

## Chapter 10

### COURT, MUNICIPAL

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[History: Adopted by the Town Board of the Town of Pleasant Spring 11-7-1989 by Ord. No.89-1 as§ 2.02 of the 1989 Code Amendments noted where applicable.]

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§10-1. Members of Joint Municipal Court. [Amended 11-16-1993 by Ord.No.93-2).

The Municipal Court for the City of Stoughton (City) and the Towns of Pleasant Springs and Rutland (Towns), created by Ch. 755, Wis. Stats., was established and became operational and functional on the effective date of predecessor Ordinance No. 68. This chapter embodies all previous provisions of Ordinance No. 68. As of the effective date of approval by the City of Stoughton and the Town of Rutland, the Town of Dunkirk, shall become a party to the Joint Municipal Court Agreement previously established, and the term "Towns" as used subsequently in this chapter shall refer to the Towns of Pleasant Springs, Rutland, and Dunkirk

§10-2. Jurisdiction.

The Municipal Court shall have exclusive jurisdiction of offenses against the ordinances of the City and Towns and shall exercise such jurisdiction to the fullest extent permitted under Wisconsin Law.

§10-3. Municipal Judge. [Amended 04-08-2011]

The Municipal Court shall be presided over by a Municipal Judge.

- A. Election; term. The Municipal Judge shall be elected at large by the electors of the City and the Towns at the spring election in even-numbered years for a term of four years, or until a successor is elected and qualifies, commencing on May 1 succeeding his election. Permanent midterm vacancies in the office of Municipal Judge shall be filled by appointment pursuant to §800.06(3) and §8.50(4) (fin), Wis. Stats., as agreed upon by the City and the Towns.
- B. Salary. The Municipal Judge shall receive a monthly salary paid by the City which shall be in lieu of fees and costs. No salary shall be paid to the Judge for any time during his term for which he has not executed and file his official bond and oath as required by Subsection C of this section.

- C. Bond; oath. The Municipal Judge shall execute and file with the Clerk of the Courts of Dane County the oath prescribed by §757.02, Wis. Stats., and a bond in such an amount as shall be fixed by City and Towns. The City and Town shall pay the costs of the bond. The Municipal Judge shall not be qualified to act until a certified copy of the oath is filed with the office of the Director of the State Courts as required by §755.02, Wis. Stats.
- D. Authority. The Municipal Judge shall exercise such authority of the office to the fullest extent permitted under Wisconsin Law.
- E. Sessions. The Municipal Courts shall be open on the days and hours set by order of the Municipal Judge and approved by the City and Towns.

§10-4. Location. [Amended 04-08-2011]

The Municipal Judge shall keep his office and hold court in the Public Safety Building at 321 South Fourth Street, Stoughton, Wisconsin. The Municipal Court facilities which shall be located in an area separate from law enforcement facilities by design or signage.

§10-5. Procedure.

The procedure in Municipal Court shall be as provided by this chapter and state law, including, without limitation because of enumeration, Chs. 800 and 755 and §§ 23.66 to 23.99, 778.14, 778.15, 778.18, and 345.20 to 345.53, Wis. Stats.

§10-6. Collection and return of forfeitures. [Amended 04-08-2011]

The Municipal Judge shall collect all forfeitures, penalty assessments, fees, surcharges, and taxable costs in any action or proceeding before him and shall pay over such monies to the City Treasurer within 30 days of receipt of such monies by the Municipal Court, as provided under Wis. Stats. §800.10(2). At such time, the Municipal Judge shall also report to the City Treasurer the title, nature of offenses and total amount of judgments imposed in actions and proceedings in which such monies were collected.

§10-7. Contempt of Court. [Amended 04-08-2011]

- A. The Municipal Judge, after affording an opportunity to the person to be heard in defense, may punish for contempt of Municipal Court persons guilty of any of the following intentional acts:
  - I. 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. The Municipal Judge may impose forfeiture in an amount not to exceed \$200 for a contempt of Court.

- C. For a contempt of court described in §10-7(a)(1), the Municipal Judge may impose imprisonment in the county jail for not more than 7 days and impose a forfeiture, as provided under Wis. Stat §800.12(3).
- D. For a contempt of court described in §10-7(a)(2), the Municipal Judge may do any of the following, pursuant Wis. Stat §800.12(4)
  - 1. Issue a warrant to bring the witness before the court for the contempt and to testify.
  - 2. In addition to ordering witness to pay a forfeiture, the judge may order the witness to pay all costs of the witness's apprehension.

§10-8. Stipulation and deposits. [Amended 04-08-2011]

- A. Deposit schedule to be established.
  - 1. The Municipal Judge shall establish and submit to the City Council for approval in accordance with §800.037, Wis. Stats., a schedule of deposits for violations of City ordinances, except traffic regulations which are governed by §§23.66 and 23.67, Wis. Stats. When approved by the Council, such deposit schedule shall be posted in the office of the Municipal Court Clerk and the City Police Department
  - 2. The Municipal Judge shall establish and submit to the Town Board for approval in accordance with §800.03(3), Wis. Stats., a schedule of deposits for violations of Town and boating violations governed by §§23.66 and 23.67, Wis. Stats. When approved by the Town Board, such deposit schedule shall be posted at the Town Hall.
- B. Stipulation and deposit in lieu of court appearance. Persons cited for violations of City or Town ordinances for which a deposit has been established under this section shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in §§800.035, 800.04 and 800.09, Wis. Stats.
- C. Traffic and boating deposits. The deposit schedule established by Wisconsin Judicial Conference and the procedures set forth in Chs. 23 and 345, Wis. Stats., shall apply to stipulations and deposits for violation of traffic regulations enacted in accordance with §345.27, Wis. Stats., and boating regulations enacted in accordance with §30.77, Wis. Stats.
- D. When not permitted. Stipulations and deposits shall not be permitted after initial appearance or in cases of contempt under §10-7.
- E. Schedule of deposits. The following schedule of cash deposits is established for use with citations issued under this chapter and the ordinances listed below. The deposit shall include any penalty assessment applicable under §757.05, Wis. Stats., any jail assessment under §302.46, Wis. Stats., any crime laboratories and drug law enforcement assessment under §166.755, Wis. Stats., any applicable consumer protection assessment under §100.261, Wis. Stats., plus court costs, including the fee prescribed in §814.65(1), Wis. Stats.

F. In any traffic, snowmobile or boating citation where the Wisconsin Judicial Council has established a statewide deposit schedule, that schedule shall be used.

1. In nontraffic juvenile matters notwithstanding any deposit schedule, a mandatory appearance is required of the defendant and his or her parent or guardian unless specifically excused by the Court.
2. Where a range of deposits is listed below the citing official shall, in his or her discretion, determine the citation amount depending on the seriousness of the individual incident.

Section Code	Description	Deposit
§10-7	Contempt of court	\$50
§60-11	Unlawful assembly	§ 1-1
§66-4	Violation of Ch. 66, Art.I, Town Boat Landing	§ 1-1
§70-16	Violation of Ch. 70, Building Construction	\$25to \$1,000
§75-12	Violation of Ch. 75, Campgrounds	§ 1-1
§83-4	Dishonored checks	§ 1-1
§100-4	Fire prevention (if there is a fire)	<=\$500
§100-4	Fire prevention (if there is no fire)	§ 1-1
§100-5	Failure to comply with fire prevention order by Fire Warden re: unsafe conditions	<=\$500
§110-4	Violation of Ch. 110, Holding Tanks	§ 1-1
§117-2	Alcoholic beverages in public	§ 1-1
§117-6	Violation of Ch. 117, Intoxicating Liquor and Fermented Malt Beverages, Art II, Sales	§ 1-1
§117-8	Tavern closing hours	Ch.
125, Wis. Stats		
§129-3	Littering	§ 1-1
§135-5	Minimum standards, postal boxes	§ 1-1
§141-3	Violation of Ch. 141, Mobile Homes, Art. I, Nonresidential Use	§ 1-1
§148-2	Disturbing the peace	§ 1-1

§152-6	Public nuisance	§ 1-1
§160-10	Violation of Ch. 160, Parks	§ 1-1
§165-5B	Prohibited conduct	§ 1-1
§165-6B	Indecent exposure	§1-1
§175-5	Violation of Ch. 175, Roads and Accesses, Art. I, Access Permit	§ 1-1
§175-9	Violation of Ch. 175, Roads and Accesses, Art, II, General Provisions	§ 1-1
§180-4	Town landfill violation	§ 1-1
§180-18C	Violation of Ch. 180, Solid Waste, Art. III, Trucking and Hauling of Waste	§ 1-1
§190-18	Violations of Ch. 190, Subdivision Of Land	§ 1-1
§202-6	Parking on Town roads	§ 1-1
§202-10	Weight limits and use of Town roads	
§348.21, Wis. Stats		
§A216-33	Unauthorized use of cable television	§ 1-1