

# Chapter 30<sup>1</sup>

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## MUNICIPAL COURT

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<sup>1</sup> Created by Ordinance No. 10-2004/05, Enacted February 15, 2005.

### 30.01 Municipal Court Created

Pursuant to the authority granted by Chapter 755 of the Wisconsin Statutes, there is hereby created and established a Municipal Court to be designated "Municipal Court for the City of Sheboygan Falls," said court to become operative and function on June 1, 2005, or as soon thereafter as is reasonably practicable.

### 30.02 Municipal Judge

(1) Qualifications -

There is hereby created the office of Municipal Judge of the Municipal Court of the City of Sheboygan Falls. The Municipal Judge shall be a resident of the City of Sheboygan Falls.

(2) Oath and Bond -

The judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in Wisconsin Statute § 757.02(2), and at the same time execute and file an official bond in the sum of not less than \$1,000.00. The judge shall not act until the oath and bond have been filed as required by Wisconsin Statute § 19.01(4)(c), and the requirements of Wisconsin Statute § 755.03(2) have been complied with.

(3) Salary -

The salary of the Municipal Judge shall be fixed by the Common Council of the City of Sheboygan Falls, which shall be in lieu of fees and costs. No salary shall be paid for any time during the term during which such judge has not executed the official bond or official oath, as required by Wisconsin Statute § 755.03, and filed pursuant to Wisconsin Statute § 19.01(4)(c).

(4) Elections and Term <sup>2</sup> -

The Municipal Judge shall be elected at large in the spring election in even numbered years for a term of two (2) years commencing on May 1 following the election. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in Wisconsin Statute § 8.10, and selection at a primary election if such is held as provided in Wisconsin Statute § 8.11. The Director of City Services/Clerk/Treasurer of the City shall serve as filing officer for the candidates. Any vacancy occurring in the office of Municipal Judge shall be filled pursuant to state law.

### 30.03 Jurisdiction

(1) Exclusive Jurisdiction -

The Municipal Court shall have jurisdiction over incidents occurring on or after June 1, 2005, as provided in Article VII, Section 14, of the Wisconsin Constitution, Wisconsin Statute §§ 755.045 and 755.05, and as otherwise provided by state law. In addition, it shall have

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<sup>2</sup> Repealed and recreated by Ordinance No. 3-2013/2014. Enacted September 17, 2013.

exclusive jurisdiction over actions in which the City seeks to impose forfeitures for violations of municipal ordinances, resolutions and by-laws.

(2) Warrants -

The Municipal Judge may issue civil warrants to enforce matters under the jurisdiction of the Municipal Court pursuant to Wisconsin Statute § 755.045(2) and may issue inspection warrants pursuant to Wisconsin Statute § 66.0119.

(3) Juvenile Jurisdiction -

The Municipal Court shall have jurisdiction over juvenile offenders age twelve (12) and older as more specifically set forth in other provisions of the City Municipal Code and as authorized by Wisconsin Statute § 938.17(2)(cm).

### 30.04 Municipal Court

(1) Hours of Operation -

The Municipal Court shall be open at such location and at such times as determined by the Common Council and the Municipal Judge.

(2) Municipal Court Employees -

The judge shall, in writing, appoint such clerks and deputy clerks as are authorized by the Common Council. Their salaries shall be fixed by the Common Council.

### 30.05 Collection of Forfeitures and Costs

The Municipal Judge may impose punishment and sentences as provided by Chs. 800 and 938 of the Wisconsin Statutes, and as provided by the ordinances of the City of Sheboygan Falls. All forfeitures, fees, assessments, surcharges and costs shall be paid to the Director of City Services/Clerk/Treasurer of the City 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 Director of the City Services/Clerk/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.

### 30.06 Contempt of Court

The Municipal Judge, after affording an opportunity to the person accused to be heard in defense, may impose a sanction authorized under Wisconsin Statute § 800.12 for contempt of court and may impose a forfeiture therefor not to exceed \$50.00, or, upon non-payment of the forfeiture, penalty assessment thereon, jail assessment and crime laboratories and drug law enforcement assessment, any applicable consumer protection assessment and any applicable domestic abuse assessment, a jail sentence not to exceed seven (7) days.

**30.07 Abolition**

The Common Council may, by ordinance or by-law, abolish the Municipal Court at the end of any term for which the Municipal Judge has been elected.