

Chapter 2.82

Municipal Court

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2.82.010 Court Established.

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 Altoona" said Court to become operative and functional on July 1, 2010.

2.82.020 Jurisdiction.

A. The municipal court shall have jurisdiction over incidents occurring on or after June 14, 2010, as provided in Article VII, §14 of the Wisconsin Constitution, §755.045 and §755.05, Wis. Stats., and as otherwise provided by State law. In addition, it shall have exclusive jurisdiction over actions in which the municipality seeks to impose forfeitures for violations of municipal ordinances, resolutions and by-laws.

B. The municipal judge may issue inspection and civil warrants to enforce matters under the jurisdiction of the municipal court under §755.045(2) and §66.0119, Wis. Stats.

C. The municipal court has jurisdiction over juvenile offenders when it enacts an ordinance under the authority of §938.17(2)(cm), Wis. Stats.

2.83.030 Municipal Judge

A. *Qualifications.* There is hereby created the office of municipal judge of the Municipal Court of the City of Altoona. The municipal judge shall be a resident of the municipality, and who shall reside in the City of Altoona, at the time of his or her election or appointment and throughout his or her term of office.

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 file such oath with the Eau Claire county clerk of circuit court. At the same time, the judge shall execute and file an indemnity bond with the city clerk of Altoona in an amount of \$10,000. 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, Wis. Stats., having been complied with.

C. *Salary.* The municipal judge shall receive a salary as determined by the City Council which shall be in lieu of fees and costs. No salary shall be paid to the judge for any time during his or her term for which he or she has not executed and filed the official bond and oath. The salary may be increased by the City Council before the start of the second or subsequent year of service of the terms of the judge, but shall not be decreased during a term.

D. *Term and Election.* The municipal judge shall be elected at large for a term of (2) two years at the spring election and shall take office on May 1 following the election. 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.

E. *Vacancy*. Any vacancy occurring in the office municipal judge shall be filled pursuant to State law.

2.82.040 Municipal Court.

A. *Hours*. The Municipal Court for the City of Altoona shall be open as determined by order of the municipal judge.

B. *Employees*. The judge shall in writing appoint such clerks and deputy clerks as are authorized by the City Council. Their salaries shall be fixed by the City Council.

C. *Location*. The municipal judge shall keep his or her office and hold court in an adequate facility provided by the municipal governing body. However, the municipal judge may issue process and perform ministerial functions at any place in the county.

2.82.050 Collection of Forfeitures and Costs.

The municipal court shall collect all forfeitures, penalty assessments, fees and taxable costs in any action or proceeding and shall pay over such monies to the City of Altoona treasurer within seven (7) days of collection. At such time, the municipal court shall report to the treasurer the title, nature of offenses and total amount of judgments imposed in actions and proceedings in which such monies were collected.

2.82.060 Contempt of Court.

The municipal judge, after affording an opportunity to the person accused to be heard in defense, may punish for contempt as provided in §800.12, Wis. Stats., and may impose a forfeiture therefore not to exceed Fifty Dollars (\$50.00) or upon nonpayment of the forfeiture, penalty assessment under §165.87, Wis. Stats., and jail assessment under §302.46, Wis. Stats., a jail sentence not to exceed seven (7) days.

2.82.070 Stipulations and Deposits.

A. *Deposits for Ordinance violations*. The municipal judge shall establish and submit to the City Council for approval in accordance with §800.03(3), Wis. Stats., a schedule of deposits for violations of City ordinances, resolutions and bylaws.

B. *Deposits for Traffic and Boating violations*. The deposit schedule established by the Wisconsin Judicial Conference and the procedures set forth in Chapters 23 and 345, Wis. Stats., shall apply to stipulations and deposits for violations of traffic regulations enacted in accordance with §345.27 Wis. Stats. and boating regulations enacted in accordance with §30.77, Wis. Stats.

C. *Stipulations and Deposits in Lieu of Court Appearance*. Persons cited for violations of City ordinances, resolutions or bylaws or violations of traffic or boating regulations for which a deposit has been established, shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in §800.03, §800.04 and §800.09, Wis. Stats.