

Chapter 33

COURT, MUNICIPAL

[HISTORY: Adopted by the Common Council of the City of Jefferson 8-6-2002 by Ord. No. 7-02 as § 1.09 of the 2002 Code. Amendments noted where applicable.]

§ 33-1. Creation. [Amended 10-18-2005 by Ord. No. 18-05; 5-2-2006 by Ord. No. 7-06]

There is hereby created and established a Municipal Court under the provisions of Ch. 755, Wis. Stats., to be designated as "Municipal Court for Central Jefferson County," which shall consist of the City of Jefferson, the Village of Johnson Creek, the Town of Aztalan **and the Town of Sumner**.

§ 33-2. Municipal Judge. [Amended 10-18-2005 by Ord. No. 17-05; 10-18-2005 by Ord. No. 18-05; 5-2-2006 by Ord. No. 7-06]

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 resides in the City of Jefferson, the Town of Aztalan or the Village of Johnson Creek. The Municipal Judge shall be elected in odd-numbered years for a term of four years commencing May 1, 2007. 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 of the City of Jefferson, the Village Board of the Village of Johnson Creek, the Town Board of the Town of Aztalan, **and the Town Board of the Town of Sumner** shall provide for a primary election in the event that more than two 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.

- A. Election. The municipal clerk of each municipality shall see to compliance with §§ 5.58(1c), 5.60(1)(b) and (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.
- B. Oath and bond. The Judge shall, after 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 as required by statute. The Judge shall not act until the 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.
- C. Salary. The salary of the Municipal Judge shall be fixed by the Common Council of the City of Jefferson, the Village Board of Johnson Creek, the Town Board of the Town of Aztalan **and the Town of Sumner** at \$7,254 per year 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 § 755.03, Wis. Stats., and filed pursuant to § 19.01(4)(c), Wis. Stats. The municipalities may, by separate ordinance, allocate funds for the administration of

the Municipal Court pursuant to § 66.30, Wis. Stats. For the term ending April 30, 2000, the Village of Johnson Creek shall tender the sum of \$4,500 per year, commencing May 1, 1998, and annually thereafter, to the City of Jefferson. The Town of Aztalan **and the Town of Sumner** shall tender \$25 per case administered to the City of Jefferson. The City of Jefferson shall pay the Municipal Judge's salary as set forth above. The City of Jefferson shall pay the Municipal Clerk's salary as budgeted from time to time. [Amended 5-15-2007 by Ord. No. 8-07]

§ 33-3. 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.

§ 33-4. Hours.

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

§ 33-5. Forfeitures. [Amended 10-18-2005 by Ord. No. 18-05; 5-2-2006 by Ord. No. 7-06]

The Municipal Judge may impose punishment and sentences as provided by Ch. 800, Wis. Stats., and as provided in the ordinances of the City of Jefferson, the Town of Aztalan, the Village of Johnson Creek **and the Town of Sumner**. 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 the forfeiture was imposed, and the total amount of the forfeiture, fees, penalty assessment and costs, if any. The City of Jefferson shall retain all forfeitures after township trials.

§ 33-6. 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 costs, fees and surcharges imposed under Ch. 814, Wis. Stats., a jail sentence not to exceed seven days. [Amended 10-18-2005 by Ord. No. 17-05]

§ 33-7. Abolition.

The Municipal Court hereby established shall not be abolished while the agreement under § 755.01(4), Wis. Stats., is in effect.¹

¹. Editor's Note: Original § 1.09(11), Temporary appointment - judge, which immediately followed this section, was deleted 10-18-2005 by Ord. No. 17-05.