

ORDINANCE CHAPTER 33

AN ORDINANCE ESTABLISHING A JOINT COURT WITH THE CITY OF BRODHEAD

WHEREAS, the City of Brodhead and Town of Decatur, as bordering municipalities, share the common need to enforce their respective ordinances given that a violation of one municipality may impact the other municipality; and

WHEREAS, the City of Brodhead and Town of Decatur recognize the inefficiency of having the Green County Circuit Court enforce certain ordinances of the Town of Decatur for which the City of Brodhead Police Department is authorized to issue citations; and

WHEREAS, the City of Brodhead and Town of Decatur have determined that in order to accomplish enforcement of their respective ordinances, it is most efficient and convenient for the two municipalities to establish a joint Municipal Court as provided for in Wis. Stat. §755.01 (4).

NOW, THEREFORE, the Town of Decatur do hereby ordain as follows:

ORDINANCE 33 Court, Joint Municipal Court

§33-1 Court established.

The joint Municipal Court for the City of Brodhead and Town of Decatur is hereby established pursuant to the authority of Chapter 755 of the Wisconsin Statutes and Wis. Stat. §66.0301 of the Wisconsin Statutes and shall become operative and functional on the effective date of the ordinance codified in this chapter. For purposes of this Chapter, the Common Council of the City of Brodhead shall constitute the governing body, as referenced in Wis. Stat. Ch. 755.

§33-2. Jurisdiction.

The joint Municipal Court shall have exclusive jurisdiction of offenses against the ordinances of the City of Brodhead and offenses against Chapter 11 and Chapter 22 of the Code of Ordinances of the Town of Decatur where a municipality seeks to impose a forfeiture, except as set forth in Wis. Stat. §755.045 (1). The municipal judge may issue civil warrants to enforce matters under the jurisdiction of the municipal court under Wis. Stat. §§755.045 (2) and 66.0119. The joint Municipal Court has jurisdiction over juvenile offenders when a municipality enacts an ordinance under the authority of Wis. Stat. §938.17 (2)(cm).

§33-2. Municipal judge.

A. The joint Municipal Court shall be presided over by a municipal judge. The municipal judge shall reside in either the City of Brodhead or the Town of Decatur.

B. Election, term. Commencing May 1, 2028, the municipal judge shall be elected at large by electors of the City of Brodhead and Town of Decatur at the spring election in even-numbered years for a term of 4 years, or until a successor is elected and qualifies, commencing on May 1st succeeding his or her election. Prior

to that date, the judge for the Municipal Court of the City of Brodhead shall serve as judge for the joint Municipal Court until the end of their term on April 30, 2028. Mid-term vacancies in the office of municipal judge shall be filled by appointment pursuant to Wis. Stat. §8.50(4)(fm), as agreed upon by the City of Brodhead and Town of Decatur.

C. Nominations. All candidates for the position of municipal judge shall be nominated by nomination papers as provided in Wis. Stats. §8.10, which shall be filed in the office of the Green County Clerk. Selection of candidates at a primary election may be as held as provided in Wis. Stats. §8.11. The clerk for the City of Brodhead and the clerk for the Town of Decatur shall ensure that their respective municipalities are in compliance with all applicable nomination and election laws, and properly provide for the election of a municipal judge pursuant to Wis. Stats. §755.01 (4). Electors in the City of Brodhead and in the Town of Decatur shall vote for judge.

D. Bond; oath. The municipal judge shall, after the election or appointment to fill a vacancy, execute and file the official oath with the Clerk of Courts for Green County and Rock County a certified copy with the Director of State Courts as prescribed in Wis. Stats. §757.03. Bond shall be in the sum of \$1000, the cost of which shall be paid by the City of Brodhead. The municipal judge shall not be qualified to act until they have executed and filed their oath as required herein.

E. Salary. The municipal judge shall receive a monthly salary paid by the City of Brodhead, which shall be in lieu of fees and costs. No salary shall be paid to the judge for any time during their term for which they have not executed and filed their official bond and oath as required by Chapter 33-3(D)

F. Authority. The municipal judge shall exercise such authority of the office to the fullest extent permitted under Wisconsin law.

§33-4. Procedure.

A. Sessions. The Municipal Court shall be open on the days and hours set by order of the municipal judge and approved by the Common Council of the City of Brodhead.

B. Location. The municipal judge shall keep their office and hold court in the City of Brodhead City Hall, Brodhead, Wisconsin.

C. Operation. Operation of the Municipal Court shall be as provided by this chapter and state law, including without limitation, because of enumeration, Chs. 800, 755 and Wis. Stats. §§23.66 to 23.99, 778.14, 778.15, 778.18 and 345.20 to 345.53, including as may be amended.

§33-5. Collection and return of forfeitures and costs.

The joint Municipal Court shall collect all forfeitures, penalty assessments, fees and taxable costs in any action or proceeding before them and shall pay over such monies to the City of Brodhead Treasurer within 30 days of collection. At the time of payment, the municipal judge 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. The Treasurer shall disperse such monies as may be required by statute, with the balance to be retained by the City of Brodhead.

§33-6. Contempt of court.

A. In this section, "contempt of court" means any of the following intentional acts:

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(1) misconduct in the presence of the court that interferes with the court proceeding or with the administration of justice, or that impairs the respect to the court.

(2) refusal of a witness to appear without reasonable excuse.

B. After affording an opportunity to the person accused be heard in defense, the municipal judge may impose a sanction authorized by Wis. Stats. §800.12

§33-7. Stipulations and deposits in Municipal Court.

A. Deposit scheduled to be established. The municipal judge shall establish and submit to the Common Council of the City of Brodhead and the Town Board of the Town of Decatur, for approval in accordance with Wis. Stats. §800.037, a schedule of deposits for violations of city ordinances and town ordinances, except traffic regulations which are governed by Wis. Stats. §345.26. When approved by the Town Board and Common Council, such deposit schedule shall be available in the office of the Municipal Court clerk, the City of Brodhead Police Department, Brodhead City Hall and the office of the clerk of the Town of Decatur.

B. Stipulation and deposit in lieu of court appearances. Persons cited for violations of ordinances for which a deposit has been established under this subsection shall be permitted to make a stipulation of no contest and deposit in lieu of court appearances as provided in Wis. Stats. §§800.035 and 800.09.

C. Traffic deposits. The deposit schedule established by the Wisconsin Judicial Conference and Procedures set forth in Wis. Stats. Chs. 23 and 345 shall apply to stipulations for violations of traffic regulations in accordance with Wis. Stat. §345.26.

§33-8. Joint Municipal Court clerk.

A. Appointment. The municipal judge shall, in writing, appoint a clerk of the joint Municipal Court. The clerk's salary shall be fixed by the City of Brodhead Common Council. The clerk shall, before entering upon the duties of their office, take the oath provided by Wis. Stats. §19.01 and give such bond as the Common Council may require. The oath and bond of the clerk shall be filed with the City of Brodhead Treasurer. The cost of such bond shall be paid by the City.

B. Duties. The Municipal Court clerk shall perform all duties and attend all training as required by statute and such other duties as may be required by the municipal judge.

§33-9. Administering agreement.

The Common Council of the City of Brodhead and the Town Board of the Town of Decatur are authorized to enter into an agreement to address the ongoing operations of the joint Municipal Court.

§33-10. Effective date.

This ordinance shall be effective on September 1st, 2026 upon compliance with the requirements of Wis. Stats. §755.01 (4).

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Approved by the Town Board of the Town of Decatur 22 day of July, 2026.

Town of Decatur

By: Allen Schneider
Allen Schneider, Town Chairperson

ATTEST:

By: Emma Brugger
Emma Brugger, Clerk/Treasurer