

ORDINANCE # 18 - 03

AN ORDINANCE TO CREATE CHAPTER TWENTY-SEVEN OF THE MUNICIPAL CODE OF THE CITY OF WAUPUN ENTITLED "MUNICIPAL COURT."

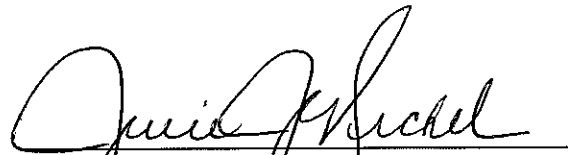
THE COMMON COUNCIL OF THE CITY OF WAUPUN ORDAINS:

SECTION 1: Chapter 27 of the Municipal Code of the City of Waupun entitled "MUNICIPAL COURT" is created as provided on the attachment to this ordinance.

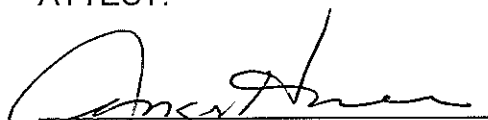
SECTION 2: All ordinances or portions of ordinances inconsistent with the provisions of this ordinance are repealed.

SECTION 3: This Ordinance shall be in full force and effect on its passage and publication as provided by law.

Enacted this 24 day of July, 2018.


Julie J. Nickel, Mayor

ATTEST:


Angela J. Hull, City Clerk

ORDINANCE ATTACHMENT

MUNICIPAL COURT

27.01. MUNICIPAL COURT CREATED. There is created and established a Municipal Court under the provisions of Wis. Stats., §§ 755.01(4) and 66.0301, to be designated as the "Municipal Court for the City of Waupun." Nothing in this ordinance shall be construed to prohibit the City of Waupun from entering into an agreement under Wis. Stats. § 66.30 for the creation of a joint municipal court with other municipalities for the joint exercise of power, provided that in such event each participating municipality shall enact identical ordinances for the operation of the court.

27.02. SESSIONS OF COURT. The Municipal Court shall be open at such times as determined by the Municipal Judge and approved by the Common Council, or at such times as determined by joint agreement if the City of Waupun is operating a joint municipal court with other municipalities.

27.03. STIPULATIONS AND DEPOSITS.

(1) The Municipal Court shall be operated pursuant to and in compliance with the provisions of Chapter 800, Wis. Stats., and other applicable provisions of the Wisconsin Statutes identified in Section 27.04 below.

(2) The Municipal Judge shall establish a schedule of deposits for violations of ordinances, resolutions and bylaws in accordance with Wis. Stats. § 800.03(3), except traffic regulations which are and shall be governed by Wis. Stats. § 345.24, et seq., and boating violations which are and shall be governed by Wis. Stats. § 23.67. The schedule of deposits for such violations shall be approved by the Waupun Common Council, or by joint agreement if the City of Waupun operates a joint municipal court with other municipalities. The deposit schedule shall be posted in the office of the Municipal Court Clerk and Police Department.

27.04. GENERAL PROCEDURE. The procedure in the Municipal Court shall be as provided by this ordinance and state law including, but not excluding because of enumeration, Wis. Stats. Chapters 66, 345, 751, 755, 757, 800 and applicable portions of Wis. Stats. Chapter 938.

27.05. CONTEMPT PROCEDURE.

(1) The Municipal Judge may impose sanctions authorized under Wis. Stats. § 800.12(2) for contempt of court as defined in Wis. Stats. § 785.01(1), all in accordance with procedures established under Wis. Stats. § 785.03.

(2) The Municipal Judge may impose a forfeiture for contempt in an amount not to exceed \$50.00 or, upon nonpayment of the forfeiture, penalty assessment under Wis. Stats. § 757.05, jail assessment under Wis. Stats. § 302.46, crime

laboratories and drug law enforcement assessment under Wis. Stats. § 165.755, any applicable consumer information assessment under Wis. Stats. § 100.261 and any applicable domestic abuse assessment under Wis. Stats. § 973.055(1), a jail sentence not to exceed seven days.

27.06. RESIDENCY AND ELECTION OF MUNICIPAL JUDGE. The Municipal Court shall be under the jurisdiction of and presided over by a Municipal Judge who shall be a resident of the City of Waupun, except if the City of Waupun operates a joint municipal court with other municipalities, in which case the Municipal Judge may be a resident of any municipality that is a participant in the joint agreement. The Municipal Judge shall be elected at large in the spring election on odd-numbered years for a term of four years commencing on May 1st of the year of his or her election. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in Wis. Stats. § 8.10, and selection at a primary election if such is held as provided in Wis. Stats. § 8.11. The Common Council shall provide for primary election if more than two candidates file nomination papers for such position of Municipal Judge as provided in Wis. Stats. § 8.11(1)(a), and such primary election shall be held on the third Tuesday of February as provided in Wis. Stats. § 5.02(22).

27.07. OATH AND BOND OF MUNICIPAL JUDGE. The Municipal Judge shall, after his or her election or appointment to fill a vacancy, take and file the official oath as prescribed in Wis. Stats. § 757.02(1), and at the same time execute and file an official bond in the amount of \$5,000.00. The Municipal Judge shall not act until his or her oath and bond have been filed as required by Wis. Stats. § 19.01(4)(c), and until the Municipal Judge has complied with the requirements of Wis. Stats. § 755.03(2).

27.08. MUNICIPAL JUDGE SALARY. The salary of the Municipal Judge shall be fixed by the Common Council which shall be in lieu of fees and costs, except if the City of Waupun operates a joint municipal court with other municipalities, in which case the salary of the Municipal Judge shall be fixed by the joint agreement. No salary shall be paid for any time in which the Municipal Judge has not executed an official bond or official oath as required by Wis. Stats. § 755.03, filed pursuant to Wis. Stats. § 19.01(4)(c).

27.09. MUNICIPAL COURT JURISDICTION. The Municipal Judge shall have such jurisdiction over the Municipal Court as provided by Wis. Stats. §§ 755.045 and 755.05, and as otherwise provided by law. The Municipal Judge is authorized to issue warrants under Wis. Stats. § 66.0119.

27.10. FORFEITURES. The Municipal Judge may impose punishment and sentences as provided by Wis. Stats. § 800.09, and as provided in Code of Ordinances for the City of Waupun. All forfeitures, fees, penalty assessments and costs shall be paid to the City Treasurer within seven days after receipt by the Municipal Judge or other court personnel. At the time of the payment, the Municipal Judge shall report to the City Treasurer the title of the action, the offense for which a forfeiture was imposed and the total amount of the forfeiture, fees, penalty assessments and costs, if any.