

**TOWN OF BRIDGE CREEK**  
**EAU CLAIRE COUNTY, WISCONSIN**

**ORDINANCE 21.01**

**AN ORDINANCE TO PROVIDE A JOINT MUNICIPAL COURT FOR THE CITY OF AUGUSTA AND THE TOWN OF BRIDGE CREEK.**

**THE TOWN BOARD OF THE TOWN OF BRIDGE CREEK, EAU CLAIRE COUNTY, WISCONSIN, DOES HEREBY ORDAIN AS FOLLOWS:**

Section 1. Ordinance 21.01 of the Town of Bridge Creek, Eau Claire County, Wisconsin, is hereby created to read as follows:

**21.01 JOINT MUNICIPAL COURT MUNICIPAL JUSTICE**

**Section 21.01.01. Municipal Court Created**

Pursuant to the authority granted by Chapter 755 of the Wisconsin Statutes, there is hereby created and established a Joint Municipal Court to be designated "Municipal Court for the City of Augusta and Town of Bridge Creek," said court to become operative and function on January 1, 2022.

**Section 21.01.02. Office of Municipal Judge.**

- (a) **Qualifications.** The Joint Municipal Court shall be under the jurisdiction of and presided over by a Municipal Judge, who resides in one of the municipalities that is a party to the agreement forming this joint court.
- (b) **Oath and Bond.** The Municipal Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in Wis. Stat. § 757.02(1). The Municipal Judge shall not act until the oath has been filed as required by Wis. Stat. § 19.01(4)(c), and the requirement of Wis. Stat. § 755.03(2) have been complied with.
- (c) **Salary.** The salary of the Municipal Judge shall be fixed by the City of Augusta Common Council which shall be in lieu of fees and costs. 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 his official bond and oath as required by Wis. Stat. § 755.03, and filed pursuant to Wis. Stat. § 19.01(4)(c). The municipalities may by separate ordinance, allocate funds for the administration of the Joint Municipal Court pursuant to §66.0301 Wis. Stats.

**Section 21.01.03. Election: Term**

The Municipal Judge shall be elected at large in the spring election in odd-numbered years for a term of four years commencing on May 1, succeeding his or her election. The

first election for the Municipal Judge for the Joint Municipal Court shall be in April 2023. Until then the current municipal judge for the City of Augusta shall preside. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in §8.10, Wis. Stats., and selection at a primary election if such is held as provided in §8.11, Wis. Stats. The Eau Claire County Clerk shall serve as filing officer for the candidates.

**Section 21.01.04. Jurisdiction.**

- (a) The Joint Municipal Court shall have jurisdiction over incidents occurring on or after January 1, 2022 as provided in Article VII, § 14 of the Wisconsin Constitution, Wis. Stats. §§ 755.045 and 755.05, and as otherwise provided by State Law. In addition, it shall have exclusive jurisdiction over actions in the municipalities that are parties to the agreement seeking to impose forfeitures for violations of municipal ordinances, resolutions, and by-laws.
- (b) The Municipal Judge may issue civil warrants to enforce matters under the jurisdiction of the Joint Municipal Court under Wis. Stats. § 755.045(2) and § 66.0119.
- (c) The Joint Municipal Court has jurisdiction over juvenile offenders when a municipality that is party to the agreement enacts an ordinance under the authority of Wis. Stat. § 938.17(2)(cm).
- (d) The Joint Municipal Court shall have jurisdiction over juvenile offenders as provided in Chapter 938 of the Wisconsin Statutes. The Joint Municipal Court is granted authority to impose the following alternative juvenile dispositions and sanctions pursuant to Wis. Stat. §938.17(2)(cm):
  - 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, 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, the municipal court is authorized to impose any of the sanctions listed in §938.355(6)(d), in accordance with the provisions of those statutes.

**Section 21.01.05. Procedure.**

- (a) The Joint Municipal Court for the City of Augusta and Town of Bridge Creek shall be open and in session at such location and such times as determined by the City of Augusta Common Council and the Municipal Judge. Until otherwise determined by City of Augusta Common Council and the Municipal Judge, the

Joint Municipal Court is hereby directed to be open and in session at the City of Augusta Municipal Building on the third (3rd) Thursday of each month, but if the third (3rd) Thursday of a month falls on a legal holiday, then the court session for that month shall be held on the fourth (4th) Thursday of that month.

- (b) The Municipal Judge shall keep his or her office at the City of Augusta Municipal Building.
- (c) The procedure in the Joint Municipal Court shall be as provided by this ordinance and state law including, but not excluding because of enumeration, Chapters 66, 755 and 800 of the Wisconsin Statutes.

**Section 21.01.06. Collection of Forfeitures and Costs.**

The Municipal Judge may impose punishment and sentences as provided by Chapters 800 and 938 Wis. Stats., and as provided in the ordinances of the municipalities that are parties to the agreement. The Joint Municipal Court shall be responsible for collection of all forfeitures, fees, costs, and surcharges imposed. The treasurer of the City of Augusta shall be responsible for preparing and filing the required monthly financial reports with the department of administration, and for remitting the costs and fees payable to the state and county. Each municipality shall receive the forfeitures and costs from the cases arising within its boundaries, except the City of Augusta shall retain the costs attributable to court costs for each citation as a cost of administering the Joint Municipal Court. Such monies shall be paid to the treasurer of the municipality which the case arose, on a monthly basis. At the time of the payment, the Joint Municipal Court shall report to the treasurer of that municipality 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.

**Section 21.01.07. Contempt of Court.**

The Municipal Judge, after affording an opportunity to the person accused to be heard in defense, may impose a sanction authorized under §800.01 Wis. Stats, and may impose a forfeiture therefore not to exceed one hundred dollars (\$100.00) or upon nonpayment of the forfeiture and the assessments thereon, a jail sentence not to exceed seven (7) days.

**Section 21.01.08. Prosecutor.**

All City of Augusta court matters requiring a prosecutor shall be handled by the municipal attorney for the City of Augusta. The Town of Bridge Creek may use the City of Augusta's municipal attorney or an attorney of its own choosing; however, payment of fees for their service for Town of Bridge Creek cases shall be the responsibility of the Town of Bridge Creek.

**Section 21.01.09. Abolition.**

The Joint Municipal Court hereby established shall not be abolished while the Wis. Stat. § 755.01(4) agreement is in effect.

**Section 21.01.10. Amendment to State Statutes Adopted.**

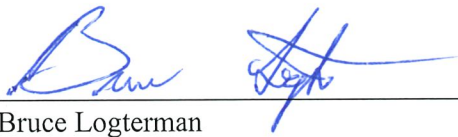
When any of the Wisconsin Statutes referred to in this ordinance are amended or renumbered from time to time, those amendments and new numbers are hereby automatically adopted in this ordinance.


Section 2. All ordinances or part of ordinances contravening or inconsistent with the provisions of this ordinance be and are hereby repealed.

Section 3. This ordinance shall take effect and be in full force and effect from and after its passage by the municipalities that are parties to the agreement and publication or posting as required by law.

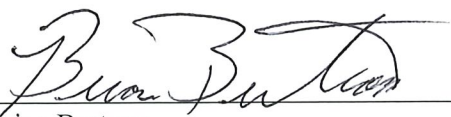
Adopted this 16<sup>th</sup> day of December, 2021.


Chairperson:   
Ricky Strauch

Supervisor:   
Bruce Logterman

Supervisor:   
Patrick Bethke

Supervisor:   
Gordie O'Brien

Supervisor:   
Brian Bertram

Clerk:   
Kathy Olson