

VILLAGE OF TWIN LAKES

ORDINANCE NO. 2021-03-01

An Ordinance Amending Chapters 2.52 and Repealing Chapter 2.54 Of The Twin Lakes Code Of Ordinances Pertaining to Municipal Court

The President and the Trustees of the VILLAGE OF TWIN LAKES, Kenosha County, Wisconsin, do herewith ordain as follows, to wit:

SECTION I

Chapter 2.52.010 of the Twin Lakes Code of Ordinances, pertaining to a joint municipal court, is hereby amended read as follows:

“2.52.010 Joint Municipal Court.

A. Establishment. Pursuant to the provisions of Section 755.01(4) of the Wisconsin Statutes (2019-20), there is hereby created and established a joint municipal court (the “Joint Court”), for the Village of Twin Lakes, Wisconsin (the “Village”) and the Town of Randall (the “Town”), located in Kenosha County, Wisconsin, as well as the position of Joint Municipal Court Judge (“Joint Court Judge”). All references in this Code to “municipal court” or “municipal judge,” whether such terms are capitalized, defined terms or instead generic references, shall be deemed to refer to the Joint Court and to the Joint Court Judge, respectively.

B. Saving Clause. The Joint Court shall be operated and conducted in compliance with all of the applicable Wisconsin Statutes, as such statutes may from time to time be amended. To the extent such Wisconsin Statutes are ever in conflict with the provisions of this Ordinance (or related Ordinances), the terms and provisions of the Wisconsin Statutes shall apply and control.

C. Identical Ordinances. Section 755.01(4), Wis. Stats., indicates that the Joint Court may be created by the Village and the Town (i) adopting “identical ordinances” for the creation of the Joint Court, and then (ii) entering into a written intergovernmental agreement, under Section 66.0301, Wis. Stats., containing terms and provisions for the said creation of the Joint Court. This Ordinance is being adopted by both the Village and the Town, for and as the adoption of the required identical ordinances.

D. Intergovernmental Agreement. Immediately subsequent to the adoption of the identical ordinances, as described in above Section, the Village and Town entered into an intergovernmental agreement (the “Agreement”) for the creation of the Joint Court. The Agreement, dated March 24, 2021, is entitled “Intergovernmental Agreement, Under Sections 66.0301 and 755.01 of the Wisconsin Statutes, Between the Village of Twin Lakes, Wisconsin, and the Town of Randall, in Kenosha County, Wisconsin, for the Creation of a Joint Municipal Court System”.

E. Incorporation of the Agreement into this Ordinance. The terms and provisions of the Agreement, described in above Subsection 2.52.010(D), besides being contractual obligations of the parties, are hereby incorporated into, and made a part of, this Ordinance, and may be enforced as such, as a part of this Ordinance, just as if the terms and provisions of the Agreement were expressly stated at length within the text of this Ordinance. The Agreement is attached to this Code of Municipal Ordinances as “Attachment JT-CT-AGR.” The terms and provisions of the Agreement, however, may be amended and modified, as stated in the Agreement, by both the Village and the Town adopting identical written resolutions that so amend/modify the

Agreement. The said identical resolution so adopted by the Village and the Town shall be attached to this Code of Ordinances, as a further attachment to this Ordinance, and automatically become a part of this Ordinance, enforceable both contractually as an amendment to the Agreement, and further enforceable as a part of this Ordinance.

F. Repeal of Existing Ordinances. Upon the adoption of this identical Ordinance by the Town and the Village, the following existing Ordinances are automatically repealed:

1. Town Ordinances: Section 1.12, entitled "Town Municipal Judge Ordinance," and all other references in the Town of Randall Municipal Code to "Municipal Judge," "Municipal Court," or any variants of the same, are repealed in their entirety.
2. Village Ordinances: Subsection 2.52.020, 2.52.080(D) and Chapter 2.54 are repealed in their entirety.

Notwithstanding the foregoing repeals by the Village, however, the Village may, for the operational efficiency of the Joint Court, adopt further Ordinances pertaining to the Joint Court, provided that such further Ordinances are approved by an adopted written resolution of the Town.

G. Amendment of this Ordinance. In keeping with the provisions of Section 755.01(4), Wis. Stats., which requires the Village and the Town to have "identical" ordinances with respect to the Joint Court, this Ordinance may only be modified and/or amended by both the Village and the Town adopting the identical modifying/amending ordinance revision. This limitation shall apply to the amendment/modification of this Ordinance. The Agreement described in Section 2.52.010(D) of this Ordinance, a copy of which is attached in the Code of Ordinances as Attachment JT-CT-AGR, may be modified and/or amended by the Village and the Town by each municipality adopting identical resolutions that modify/amend the Agreement, as described in Section 12.52.010(E).

SECTION II

Section 2.52.020, Subsection 2.52.080(D), and Chapter 2.54 of the Twin Lakes Code of Ordinances, the substance of which are addressed by the Agreement, are hereby repealed.

SECTION III

All Ordinances or parts of Ordinances contravening the terms and conditions of this Ordinance are hereby to that extent repealed.

SECTION IV

This Ordinance shall take effect immediately upon passage and publication as provided by law, and the Village Clerk/Treasurer shall so amend the Village of Twin Lakes Code of Ordinances, and shall indicate the date and number of this creating Ordinance therein.

Dated this 24th day of March, 2021.

ATTEST:

VILLAGE OF TWIN LAKES



Sabrina Waswo, Village Clerk



Howard K. Skinner, Village President

Members Voting:

<u> 5 </u> Aye	<u> 2 </u> Absent
<u> </u> Nay	<u> </u> Abstained