

## Chapter 23

### COURT

§ 23-1. Establishment.

§ 23-2. Municipal Judge.

§ 23-3. Procedure in Municipal Court.

§ 23-4. Fees.

§ 23-5. Abolishment of Court.

§ 23-6. Statutes adopted by reference.

§ 23-7. Contempt of court.

§ 23-8. Clerk of the Municipal Court.

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[HISTORY: Adopted by the Village Board of the Village of Albany 5-11-1992 as Secs. 2-3-11 and 2-3-12 of the 1992 Code. Amendments noted where applicable.]

#### § 23-1. Establishment.

Pursuant to the authority granted by W.S.A. ch. 755, there is hereby established a Municipal Court for the Village of Albany.

#### § 23-2. Municipal Judge.

A. Office of Municipal Judge created. Pursuant to the authority granted by W.S.A. ch. 755, there is hereby created the Office of Municipal Judge for the Municipal Court for the Village of Albany.

B. Election; term. The Municipal Judge shall be elected at large at the spring election on the even-numbered years for a term of two years commencing on May 1 succeeding the election. The Municipal Judge shall be subject to the Wisconsin Code of Judicial Ethics and shall file an annual financial statement.

C. Salary. The salary of the Municipal Judge may be increased for a new term prior to the beginning of the term for the Judge, or for the second year of a term before the start of the second year of the term of the Judge, but the salary shall not be decreased during the term of the Judge. Salaries may be paid annually or in equal installments as determined by the Village Board, but no Judge may be paid a salary for that portion of any term during which portion the Judge has not executed the official bond or official oath as required by W.S.A. s. 755.03 and filed under W.S.A. s. 19.01(4)(c), as amended.

D. Bond; oath. The Municipal Judge shall execute and file with the Clerk of the Circuit Court for Green County the oath prescribed by W.S.A. s. 755.03 and an official bond in such an amount as shall be fixed by the Village Board.

#### § 23-3. Procedure in Municipal Court.

A. The procedure in Municipal Court for the Village of Albany shall be as provided in this section and state law, including, but not by way of limitation, W.S.A. chs. 61, 66, 755 and 800.<sup>1</sup>

B. The Municipal Court shall be open as determined by the Municipal Judge.

C. The Municipal Judge shall keep his office and hold court in the Municipal Building.

D. If the Municipal Judge is temporarily absent, sick or disabled, the provisions of W.S.A. s. 800.06(1) shall apply, and if the Municipal Judge becomes incompetent, unable or fails to act, or in the event of a vacancy, the provisions of W.S.A. s. 800.06(2) shall apply. Any substitute Municipal Judge designated or assigned hereunder shall be compensated as authorized by the Village Board. The Municipal Judge shall satisfy all continuing education requirements for municipal judges.

E. Upon the proper and timely written request for substitution of the Municipal Judge, the provisions of W.S.A. s. 800.05 shall apply.

F. The procedures of the Municipal Court shall be in accord with the applicable village ordinances. The Court shall abide by the Wisconsin Rules of Evidence and shall abide by the Uniform State Traffic Deposit Schedule. In nontraffic matters, the Chief of Police shall draft a bond schedule, which shall become effective upon approval by the Village Board. No bond shall exceed the maximum penalty which could be imposed for the ordinance violation.

#### **§ 23-4. Fees.**

A. Bonds for appearance, partial payments and other funds collected by the Court shall be treated as escrow funds and deposited with the Village Clerk-Treasurer.

B. The Clerk of the Municipal Court shall collect all forfeitures and costs in any action or proceeding before him and shall pay over such moneys to the Village Clerk-Treasurer not later than the end of each month. At the time of payment, the Municipal Court Clerk shall report to the Village Clerk-Treasurer the title of the action, the offense for which the forfeiture was imposed and the total amount of the forfeiture, fees, penalty assessments and costs, if any. The Village Clerk-Treasurer shall disburse the fees as provided in W.S.A. s. 814.65 and disburse any penalty assessments pursuant to W.S.A. s. 66.12(1)(b).

#### **§ 23-5. Abolishment of Court.**

The Village Board may, by ordinance or by law, abolish the Municipal Court at the end of any term for which the Judge has been elected.

#### **§ 23-6. Statutes adopted by reference.**

W.S.A. chs. 755 and 800 are hereby adopted by reference.

#### **§ 23-7. Contempt of court.**

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<sup>1</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

A. The Municipal Judge may punish for contempt of Municipal Court for the Village of Albany persons guilty of either of the following acts:

(1) Intentional 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) Intentional disobedience, resistance or obstruction of authority, process or order of the Municipal Court.

B. No person may be punished for contempt before a Municipal Judge until an opportunity has been given the person to be heard in his or her defense. If the contempt alleged involves disrespect or criticism of a Municipal Judge, that Judge is disqualified from presiding at the trial of contempt unless the person charged consents to the Judge presiding at the trial. For the purpose of hearing a person's defense, the Municipal Judge may, if the alleged defendant does not appear for trial, issue a warrant for the person to be brought before the Municipal Judge.

State Law Reference: W.S.A. chs. 755 and 800.

### **§ 23-8. Clerk of the Municipal Court.**

A. Appointment. The Municipal Judge shall, in writing, appoint a Clerk of the Municipal Court. The Clerk's salary shall be fixed by the Village Board. The Clerk of the Municipal Court shall hold office for an indefinite term of office. The Clerk shall, before entering upon the duties of his office, take the oath provided by W.S.A. s. 19.01 and give such bond as the Board may require. The oath and bond of the Clerk of Municipal Court shall be filed with the Village Clerk-Treasurer. The cost of such bond shall be paid by the Village.

B. Duties. The Court Clerk shall:

- (1) File and review citations and complaints, assuring their correctness.
- (2) Reply to departmental mail concerning routine matters as prescribed by the Municipal Judge.
- (3) Assign docket numbers to citations and complaints, type the docket sheets and gather all material pertinent to cases.
- (4) Determine and schedule court dates and facilities.
- (5) Communicate with law officers, attorneys and defendants regarding court proceedings.
- (6) Balance dockets at the conclusion of court proceedings.
- (7) Prepare and mail warrants and summons.
- (8) Prepare a monthly report of financial activities.
- (9) Assist in the collection of traffic bonds.
- (10) Prepare necessary communications for jury trials and transfers to Circuit Court.

Board.

- (11) Perform such other duties as may be required by the Municipal Judge and Village