

CHAPTER 19

MUNICIPAL JUDGE AND COURT

19.01 MUNICIPAL JUDGE

- (1) **Office Created.** Pursuant to section 755.01, WI Stats., there is created the Office of Municipal Judge for the Town of Menasha.
- (2) **Election; Term.** The Municipal Judge shall be elected at large at the spring election in odd-numbered years for a term of two (2) years, or until a successor is elected and qualifies, commencing on May 1st next succeeding his/her election. Midterm vacancies in the office of Municipal Judge shall be filled by special election to be held not less than 55, nor more than 70 days, after the order of the Town Board therefore.
- (3) **Salary.** The Municipal Judge shall receive a salary which shall be determined by Town electors at the Annual Town Meeting, from time to time, which shall be in lieu of fees and costs. No salary shall be paid to a Judge for any time during his term for which he has not executed and filed his official bond and oath as required by paragraph (4) of this section. The salary may be increased by the governing body before the start of the second or a subsequent year of service of the term of the Judge, but shall not be increased during the term.
- (4) **Bond; Oath.** The Municipal Judge shall execute and file with the Clerk of the Courts for Winnebago County the oath prescribed by Section 757.02, WI Stats., and a bond in the penal sum set forth in the Appendix B Fee Schedule, reference this code section. *[Amended 11/28/05]*

The Municipal Judge shall not be qualified to act until a certified copy of the bond is filed with the Town Clerk and a certified copy of the oath is filed with the office of the State Administrator of Courts as required by Section 755.03, WI Stats.
- (5) **Jurisdiction.** The Municipal Judge shall have jurisdiction as provided by law and Section 755.045, WI Stats., and exclusive jurisdiction of violations of Town ordinances, resolutions and by-laws.

19.02 MUNICIPAL COURT

- (1) **Court Established.** The Municipal Court for the Town of Menasha is established pursuant to Section 755.01 and Chapter 755, WI Stats.
- (2) **Hours.** The Municipal Court for the Town shall be open as determined by order of the Municipal Judge.
- (3) **Location.** The Municipal Judge shall keep his office and hold court in the Town Hall.

- (4) **Procedure.** The procedure in Municipal Court for the Town shall be as provided by this chapter and state law including, without limitation because of enumeration, Chapters 300, 755, and Chapters 23.66 to 23.99, 288.14, 288.15, 288.18 and 345.20 to 345.53, WI Stats.
- (5) **Collection and Return of Forfeitures.** The Municipal Judge shall collect all forfeitures, penalty assessments, fees and taxable costs in any action or proceeding before him and shall pay over such monies to the Town Treasurer within seven (7) days of collection. At such time the Municipal Judge shall also report to the Town Treasurer the title, nature of offenses and total amount of judgments imposed in actions and proceedings in which such monies were collected.
- (6) **Contempt of Court.** The Municipal Judge after affording an opportunity to the person accused to be heard in defense, may punish for contempt of Municipal Court persons guilty of either of the following acts and no other:
 - (a) Disorderly, contemptuous and insolent behavior toward the Judge while engaged in any judicial proceeding or other conduct which tends to interrupt the proceeding or to impair the respect due the Judge's authority.
 - (b) Resistance of or disobedience to any lawful order or process made or issued by the Judge.

The Municipal Judge may upon finding any person guilty of contempt, order such persons to forfeit not more than an amount set forth in Appendix C Fines and Penalties, reference this code section, plus penalty assessment under Section 165.87, WI Stats. Upon nonpayment of the forfeiture and penalty the person found guilty of contempt may be sentenced to the County Jail not to exceed seven (7) days. *[Amended 11/28/05]*

- (7) The Town of Menasha Utility District has and does create ordinances punishable by forfeitures, penalty assessments, fees and taxable costs in actions or proceeding before the Municipal Court. When any proceeding is brought before the Municipal Court, the Municipal Judge shall collect the forfeiture, penalty assessment, fee, and/or taxable costs in and action or proceeding under the Utility District ordinances, and shall pay over such monies to the Town Treasurer within seven (7) days of collection.

The Town Treasurer shall retain taxable costs and fees associated with the enforcement of the said forfeiture or penalty assessment and shall thereafter pay over any monies for the forfeiture or penalty assessments to the Treasurer of the Utility District within seven (7) days of the date of receipt.

19.03 STIPULATIONS AND DEPOSITS IN MUNICIPAL COURT

- (1) **Deposit Schedule to be Established.** The Municipal Judge shall establish and submit to the Town Board for approval in accordance with Section 300.00(3), WI Stats., a schedule of deposit for violations of Town ordinances, resolutions and bylaws except traffic regulations which are governed by Section 345.27, WI Stats., and boating violations governed by Section 23.67, WI Stats. When approved by the Board, such deposit schedule shall be posted in the office of the Municipal Court Clerk and the Town Police Department.
- (2) **Stipulation and Deposit in Lieu of Court Appearance.** Persons cited for violations of Town ordinances, resolutions or by-laws for which a deposit has been established under this subsection shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in Chapters 300.03, 300.04, and 300.09, WI Stats.
- (3) **Traffic and Boating Deposits.** The deposit schedule established by the Wisconsin Board of County Judges and the procedures set forth in Chapter 23 and 345, WI Stats., shall apply to stipulations and deposits for violations of traffic regulations enacted in accordance with Section 345.27 and boating regulations enacted in accordance with Section 30.77, WI Stats.
- (4) **When Not Permitted.** Stipulations and deposits shall not be permitted after initial appearance or in cases of contempt under subsection (6).
- (5) For a juvenile adjudged to have violated an ordinance, the Court is authorized to impose any of the dispositions listed 938.343 and 938.344, WI Stats., in accordance with the provisions of those statutes.
[Adopted 1/27/97]
- (6) For a juvenile adjudged to have violated an ordinance who violated a condition of a dispositional order of the court under 938.343 or 938.344, WI Stats., the Municipal Court is authorized to impose any of the sanctions listed in 938.355(6)(d), WI Stats., in accordance with the provision of those statutes.
[Adopted 1/27/97]
- (7) This section is enacted under authority of 938.17(2)(m), WI Stats. *[Adopted 1/27/97]*