

## CHAPTER 6

### Municipal Judge; Municipal Judge Clerk of Municipal Court (Rev. 04/13', Ord. 2013-04)

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#### **SEC. 2-6-1 Court Established.**

Pursuant to the authority granted by Chapter 755, Wis. Stats., there is hereby established a Municipal Court for the Village of Marshall.

#### **SEC. 2-6-2 Municipal Judge.**

- (a) **Office of Municipal Judge Created.** Pursuant to the authority granted by Chapter 755, Wis. Stats., there is hereby created the office of Municipal Judge for the Village of Marshall.
- (b) **Election; Term.** The Municipal Judge shall be elected at large at the spring election on the odd-numbered years for a term of four (4) years commencing on May 1 succeeding the election. The Municipal Judge shall be subject to the Wisconsin Code of Judicial Ethics and shall file an annual financial statement.
- (c) **Salary.** The salary of the Municipal Judge shall be established by the Village Board. The Salary may be increased prior to the beginning of the term for the Judge, or before the start of any subsequent year of the term of the Judge, but the salary shall not be decreased during the term of the Judge. The salary may be paid annually or in equal installments as determined by the Village Board, but no Judge may be paid a salary for that portion of any term during which portion the Judge has not executed the official oath or bond as required by Sec. 755.03, Wis. Stats., and filed them as required by Sec. 19.01(4) (c) Wis. Stats.
- (d) **Bond; Oath.** The Municipal Judge shall execute and file with the Clerk of the Circuit Court for Dane County the oath prescribed by Sec. 755.03, Wis. Stats., and an official bond in such an amount as shall be fixed by the Village Board.
- (e) **Education.** The Municipal Judge shall satisfy all continuing education requirements for municipal judges.

**SEC. 2-6-2            Municipal Court.**

- (a) The procedure in Municipal Court shall be as provided in this Section and state law, including Chapters 66, 755 and 800 of the Wisconsin Statutes.
- (b) The Municipal Court shall be open as determined by the Municipal Judge subject to the approval of the Village Board.
- (c) The Municipal Judge shall keep an office and hold court in the Municipal Building.
- (d) If the Municipal Judge is temporarily absent, sick or disabled, the provisions of Sec. 800.06(1), Wis. Stats., shall apply, and if the Municipal Judge becomes, incompetent, unable or fails to act the provisions of Sec. 800.06(2), Wis. Stats., shall apply.
- (e) Upon the proper and timely written request for substitution of the Municipal Judge, the provisions of Sec. 800.05, Wis. Stats., shall apply.
- (f) **Statutes Adopted by Reference.** Chapters 755 and 800, Wis. Stats., are hereby adopted by reference.

**2-6-4            Collection of Forfeitures and Costs**

Forfeitures, fees, surcharges and costs paid to the Municipal Court shall be reported to, and deposited with the Village Clerk-Treasurer within 30 days of receipt.

**2-6-5            Contempt of Court**

- (a) The municipal judge may punish for contempt of Municipal Court persons guilty of either of the following acts:
  - 1. Intentional misconduct in the presence of the court which interferes with a court proceeding or with the administration of justice, or which impairs the due respect for the Court.
  - 2. Refusal of a witness to appear without reasonable excuse.
- (b) Any person found in contempt of the Municipal Court shall be subject to a forfeiture not to exceed \$200.
- (c) In addition to any forfeiture imposed by the court, the court may order imprisonment, issue warrants and impose costs to the extent permitted by Secs. 800.12(3) and (4), Wis. Stats.

*State Law Reference:* Chapters 755 and 800, Wis. Stats.

**2-6-6            Stipulations and Deposits**

The procedures of the Municipal Court shall be in accord with the applicable Wisconsin Statutes and Village Ordinances. Deposits permitted by state law shall be in accordance with the deposit schedule adopted by the Wisconsin Judicial Conference. For violations not included in the state deposit schedule, the Municipal Judge shall draft a bond schedule, which shall become effective upon approval by the

Village Board. No bond shall exceed the maximum penalty which could be imposed for the ordinance violation.

**2-6-7 Court Costs**

Court costs for matters adjudicated by the Municipal Court, the municipal judge shall collect a fee of not less than \$15 nor more than the maximum rate allowed by Wisconsin Statutes.

*State Law Reference: Sec. 814.65, Wis. Stats.*

**2-6-8 Clerk of the Municipal Court**

(a) **Appointment.** The Municipal Judge shall, in writing, appoint a Clerk of the Municipal Court. The Clerk's salary shall be fixed by the Village Board. The Clerk of the Municipal Court shall hold office for an indefinite term of office. The Clerk shall, before entering upon the duties of his office, take the oath provided by Sec. 19.01, Wis. Stats., and give such bond as the Board may require. The oath and bond of the Clerk of Municipal Court shall be filed with the Village Clerk-Treasurer. The cost of such bond shall be paid by the Village.

**Duties.** The duties of the Municipal Court Clerk shall be assigned by the Municipal Judge.

(b) **Deputy Clerk.** Subject to an annual appropriation for the position by the Village Board, the Municipal Judge may appoint a deputy clerk with such duties as the Judge shall determine.