

CHAPTER 36

MUNICIPAL COURT

- 36.01 Purpose
- 36.02 Municipal Judge
- 36.03 Elections
- 36.04 Jurisdiction
- 36.05 Operations and Procedures
- 36.06 Collection of Forfeitures and Costs
- 36.07 Contempt of Court
- 36.08 Abolition

36.01 PURPOSE

Pursuant to the authority granted by Chapter 775 of the Wisconsin Statutes, there is hereby created and established a Municipal Court of the City of Reedsburg and the Town of LaValle. *(Rev. 03-22-10)*

36.02 MUNICIPAL JUDGE

- (1) **Qualifications:** The Municipal Court of the City of Reedsburg and the Town of LaValle shall be under the jurisdiction of and presided over by a Municipal Judge, who shall be an attorney licensed to practice law in Wisconsin and resides in the City of Reedsburg or in the Town of LaValle. *(Rev. 03-22-10)*
- (2) **Oath and Bond:** The Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in §757.02(1) of the Wisconsin Statutes, and at the same time execute and file an official bond. The Judge shall not act until the oath and bond have been filed, as required by §19.01(4)(c) of the Wisconsin Statutes and the requirements have been complied with of §755.03(2) of the Wisconsin Statutes.
- (3) **Compensation:** The salary for the Municipal Court Judge shall be fixed by the Common Council of the City of Reedsburg which shall be in lieu of fees and costs. No compensation shall be paid for any time during the term for which such Judge has not executed the official oath or official bond, as required by Wis. Stat. §19.01(4)(c) and the requirements have been complied with of Wis. Stat. §755.03(2). *(Rev. 03-22-10)*

36.03 ELECTIONS *(Rev. 12-13-10)*

- (1) **Term:** The initial Municipal Judge shall be the Municipal Judge currently serving in the Reedsburg Municipal Court. At the expiration of her current term, the Municipal Judge shall be elected at large in the spring election in even-numbered years for a term of four (4) years commencing on May 1, 2012. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in Wis. Stat. §8.10, and the selection at a primary election if such is held as provided in Wis. Stat. §8.11. The Municipal Court Clerk shall serve as filing officer for the candidates.
- (2) **Vacancy:** A permanent vacancy in the office of Municipal Judge may be filled by temporary appointment of the Common Council of the City of Reedsburg and the Town of LaValle Town Board as provided for in Wis. Stat. §8.50(4)(fm). The office shall be permanently filled by special election in the manner provided for in said statute.
- (3) **Substitute and Interim Municipal Judge:** In the event that a Municipal Judge is to be temporarily absent or is sick or disabled, the provision of Wis. Stat. §800.06 shall apply.
- (4) **Electors:** Electors in both municipalities, the City of Reedsburg and the Town of LaValle, shall vote for the Municipal Judge.

36.04 JURISDICTION *(Rev. 03-22-10)*

- (1) **Exclusivity:** The Municipal Court shall have jurisdiction over incidents occurring on or after January 1, 2004, as provided in Article VII, §14 of the Wisconsin Constitution, and Wis. Stat. §755.045 and §755.05, and as other provided by the laws of Wisconsin. It shall have exclusive jurisdiction over actions in the City of Reedsburg and the Town of LaValle seeking to impose forfeitures for violations of municipal ordinances, resolutions and by-laws.

36.04 Jurisdiction

- (2) Civil Warrants: The Municipal Judge may issue civil warrants to enforce matters under the jurisdiction of the Municipal Court under Wis. Stat. §755.045(2), §66.0119.
- (3) Juvenile Offenders: The Municipal Court has jurisdiction over juvenile offenders when a municipality enacts an ordinance under the authority of Wis. Stat. §938.17(2)(cm). Pursuant to Wis. Stat. §938.17(2)(cm), the Municipal Judge may impose the following dispositions upon a juvenile for a violation of City or Town Ordinances:
 - (A) Any disposition allowed under Wis. Stat. Chapter 48.
 - (B) Wis. Stat. §938.343(2)
 - (C) Wis. Stat. §938.343(3)
 - (D) Wis. Stat. §938.343(4)
 - (E) Wis. Stat. §938.343(10)
 - (F) Wis. Stat. §938.344
 - (G) Wis. Stat. §938.361

Any or all of the above listed dispositions may be used in any combination when imposed by a Municipal Judge.

36.05 OPERATIONS AND PROCEDURES *(Rev. 03-22-10)*

- (1) Hours: The Municipal Court for the City of Reedsburg and the Town of LaValle shall be open as determined by order of the Municipal Judge.
- (2) Employees: The Court shall be staffed by such clerical personnel as are authorized by the Common Council of the City of Reedsburg. Staff work priorities and standards will be developed cooperatively between the Municipal Judge and the City Clerk to ensure all legal and statutory deadlines and obligations will be achieved. The Municipal Judge shall have final authority and determination of work priorities and standards to be implemented by the City Clerk. The City Clerk shall be the appointing authority, in consultation with the Personnel Committee, and shall have jurisdiction over such position(s). Such employee(s) are subject to direction of the City Clerk. Court personnel shall be covered by a blanket bond paid for by the City.
- (3) Location: The Municipal Judge shall keep his/her office and hold court in an adequate facility provided by the Common Council of the City of Reedsburg. However, the Municipal Judge may issue process and perform ministerial functions at any place in Sauk County.

36.06 COLLECTION OF FORFEITURES AND COSTS *(Rev. 03-22-10)*

The Municipal judge may impose punishment and sentences as provided by Wis. Stat. Chaps. 800 and 938, and as provided in the ordinances of the City of Reedsburg and the Town of LaValle. All forfeitures, fees, assessments, surcharges and costs shall be paid to the treasurer of the City of Reedsburg within seven (7) days after receipt of the money by the Municipal Court. At the time of the payment, the Municipal Court 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 Town of LaValle shall be paid the amount collected on citations issued for violations in the Town of LaValle, less the court costs and \$5.00 processing fee.

36.07 Contempt of Court

36.07 CONTEMPT OF COURT *(Rev. 03-22-10)*

The Municipal Judge, after affording an opportunity to the person accused to be heard in defense, may impose a sanction authorized under Wis. Stat. §800.12, and may impose a forfeiture, therefore, not to exceed fifty dollars (\$50) or upon nonpayment of the forfeiture and the assessments thereon, a jail sentence not to exceed seven (7) days.

36.08 ABOLITION *(Created 03-22-10)*

The municipal court hereby established shall not be abolished while the §755.01(4) agreement is in effect.