

Chapter 16

COURT, MUNICIPAL

[HISTORY: Adopted by the Town Board of the Town of Summit 11-12-1987. Amendments noted where applicable.]

GENERAL REFERENCES

Penalties — See Ch. 1, Art. I.

§ 16-1. Creation.

There is hereby created and established a Municipal Court under the provisions of Ch. 755, Wis. Stats., to be designated as "Municipal Court for the City of Oconomowoc, and the Town of Oconomowoc, and the Town of Merton, and the Town of Summit, and the Village of Hartland, and the Village of Oconomowoc Lake, and the Village of Chenequa, and the Village of Lac La Belle, and the Village of Merton, and the Village of Nashotah," or so many of those municipalities which enact an ordinance identical to this chapter pursuant to § 755.01(4), Wis. Stats.

§ 16-2. Municipal Judge.

Such Court 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 who shall reside in one of the following municipalities: City of Oconomowoc, Town of Oconomowoc, Town of Merton, Town of Summit, Village of Hartland, Village of Oconomowoc Lake, Village of Chenequa, Village of Lac La Belle, Village of Merton or Village of Nashotah, or those municipalities which enact an ordinance identical to this chapter and enter into an agreement pursuant to § 66.0301, Wis. Stats., for the joint exercise of the power granted under § 755.01, Wis. Stats. Such Municipal Judge shall be elected at large in the spring election for a term of two years commencing on May 1. The first Municipal Judge of this Court shall be elected for a term commencing May 1, 1988. 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 Town Board of the Town of Summit shall provide for a primary election whenever three or more candidates file nomination papers for such position of Municipal Judge as provided in § 8.11(1)(a) Wis. Stats., and such primary election shall be held on the third Tuesday of February as provided in § 5.02(22), Wis. Stats.

§ 16-3. Elections.

The Municipal Clerk of each municipality shall see to the compliance with §§ 5.58(1c), 5.60(1)(b), 5.60(2), 7.10(1)(a), 7.60(4)(a) and 8.10(6)(a), Wis. Stats., to provide for the election of a Municipal Judge under § 755.01(4), Wis. Stats.

§ 16-4. Oath and bond.

The Judge shall, after his election or appointment to fill a vacancy, take and file the official oath as prescribed in § 757.02(1), Wis. Stats., and at the same time execute and file an official bond in the amount of \$5,000. The Judge shall not act until his oath and bond have been filed as required by § 19.01(4)(c), Wis. Stats., and the requirements of § 755.03(2), Wis. Stats. have been complied with.

§ 16-5. Salary.

The salary of the Municipal Judge shall be fixed by the governing bodies of the municipalities that created and established this Municipal Court, which shall be in lieu of fees and costs. No salary shall be paid for any time during his term during which such Judge has not executed his official bond or official oath, as required by § 755.03, Wis. Stats., and filed pursuant to § 19.01(4)(c), Wis. Stats. The municipalities may, by separate ordinances, resolutions, or through the budget process, allocate funds for the administration of the Municipal Court pursuant to § 66.0301, Wis. Stats.

§ 16-6. Jurisdiction.

The Municipal Judge of the Municipal Court shall have such jurisdiction as provided by §§ 755.045 and 755.05, Wis. Stats., and as otherwise provided by state law. The Municipal Judge is authorized to issue inspection warrants under § 66.0119, Wis. Stats.

§ 16-7. Location and hours.

The Municipal Court shall be held in the Council Chambers of the City of Oconomowoc City Hall at 174 E. Wisconsin Avenue, Oconomowoc, Wisconsin. The Municipal Court shall be open at such times as determined by the Municipal Judge.

§ 16-8. Fines and forfeitures.

The Municipal Judge may impose punishment and sentences as provided by § 800.09, Wis. Stats., and as provided in the ordinances of the following municipalities: City of Oconomowoc, Town of Oconomowoc, Town of Merton, Town of Summit, Village of Hartland, Village of Oconomowoc Lake, Village of Chenequa, Village of Lac La Belle, Village of Merton or Village of Nashotah. All forfeitures, fees, penalty assessments and costs shall be paid to the Treasurer of the municipality within which the case arose within seven days after receipt of the money by the Municipal Judge or other Court personnel. At the time of the payment, the Municipal Judge shall report to the Treasurer the title of the action, the offense for which a forfeiture was imposed and the total amount of the forfeiture, fees, penalty assessment and costs, if any.

§ 16-9. Stipulations and deposits in Municipal Court.

The Municipal Court herein established shall be operated pursuant to and in compliance with the provisions of Ch. 800, Wis. Stats., and, where applicable, other provisions of the Wisconsin Statutes. as referred to in § 16-10 below. The Municipal Judge shall establish in accordance with § 800.03(3), Wis. Stats., a schedule of deposits for violations of city,

village and town ordinances, resolutions and bylaws, except traffic regulations which are and shall be governed by Ch. 345.27, Wis. Stats., and boating violations which are, and shall be, governed by Ch. 23.67, Wis. Stats. Such deposit schedule shall be approved by the respective governing bodies of the municipalities creating and establishing this Court and shall be posted in the office of the Municipal Court Clerk and the Police Departments of the respective communities.

§ 16-10. Procedure in Municipal Court.

The procedure in Municipal Court shall be as provided by this chapter and state law including, but not excluding because of enumeration, Chs. 66, 345, 751, 755, 757 and 800, Wis. Stats.

§ 16-11. Contempt procedures.

- A. The Municipal Judge may impose a sanction authorized under § 800.12(2), Wis. Stats., for contempt of court, as defined in § 785.01(1), Wis. Stats., in accordance with the procedures under § 785.03, Wis. Stats.
- B. The Municipal Judge may impose a forfeiture for contempt under § 800.12(1), Wis. Stats., in an amount not to exceed \$50 or, upon nonpayment of the forfeiture plus costs, fees and surcharges imposed under Ch. 814, Wis. Stats., a jail sentence not to exceed seven days.¹

§ 16-12. Restriction on abolishing Court.

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

¹. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).