

CHAPTER 2
City Administration

2.14 Municipal Court and Municipal Judge

(Cr. #55-86)

(1) MUNICIPAL COURT CREATED. There is hereby created and established a Municipal Court under the provisions of Ch. 755, Wis Stats., to be designated as "The Municipal Court for the City of Waukesha."


(2) MUNICIPAL JUDGE. (Am. #15-90) The Municipal Court shall be under the jurisdiction of and presided over by a Municipal Judge who shall be a resident of the City and shall be an attorney licensed to practice law in the State. The Municipal Judge shall be elected at large in the spring election on odd-number of years for a term of 2 years, commencing on May 1 of the year of his election. The first Municipal Judge of the City shall be elected for a term commencing on May 1, 1987. The term commencing on May 1, 1991, shall be for 3 years. Thereafter, commencing on May 1, 1994, the Municipal Judge shall be elected for a term of 4 years. 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 Common Council shall provide for primary election in the event that more than 2 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(2). Wis. Stats.

(3) 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 an 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.

(4) SALARY. The salary of the Municipal Judge shall be fixed by the Common Council, 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.

(5) JURISDICTION. The Municipal Judge 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 warrants under §§66.122 and 66.123, Wis. Stats.

(6) SESSIONS OF COURT. The Municipal Court shall be open at such times as determined by the Municipal Judge and approved by the Common Council.

 (7) FORFEITURES. The Municipal Judge may impose punishment and sentences as provided by §800.09, Wis. Stats., and as provided in the ordinances of the City. All forfeitures, fees, penalty assessments and costs shall be paid to the City Treasurer within

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7 days after receipt of the money by the Municipal Judge or other Court personnel. At the time of payment, the Municipal Judge shall report to the City Treasurer and the title of the action, the offense for which a forfeiture was imposed and a total amount of the forfeiture, fees, penalty assessments and costs, if any.

(8) STIPULATIONS AND DEPOSITS IN MUNICIPAL COURT.

(a) The Municipal Court for the City shall be operated pursuant to and in compliance with the provisions of Ch. 800 and, where applicable, other provisions of the Wisconsin Statutes as referred to in sub. (9).



(b) The Municipal Judge shall establish and submit to the Common Council for approval in accordance with §800.03(3), Wis. Stats., a schedule of deposits for violations of City ordinances, resolutions and bylaws, except traffic regulations which are and shall be governed by §345.27, Wis. Stats., and boating violations which are and shall be governed by §23.67, Wis. Stats. When approved by the Common Council, such deposit schedule shall be posted in the office of the Municipal Court Clerk and the City Police Department.

(9) PROCEDURE IN MUNICIPAL COURT. The procedure in Municipal Court shall be as provided by this section and State law including, but not excluding because of enumeration, Chs. 66, 345, 751, 755, 757 and 800, Wis. Stats.

(10) CONTEMPT PROCEDURE.

(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 and the penalty assessment under §165.87, Wis. Stats., a jail sentence not to exceed 7 days.

(11) DISPOSITION OF JUVENILES. (Cr. #42-97) Pursuant to sec. 938.17(2)(cm), Wis. Stats., the dispositions set forth in sec. 938.343(1), (2), (3) and (4), and sec. 938.344, Wis. Stats., respectively, are hereby adopted and made a part of this code.

(12) CONTEMPT PROCEDURE. (Cr. #64-02)

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(a) Authority. The Municipal Judge may impose a sanction for contempt of court pursuant to the authority and procedure provided for in section 800.12, Wis. Stats.

(b) Definition. Contempt of court means:

1. Misconduct in the presence of the court which interferes with the court proceeding or with the administration of justice or which impairs the respect due the court.
2. Disobedience, resistance or obstruction of the authority process or order of the court.
3. Refusal of a witness to appear, to be sworn or answer a question.
4. Refusal to produce a record, document or other object.

(c) Penalty. The Municipal Judge may impose a forfeiture for contempt of court in an amount not to exceed \$50, or upon nonpayment of the forfeiture penalty assessment under Wisconsin Statutes sec. 757.05, jail assessment under sec. 302.46, crime laboratories and drug law enforcement assessments under 165.755, any applicable consumer information assessment under sec. 100.261 and any applicable domestic abuse assessment under sec. 973.055(1), a jail sentence not to exceed seven (7) days.