

### **23.01 MUNICIPAL COURT.**

Pursuant to Sec. 755.01, Wis. Stats., and Chapter 755, Wis. Stats., there is hereby established a Municipal Court for the City of Pewaukee.

### **23.02 OFFICE OF MUNICIPAL JUDGE CREATED.**

Pursuant to Sec. 755.01, Wis. Stats., and Chapter 755, Wis. Stats., there is hereby created the office of Municipal Judge for the City of Pewaukee.

### **23.03 ELECTION TERM.**

The Municipal Judge shall be elected at large in the spring election, for a term of four (4) years, commencing May 1, following the election. Inauguration of this term begins with the 2001 election.

### **23.04 QUALIFICATIONS.**

The Municipal Judge shall be an attorney licensed to practice in the State of Wisconsin and reside in the City of Pewaukee.

### **23.05 SALARY.**

Pursuant to the provisions of Wis. Stats., Section 755.04, the Municipal Judge shall receive a salary as determined by the City Common Council, which shall be in lieu of fees and costs. The salary may be increased by the City Common Council before the start of the second or subsequent year of service, but shall not be decreased during a term. No salary shall be paid to the Judge for any time during a term for which the official bond and oath required by § 23.06 has not been executed and filed. (Rep. & Recr. 09-21)

### **23.06 BOND AND OATH.**

Pursuant to the provisions of Wis. Stats., Section 755.03, the Municipal Judge shall execute and file with the Clerk of the Circuit Court for Waukesha County the oath prescribed by Sec. 757.03(2), Wis. Stats., and a bond in the penal sum of five hundred dollars (\$500.00). The Municipal Judge shall not be qualified to act until a certified copy of the bond is filed with the City Clerk and a certified copy of the oath is filed with the office of the Clerk of Circuit Court as required by Chapters 19.01 (4) (c) and 755.03, Wis. Stats.

### **23.07 JURISDICTION.**

The Municipal Judge shall have such jurisdiction as provided by law and Sections 755.045 and 755.05, Wis. Stats., and exclusive jurisdiction of violations of City of Pewaukee ordinances, resolutions, and by-laws. Pursuant to Wis. Stats., Section 755.10, the Municipal Judge shall, in writing, appoint such clerks and deputy clerks as are authorized by the City Common Council. Their salaries shall be fixed by the City Common Council, pursuant to Chapter 755.10, Wis. Stats., and they shall take the oath required by Wis. Stats., Sec. 19.01. The oaths shall be filed with the City Clerk. The Municipal Judge is authorized to issue warrants under Section 66.0119, Wis. Stats.

### **23.08 PROCEDURE.**

#### **1. OPEN COURT.**

The Municipal Court for the City of Pewaukee shall be open.

#### **2. MUNICIPAL JUDGE.**

The Municipal Judge shall keep an office and hold court in the City Hall, W240 N3065 Pewaukee Road, Pewaukee, Wisconsin, 53072 on City of Pewaukee matters.

#### **3. COURT PROCEDURE.**

The procedure in Municipal Court for the City of Pewaukee shall be as provided by this section and the laws of the State of Wisconsin, and specifically Chapter 800 of the Wisconsin Statutes and also, where applicable, Chapters 66, 345, 751, 755, 757, Wis. Stats., and the applicable provisions of the aforementioned statutes are hereby adopted and incorporated herein by reference.

#### **4. COLLECTION OF FINES, ETC.**

The Municipal Judge shall collect all fines, penalty assessments, fees, forfeitures, and taxable costs in any action or proceeding before him/her and shall pay over such monies on all on all City matters to the City Clerk within seven (7) days of collection; and the Municipal Judge shall also at such time report to the City Clerk the titles, nature of offenses, and total amounts of judgments imposed in actions and proceedings in which monies were collected on their City matters.

### **23.09 STIPULATION AND DEPOSITS IN MUNICIPAL COURT.**

**1. COMPLIANCE WITH CHAPTER 800.**

The Municipal Court for the City of Pewaukee shall be operated pursuant to and in compliance with the provisions of Chapter 800 and, where applicable, other provisions of the Wisconsin Statutes as referred to in Subsection 23.08 of this ordinance.

**2. SCHEDULE OF DEPOSITS.**

The Municipal Judge shall establish and submit to the Common Council for approval, a schedule of deposits for violations of City ordinances, resolutions, and bylaws except in those matters in which the schedule of deposits is set by the Wisconsin Judicial Conference. When approved by the Common Council, such deposit schedules shall be posted in the offices of the Municipal Court Clerk and law enforcement services. (Rep. & Recr. 09-21)

**3. STIPULATIONS AND DEPOSITS.**

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 set by the Wisconsin Judicial Conference.

### **23.10 CONTEMPT OF COURT.**

**1. FINDING OF CONTEMPT.**

The Municipal Judge, after affording an opportunity to the person accused to be heard in defense, may punish for contempt of Municipal Court as defined in Section 785.01(1), Wis. Stats., in accordance with the procedures under 785.03, Wis. Stats.

**2. ISSUANCE OF WARRANT.**

For the purpose of hearing the person's defense, the Municipal Judge may, if the alleged offender is not present, issue a warrant for the person to be brought before the Municipal Judge.

**3. PENALTIES FOR CONTEMPT.**

The Municipal Judge may, upon finding any person guilty of contempt, pursuant to Section 800.12(2), Wis. Stats., order such person to forfeit not more than fifty dollars (\$50.00), plus all statutory costs, fees and assessments as authorized by Section 800.12, Wis. Stats. In default of payment of the forfeiture, the person found guilty of contempt may be imprisoned in the County Jail not to exceed seven (7) days. Any future addition, amendment, revision or modification of Section 800.12, Wis. Stats., including any increase in the maximum penalty which may be imposed, are intended to be incorporated into and made part of this code.

### **23.11 PENALTIES.**

Penalties for violations of the Municipal Code are as provided in Chapter 25 of the Municipal Code.

### **23.12 AUTHORITY.**

**1. CITATION METHOD.**

Pursuant to the authority of Section 66.0113, Wis. Stats., the City of Pewaukee hereby elects the use of a citation for the enforcement of ordinances.

**2. FORM OF CITATIONS.**

The citation shall contain all statutorily required information and notices.

### **23.12 STATE STATUTE BY REFERENCE.**

All State Statutes noted in this Chapter are adopted by reference and shall be deemed incorporated in this Code as if fully set forth herein. Any future addition, amendment, modification or revision of the current or future statutes incorporated herein are intended to be made part of this Code.