven M. Stroshane, Chairman

Ronald D. Gamache, Supervisor

Robert G. Wright, Supervisor

ATTEST:

I hereby certify that the Ordinance, of which the above is a copy, was duly passed by the Town Board of Supervisors of the Town of Osceola, Polk County, State of Wisconsin, on

the 10th day of December, 2007, at a meeting duly called and held and at which a quorum was present and acted throughout.

Lorraine Rugroden, Clerk/Treasurer

TOWN OF OSCEOLA

Polk County, Wisconsin 54020

Office: 715-755-3060 Fax: 715-755-2271 Public Works: 715-755-3077

Ordinance Number # 07-12-05

AN ORDINANCE TO AMEND CHAPTER 6 OF THE TOWN OF OSCEOLA CODE OF ORDINANCES ESTABLISHMENT OF A JOINT MUNICIPAL COURT.

NOW THEREFORE The Town Board of Supervisors of the Town of Osceola does ordain as follows:

06-01 Authority.

The Village Boards of the Village of Osceola and the Village of Dresser, Polk County, Wisconsin, acting pursuant to §61.34(1), Wis. Stats., and the Town Board of the Town of Osceola, Polk County, Wisconsin, acting pursuant to its possession of village powers and §§60.10(2)(c), 60.22(3), and 61.34(1), Wis. Stats., are hereby authorized to and do establish a joint Municipal Court, as described in 06-04, below.

06-02 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 Villages and Town.

06-03 Scope.

The scope of this ordinance includes enforcement of all ordinances adopted by the participating Villages and Town, 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.

06-04 Joint Municipal Court.

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 Villages of Osceola and Dresser and the Town of Osceola under s. 755.01 (1), Wis. Stats., to be designated as the "Municipal Court for the Villages of Osceola and Dresser and the Town of Osceola" said court to become operative upon the date of the enactment of identical ordinances and ratification of an operating agreement by each affected village and town. 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 Village or Town number

with the Clerk of Circuit Court for Polk County. At the same time, the Judge shall execute and file an indemnity bond, payable jointly to each Village or Town, with the Village and Town Clerks in the amount of \$25,000. The Judge shall not act until the oath and bond have been filed as required by s. 19.01(4)(c) Wisconsin Statutes, and the requirements of s. 755.03 (2) Wisc. Stats., have been complied with.

C. Salary. The Municipal Judge shall receive a salary as determined jointly by the Boards of the Villages of Osceola and Dresser and the Town of Osceola, which shall be in lieu of fees and costs. No salary shall be paid for any time during the term during which the Judge has not executed the official bond or official oath. The salary may be increased by the Village and Town Boards acting jointly before the beginning of the second or subsequent year of service of the term of the Judge, but shall not be decreased during the term.

D. Election. The Municipal Judge shall be elected at large for a term of two years at the spring election held in the next even numbered year following the effective date of this ordinance, and every two years thereafter, and shall take office on May 1 following the election. Candidates for Municipal Judge shall be nominated by filing nomination papers under s. 8.10 (6)(bm), Wis. Stats., and shall register with the filing officer specified in s. 11.02 (3e), Wis. Stats. Electors of the Village of Osceola, the Village of Dresser and the Town of Osceola shall be eligible to vote for the Judge for the Joint Municipal Court established under this ordinance.

06-08 Hours; Employees; Location

A. Hours. The Municipal Court of The Villages of Osceola and Dresser and the Town of Osceola shall be open as determined by order of the Municipal Judge.

B. Employees. The Municipal Judge, shall in writing, appoint such clerks and deputy clerks as are authorized jointly by the Village and Town Boards. Their compensation shall be fixed by joint action of the Village and Town Boards.

C. Location. Subject to s. 755.09(2), Wisconsin Statutes, the Municipal Judge shall keep an office and hold court in the Village of Osceola at a place as shall be determined by the Municipal Judge. However, the Municipal Judge may issue, process and perform ministerial functions at any place in Polk County.

06-09 Collection of forfeitures and costs.

The Municipal Court shall collect all forfeitures, penalty assessments, fees and taxable costs in any action or proceeding and shall pay over such monies to the Village or Town Treasurer of the Village or Town entitled to those particular forfeitures, penalty assessments, fees and taxable costs within seven days of collection. At such time, the Municipal Court shall report to the respective Treasurers the title, nature of the offenses and amounts of Judgments imposed in actions and proceedings in which such monies were collected.

according to the municipalities involved and deliver them to the appropriate Village or Town Clerk.

06-13 Transitional Period of Joint Municipal Court.

A. Osceola Municipal Judge to Preside Pending Initial Election. In the event that this ordinance is adopted by each of the Villages of Osceola and Dresser and Town of Osceola, to take effect at a time in advance of the commencement of the next term of office for the Municipal Judge, as is specified in 06-07, above, the Municipal Judge of the Villages of Osceola and Dresser, an existing Municipal Court, shall continue to serve as the judge of the joint court 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 Osceola 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 Village and Town Boards acting jointly. The office shall then be permanently filled by special election by the electors of the member Villages and Town, 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 2nd 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 the office.

C. Financial and Other Operational Needs. For that period of time extending between the effective date of this ordinance and the commencement of the initial term of office of the Municipal Judge elected to serve on the Joint Municipal Court, the Villages and Town shall agree upon cost sharing as well as upon operational support needs as and for the Court, upon consultation with the incumbent Municipal Judge.

06-14 Operating Agreement.

In accordance with s. 755.01(4), Wisconsin Statutes, the Villages of Osceola and Dresser and Town of Osceola shall enter into a joint operating agreement to exercise the authority under s. 755.01(1), Wisconsin Statutes, which operating agreement shall include but not be limited to the following understandings: cost sharing for the operation of the joint Municipal Court; designation of an officer, committee or Village Board to act as liaison with the Municipal Court and between the Villages and Town on matters pertaining to or requiring determinations pertaining to court operations, budgets, employees and terms and conditions of employment of persons other than the Municipal Judge, jurisdictional and other court-related matters placed in the purview of the Villages under Wisconsin law, other mutual concerns and transition pending abolition of the Joint Municipal Court

06-15 Amendments to Ordinance.

TOWN OF OSCEOLA
POLK COUNTY WISCONSIN

CODE OF ORDINANCES

Chapter 6

Joint Municipal Court

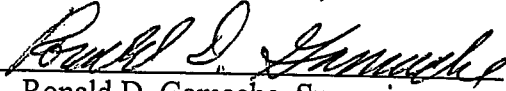
6-16 Effective Date of Ordinance

Passed this 10th Day of September, 2007

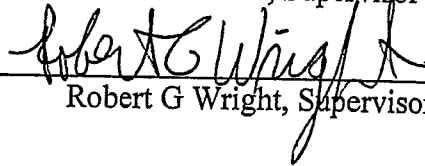
By the Town Board of the Town of Osceola



Steven M Strohane, Chairman



Ronald D. Gamache, Supervisor



Robert G Wright, Supervisor

ATTEST:

I hereby certify that the Ordinance, of which the above is a copy, was duly passed by the Town Board of Supervisors of the Town of Osceola, Polk County, State of Wisconsin, on the 10th day of September, 2007, at a meeting duly called and held and at which a quorum was present and acted throughout.



Lorraine Rugroden, Clerk/Treasurer

TOWN OF OSCEOLA

Polk County, Wisconsin 54020

Office: 715-755-3060 Fax: 715-755-2271 Public Works: 715-755-3077

ORDINANCE NUMBER #06-08-ORD-02

AN ORDINANCE TO CREATE CHAPTER 6 OF THE TOWN OF OSCEOLA CODE OF ORDINANCES ESTABLISHMENT OF A JOINT MUNICIPAL COURT.

NOW THEREFORE The Town Board of Supervisors of the Town of Osceola does ordain as follows:

06-01 Authority.

The Village Boards of the Village of Osceola and the Village of Dresser, Polk County, Wisconsin, acting pursuant to §61.34(1), Wis. Stats., and the Town Board of the Town of Osceola, Polk County Wisconsin, acting pursuant to its possession of village powers and §§60.10(2)(c), 60.2293). and 61.34(1), Wis. Stats., are hereby authorized to and do establish a joint Municipal Court, as described in 06-04.

06-02 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 Villages and Town.

06-03 Scope.

The scope of this ordinance includes enforcement of all ordinances adopted by the participating Villages and Town, 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.

06-04 Joint Municipal Court.

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 Villages of Osceola and Dresser and the Town of Osceola under s. 755.01 (1), Wis. Stats., to be designated as the "Municipal Court for the Villages of Osceola and Dresser and the Town of Osceola" said court to become operative upon the date of the enactment of identical ordinances and ratification of an operating agreement by each affected village and town. 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 Village or Town number or otherwise include this ordinance within its respective code of ordinances using the same, exact nomenclature.

06-05 Jurisdiction.

A. The Municipal Court shall have jurisdiction over incidents occurring on or after the effective date of the ordinance, as provided by Article VII, Section 14 of the Wisconsin Constitution, ss. 755.01 (4), 755.045 and 755.05, Wis. Stats., and as otherwise provided by state law. In addition, it shall have exclusive jurisdiction over actions in which the Villages or Town seeks to impose forfeitures for violations of municipal ordinances.

B. The Municipal Judge may issue civil warrants to enforce matters under jurisdiction of the Municipal Court under ss. 755.045 (2), and 66.019 Wis. Stats.

C. The Municipal Judge may order the payment of restitution for violations of ordinances that prohibit conduct that is the same as or similar to conduct prohibited by state statute and punishable by fine or imprisonment or both. In such cases, the Judge shall use the restitution procedure under s. 800.093, Wis. Stats.

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(2) For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the Court under ss. 938.343 or 938.344, Wis. Stats., the Municipal Court is authorized to impose any of the sanctions listed in s. 938.355(6)(d), Wis. Stats., in accordance with the provisions of those statutes.

B. This section is enacted under the authority of s. 938.17(2)(cm), Wis. Stats.

06-07 Municipal Judge.

There is hereby created the office of the Municipal Judge of the Municipal Court of the Villages of Osceola and Dresser and the Town of Osceola.

A. Qualifications. The Municipal Judge shall be a resident of the Villages of Osceola or Dresser or the Town of Osceola. The Municipal Judge shall be a high school graduate and shall pass a drug screen test prior to taking the oath of office. Thereafter, the Municipal Judge shall participate in random drug screening.

B. Oath and Bond. The Judge shall, after election or appointment to fill a vacancy, take the official oath as prescribed in s. 757.02(1), Wis. Stats., and file such oath with the Clerk of Circuit Court for Polk County. At the same time, the Judge shall execute and file an indemnity bond, payable jointly to each Village or Town, with the Village and Town Clerks in the amount of \$25,000. The Judge shall not act until the oath and bond have been filed as required by s. 19.01(4)(c) Wis. Stats., and the requirements of s. 755.03 (2) have been complied with.

C. Salary. The Municipal Judge shall receive a salary as determined jointly by the Boards of the Villages of Osceola and Dresser and the Town of Osceola, which shall be in lieu of fees and costs. No salary shall be paid for any time during the term during which the Judge has not executed the official bond or official oath. The salary may be increased by the Village and Town Boards acting jointly before the beginning of the second or subsequent year of service of the term of the Judge but shall not be decreased during the term.

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06-08 Hours; Employees; location

A. Hours. The Municipal Court of The Villages of Osceola and Dresser and the Town of Osceola shall be open as determined by order of the Municipal Judge.

B. Employees. The Municipal Judge, shall in writing, appoint such clerks and deputy clerks as are authorized jointly by the Village and Town Boards. Their compensation shall be fixed by joint action of the Village and Town Boards.

C. Location. Subject to s. 755.09(2), Wis. Stats., The Municipal Judge shall keep an office and hold court in the Village of Osceola at a place as shall be determined by the Municipal Judge. However, the Municipal Judge may issue, process and perform ministerial functions at any place in Polk County.

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The Municipal Court shall collect all forfeitures, penalty assessments, fees and taxable costs in any action or proceeding and shall pay over such monies to the Village or Town Treasurer of the Village or Town entitled to those particular forfeitures, penalty assessments, fees and taxable costs within seven days of collection. At such time, the Municipal Court shall report to the respective Treasurers the title, nature of the offenses and amounts of Judgments imposed in actions and proceedings in which such monies were collected.

06-10 Contempt of Court.

The Municipal Judge, after affording an opportunity to the accused to be heard in defense, may punish for contempt as provided in s. 800.12, Wis. Stats., and may impose a forfeiture therefore not to exceed \$50, or upon nonpayment of the forfeiture, penalty assessment under s. 165.755, Wis. Stats., and jail assessment under s. 302.46, Wis. Stats., a jail sentence not to exceed seven days.

06-11 Stipulations and deposits.

A. Deposits for ordinance violations. The Municipal Judge shall establish and submit to each Village and Town Board for approval in accordance with s. 800.03(3), Wis. Stats., a schedule of deposits for violation of the ordinances of the Villages of Osceola and Dresser and the Town of Osceola.

B. Deposits for traffic and boating violations. The deposit schedule established by the Wisconsin Judicial Conference and the procedures set forth in chs. 23 and 345, Wis. Stats., shall apply to stipulation and deposits for violations of traffic regulations enacted in accordance with s. 345.27 and boating regulations enacted in accordance with s. 30.77 Wis. Stats.

06-12 Abolition of Joint Municipal Court.

A. In General. The Municipal Court of the Villages of Osceola and Dresser and the Town of Osceola may be abolished at the end of any term for which the Judge has been elected, upon action taken by one or more of the Village and Town Boards to either repeal this ordinance or to terminate the joint operating agreement entered into in pursuit of this ordinance or both upon transmittal of a certified copy of an ordinance abolishing the Joint Municipal Court to the appropriate filing officer under s. 11.02(3e), Wis. Stats. To abolish the Court it is not required that both of the Villages and the Town take similar action. The act of one of the Village or Town Boards to repeal its ordinance or to terminate the operating agreement in accord with the terms thereof shall be sufficient. In the event that one or both of the Villages or the Town deem it to be in their best interests to abolish the Joint Municipal Court created under this ordinance, they shall take such action sufficiently in advance of the time for filing of nomination papers for the office of Municipal Judge for the term of office next following the term of the Joint Municipal Court during which such decision is made in order to allow one or both of the Villages to establish their own separate Municipal Court and to fill the office by election at the time of abolition of the Joint Municipal Court.

B. Delivery of Books and Records by Judge. In accordance with s. 755.12, Wis. Stats., within ten (10) days after the effective date of the abolition of the Joint 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 Village or Town Clerk.

06-13 Transitional Period of Joint Municipal Court.

A. Osceola Municipal Judge to Preside Pending Initial Election. In the event that this ordinance is adopted by each of the Villages of Osceola and Dresser and Town of Osceola, to take effect at a time in advance of the commencement of the next term of office for the Municipal Judge, as is specified in §33-17, the Municipal Judge of the Villages of Osceola and Dresser, an existing

Municipal Court, shall continue to serve as the judge of the joint court 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 Osceola Municipal Judge pending the initial election of the Joint Municipal Judge under this ordinance, it may be filled by temporary appointment by the Village and Town Boards acting jointly. The office shall then be permanently filled by special election by the electors of the member Villages and Town, 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 2nd 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 the office.

C. Financial and Other Operational Needs. For that period of time extending between the effective date of this ordinance and the commencement of the initial term of office of the Municipal Judge elected to serve on the Joint Municipal Court, the Villages and Town shall agree upon cost sharing as well as upon operational support needs as and for the Court, upon consultation with the incumbent Municipal Judge.

06-14 Operating Agreement.

In accordance with s. 755.01(4), Wis. Stats., the Villages of Osceola and Dresser and Town of Osceola shall enter into a joint operating agreement to exercise the authority under s. 755.01(1), Wis. Stats., which operating agreement shall include but not be limited to the following understandings: cost sharing for the operation of the joint Municipal Court; designation of an officer, committee or Village Board to act as liaison with the Municipal Court and between the Villages and Town on matters pertaining to or requiring determinations pertaining to court operations, budgets, employees and terms and conditions of employment of persons other than the Municipal Judge, jurisdictional and other court-related matters placed in the purview of the Villages under Wisconsin law, other mutual concerns and transition pending abolition of the Joint Municipal Court

06-15 Amendments to Ordinance.

This ordinance, whose substantive terms shall be adopted by each of the participating Villages and Town, shall not be deemed to have been amended by either of the Village and Town Boards unless and until each of the Village and Town Boards shall adopt the same, exact ordinance amending this ordinance.

06-16 Effective Date of Ordinance.

This ordinance shall not take effect in the Village of Osceola, the Village of Dresser or the Town of Osceola until each Village Board and the Town Board has adopted an ordinance which contains the same substantive terms as this ordinance. Thereafter, this ordinance shall take effect on the first day of the month next following the occurrence of the latter of the following, three events: (1) the adoption of this ordinance by each of the Villages of Osceola and Dresser and Town of Osceola; (2) the ratification by each Village and Town Board of an operating agreement

for the Joint Municipal Court; and (3) transmittal of a certified copy of the ordinance adopted by each Village and Town Board to the appropriate filing officer under s. 11.02(3e), Wis. Stats.

Passed this 12th Day of February, 2007

By the Town Board of the Town of Osceola

Ronald D. Gamache, Chairman

E. R. Lindholm, Supervisor

Steven M. Stroshane, Supervisor

ATTEST:

I hereby certify that the Ordinance, of which the above is a copy, was duly passed by the Town Board of Supervisors of the Town of Osceola, Polk County, State of Wisconsin, on the 12th day of February, 2007, at a meeting duly called and held and at which a quorum was present and acted throughout.

Lorraine Rugroden, Clerk/Treasurer

**TOWN OF OSCEOLA
POLK COUNTY WISCONSIN**

CODE OF ORDINANCES

Chapter 6

Joint Municipal Court

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**TOWN OF OSCEOLA
POLK COUNTY WISCONSIN**

CODE OF ORDINANCES

Chapter 6

Joint Municipal Court

06-01 Authority.

The Village Boards of the Villages of Osceola and Dresser and the Town of Osceola, Polk County, Wisconsin, acting pursuant to §61.34(1), Wis. Stats., and the Town Board of the Town of Farmington, Polk County, Wisconsin, acting pursuant to its possession of village powers and §§60.10(2)(c), 60.22(3). and 61.34(1), Wis. Stats., are hereby authorized to and do establish a joint Municipal Court, as described in 06-04, below.

**TOWN OF OSCEOLA
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CODE OF ORDINANCES

Chapter 6

Joint Municipal Court

06-02 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 Villages and Towns.

**TOWN OF OSCEOLA
POLK COUNTY WISCONSIN**

CODE OF ORDINANCES

Chapter 6

Joint Municipal Court

06-03 Scope.

The scope of this ordinance includes enforcement of all ordinances adopted by the participating Villages and Towns, 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.

**TOWN OF OSCEOLA
POLK COUNTY WISCONSIN**

CODE OF ORDINANCES

Chapter 6

Joint Municipal Court

06-04 Joint Municipal Court.

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 Villages of Osceola and Dresser and the Towns of Osceola and Farmington under s. 755.01 (1), Wis. Stats., to be designated as the "Municipal Court for the Villages of Osceola and Dresser and the Towns of Osceola and Farmington" said court to become operative upon the date of the enactment of identical ordinances and ratification of an operating agreement by each affected village and town. 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 Village or Town number or otherwise include this ordinance within its respective code of ordinances using the same, exact nomenclature.

**TOWN OF OSCEOLA
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CODE OF ORDINANCES

Chapter 6

Joint Municipal Court

06-05 Jurisdiction.

A. The Municipal Court shall have jurisdiction over incidents occurring on or after the effective date of the ordinance, as provided by Article VII, Section 14 of the Wisconsin Constitution, ss. 755.01 (4), 755.045 and 755.05, Wis. Stats., and as otherwise provided by state law. In addition, it shall have exclusive jurisdiction over actions in which the Villages or Towns seek to impose forfeitures for violations of municipal ordinances.

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

C. The Municipal Judge may order the payment of restitution for violations of ordinances that prohibit conduct that is the same as or similar to conduct prohibited by state statute and punishable by fine or imprisonment or both. In such cases, the Judge shall use the restitution procedure under s. 800.093, Wis. Stats.

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Chapter 6

Joint Municipal Court

06-06 Juvenile Offenses.

A. The Municipal Court shall have the authority to impose alternative juvenile dispositions and sanctions.

(1) For a juvenile adjudged to have violated an ordinance, the Court is authorized to impose any of the dispositions listed in ss. 938.343 and 938.344, Wisconsin Statutes, 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 ss. 938.343 or 938.344, Wis. Stats., the Municipal Court is authorized to impose any of the sanctions listed in s. 938.355(6)(d), Wis. Stats., in accordance with the provisions of those statutes.

B. This section is enacted under the authority of s. 938.17(2)(cm), Wis. Stats.

of the Village of Osceola, the Village of Dresser and the Towns of Osceola and Farmington shall be eligible to vote for the Judge for the Joint Municipal Court established under this ordinance.

**TOWN OF OSCEOLA
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CODE OF ORDINANCES

Chapter 6

Joint Municipal Court

06-07 Municipal Judge.

There is hereby created the office of the Municipal Judge of the Municipal Court of the Villages of Osceola and Dresser and the Towns of Osceola and Farmington.

A. Qualifications. The Municipal Judge shall be a resident of the Village of Osceola or Dresser or the Town of Osceola or Farmington. The Municipal Judge shall be a high school graduate and shall pass a drug screen test prior to taking the oath of office. Thereafter, the Municipal Judge shall participate in random drug screening.

B. Oath and Bond. The Judge shall, after election or appointment to fill a vacancy, take the official oath as prescribed in s. 757.02(1), Wisconsin Statutes, and file such oath with the Clerk of Circuit Court for Polk County. At the same time, the Judge shall execute and file an indemnity bond, payable jointly to each Village or Town, with the Village and Town Clerks in the amount of \$25,000. The Judge shall not act until the oath and bond have been filed as required by s. 19.01(4)(c) Wisconsin Statutes, and the requirements of s. 755.03 (2) Wisc. Stats., have been complied with.

C. Salary. The Municipal Judge shall receive a salary as determined jointly by the Boards of the Villages of Osceola and Dresser and the Towns of Osceola and Farmington, which shall be in lieu of fees and costs. No salary shall be paid for any time during the term during which the Judge has not executed the official bond or official oath. The salary may be increased by the Village and Town Boards acting jointly before the beginning of the second or subsequent year of service of the term of the Judge, but shall not be decreased during the term.

D. Election. The Municipal Judge shall be elected at large for a term of two years at the spring election held in the next even numbered year following the effective date of this ordinance, and every two years thereafter, and shall take office on May 1 following the election. Candidates for Municipal Judge shall be nominated by filing nomination papers under s. 8.10 (6)(bm), Wis. Stats., and shall register with the filing officer specified in s. 11.02 (3e), Wis. Stats. Electors

**TOWN OF OSCEOLA
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CODE OF ORDINANCES

Chapter 6

Joint Municipal Court

06-08 Hours; Employees; Location

A. Hours. The Municipal Court of The Villages of Osceola and Dresser and the Towns of Osceola and Farmington shall be open as determined by order of the Municipal Judge.

B. Employees. The Municipal Judge, shall in writing, appoint such clerks and deputy clerks as are authorized jointly by the Village and Town Boards. Their compensation shall be fixed by joint action of the Village and Town Boards.

C. Location. Subject to s. 755.09(2), Wisconsin Statutes, the Municipal Judge shall keep an office and hold court in the Village of Osceola at a place as shall be determined by the Municipal Judge. However, the Municipal Judge may issue, process and perform ministerial functions at any place in Polk County.

**TOWN OF OSCEOLA
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CODE OF ORDINANCES

Chapter 6

Joint Municipal Court

06-09 Collection of forfeitures and costs.

The Municipal Court shall collect all forfeitures, penalty assessments, fees and taxable costs in any action or proceeding and shall pay over such monies to the Village or Town Treasurer of the Village or Town entitled to those particular forfeitures, penalty assessments, fees and taxable costs within seven days of collection. At such time, the Municipal Court shall report to the respective Treasurers the title, nature of the offenses and amounts of Judgments imposed in actions and proceedings in which such monies were collected.

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CODE OF ORDINANCES

Chapter 6

Joint Municipal Court

06-10 Contempt of Court.

The Municipal Judge, after affording an opportunity to the accused to be heard in defense, may punish for contempt as provided in s. 800.12, Wisconsin Statutes and may impose a forfeiture therefore not to exceed \$50, or upon nonpayment of the forfeiture, the forfeiture plus a penalty assessment under s. 165.755, Wisconsin Statutes, and jail assessment under s. 302.46, Wisconsin Statutes, and a jail sentence not to exceed seven days.

**TOWN OF OSCEOLA
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Chapter 6

Joint Municipal Court

06-11 Stipulations and deposits.

A. Deposits for ordinance violations. The Municipal Judge shall establish and submit to each Village and Town Board for approval in accordance with s. 800.03(3), Wisconsin Statutes, a schedule of deposits for violation of the ordinances of the Villages of Osceola and Dresser and the Towns of Osceola and Farmington.

B. Deposits for traffic and boating violations. The deposit schedule established by the Wisconsin Judicial Conference and the procedures set forth in Chs. 23 and 345, Wisconsin Statutes., shall apply to stipulation and deposits for violations of traffic regulations enacted in accordance with s. 345.27 and boating regulations enacted in accordance with s. 30.77 Wisconsin Statutes.

**TOWN OF OSCEOLA
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CODE OF ORDINANCES

Chapter 6

Joint Municipal Court

06-12 Abolition of Joint Municipal Court.

A. In General. The Municipal Court of the Villages of Osceola and Dresser and the Towns of Osceola and Farmington may be abolished at the end of any term for which the Judge has been elected, upon action taken by one or more of the Village and Town Boards to either repeal this ordinance or to terminate the joint operating agreement entered into in pursuit of this ordinance or both upon transmittal of a certified copy of an ordinance abolishing the Joint Municipal Court to the appropriate filing officer under s. 11.02(3e), Wis. Stats. To abolish the Court it is not required that both of the Villages and both of the Towns take similar action. The act of one of the Village or Town Boards to repeal its ordinance or to terminate the operating agreement in accord with the terms thereof shall be sufficient. In the event that one or both of the Villages or the Towns deem it to be in their best interests to abolish the Joint Municipal Court created under this ordinance, they shall take such action sufficiently in advance of the time for filing of nomination papers for the office of Municipal Judge for the term of office next following the term of the Joint Municipal Court during which such decision is made in order to allow one or both of the Villages or Towns to establish their own separate Municipal Court and to fill the office by election at the time of abolition of the Joint Municipal Court.

B. Delivery of Books and Records by Judge. In accordance with s. 755.12, Wis. Stats., within ten (10) days after the effective date of the abolition of the Joint 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 Village or Town Clerk.

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CODE OF ORDINANCES

Chapter 6

Joint Municipal Court

06-13 Transitional Period of Joint Municipal Court.

A. Osceola Municipal Judge to Preside Pending Initial Election. In the event that this ordinance is adopted by each of the Villages of Osceola and Dresser and Towns of Osceola and Farmington, to take effect at a time in advance of the commencement of the next term of office for the Municipal Judge, as is specified in 06-07, above, the Municipal Judge of the Villages of Osceola and Dresser and Town of Osceola, an existing Municipal Court, shall continue to serve as the judge of the joint court 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 Osceola 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 Village and Town Boards acting jointly. The office shall then be permanently filled by special election by the electors of the member Villages and Towns, 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 2nd 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 the office.

C. Financial and Other Operational Needs. For that period of time extending between the effective date of this ordinance and the commencement of the initial term of office of the Municipal Judge elected to serve on the Joint Municipal Court, the Villages and Towns shall agree upon cost sharing as well as upon operational support needs as and for the Court, upon consultation with the incumbent Municipal Judge.

**TOWN OF OSCEOLA
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Chapter 6

Joint Municipal Court

06-14 Operating Agreement.

In accordance with s. 755.01(4), Wisconsin Statutes, the Villages of Osceola and Dresser and Towns of Osceola and Farmington shall enter into a joint operating agreement to exercise the authority under s. 755.01(1), Wisconsin Statutes, which operating agreement shall include but not be limited to the following understandings: cost sharing for the operation of the joint Municipal Court; designation of an officer, committee or Village Board to act as liaison with the Municipal Court and between the Villages and Towns on matters pertaining to or requiring determinations pertaining to court operations, budgets, employees and terms and conditions of employment of persons other than the Municipal Judge, jurisdictional and other court-related matters placed in the purview of the Villages under Wisconsin law, other mutual concerns and transition pending abolition of the Joint Municipal Court

**TOWN OF OSCEOLA
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Joint Municipal Court

06-15 Amendments to Ordinance.

This ordinance, whose substantive terms shall be adopted by each of the participating Villages and Towns, shall not be deemed to have been amended by either of the Village and Town Boards unless and until each of the Village and Town Boards shall adopt the same, exact ordinance amending or creating this ordinance.