

Ordinance No. 2-24-774
Monona Common Council

AMENDING CHAPTER 103 OF THE MONONA CODE OF ORDINANCES
REGARDING THE QUALIFICATIONS OF THE MUNICIPAL JUDGE

WHEREAS, although the Wisconsin Statutes do not require municipal judges be licensed attorneys, a municipality may, by ordinance, establish certain requirements pertaining to the office of a municipal judge; and,

WHEREAS, so as to assure a basic knowledge of the rules of evidence, court procedure and legal principles are appropriately applied in the Municipal Court for the City of Monona, City staff recommend updating the Code of Ordinances to require the Municipal Judge for the City of Monona be licensed to practice law in the state of Wisconsin; and,

WHEREAS, the Common Council finds the recommended amendment to be in the public interest.

NOW, THEREFORE, the Common Council of the City of Monona, Dane County, Wisconsin, do ordain as follows:

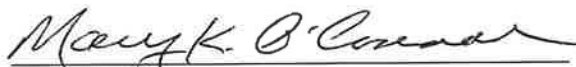
SECTION 1. Section 103-6 of the Monona Code of Ordinances is hereby amended as set forth in Exhibit A attached hereto.

SECTION 2. All other provisions of the Monona Code of Ordinances not specifically amended herein shall remain unmodified and in full force and effect.

SECTION 3. This ordinance shall take effect upon passage and publication as provided by law.


Adopted this 5 day of February, 2024.

BY ORDER OF THE CITY COUNCIL
CITY OF MONONA, WISCONSIN



Mary K. O'Connor
Mayor

ATTEST:



Alene Houser
City Clerk

Requested By: Mary O'Connor, Mayor – 1/18/24
Drafted By: William S. Cole, City Attorney – 1/25/24
Approved As To Form By: William S. Cole, City Attorney – 1/25/24

Council Action:

Date Introduced: 2-5-24

Date Approved: 2/5/24

EXHIBIT A

§ 103-6 **Municipal Judge.**

[Amended 1-3-2011 by Ord. No. 1-11-622]

A. Municipal Judge.

- (1) Office created. Pursuant to § 755.01, Wis. Stats., there is created the office of Municipal Judge for the City of Monona.
- (2) Election; term. The Municipal Judge shall be elected at large at the spring election in even-numbered years for a term of four years, or until a successor is elected and qualifies. The term of office shall commence on May 1 next succeeding the election. Midterm vacancies in the office of Municipal Judge shall be filled by special election to be held not less than 55 days nor more than 70 days after the order of the Council therefor.
- (3) Salary. The Municipal Judge shall receive a salary as determined from time to time by the Common Council, which shall be in lieu of fees and costs. No salary shall be paid to the Judge for any time during the term of office for which he or she has not executed and filed the official bond and oath as required by Subsection A(4) below.
- (4) Bond; oath. The Municipal Judge shall execute and file with the Clerk of Courts for Dane County the oath prescribed by § 757.02, Wis. Stats., and a bond in the penal sum of \$2,000. The 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 Director of State Courts as required by § 755.03, Wis. Stats.^[1]
- (5) Jurisdiction. The Judge shall have jurisdiction as provided by law and § 755.045, Wis. Stats., and exclusive jurisdiction of violations of City ordinances, resolutions and bylaws.
- (6) Qualifications. In addition to the provisions of § 103-19 of this Code, the Municipal Judge shall be licensed to practice law and in good standing in the state of Wisconsin.

B. Municipal Court.

- (1) Court established. The Municipal Court for the City of Monona is established pursuant to Ch. 755, Wis. Stats.^[2]
- (2) Hours. The Municipal Court shall be open as determined by order of the Municipal Judge.
- (3) Location. The Municipal Judge shall hold court in the Monona Public Library Municipal Room, unless otherwise provided by the Common Council.^[3]

^[1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

^[2] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

^[3] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (4) Procedure. The procedure in Municipal Court for the City shall be as provided by this section and state law, including, without limitation because of enumeration, Chapters 755, 799, 800 and §§ 23.66 to 23.99 and 345.20 to 345.53, Wis. Stats.
- (5) Collection and return of forfeitures. The Municipal Judge shall collect all forfeitures, penalty assessments, fees and taxable costs in any action or proceeding before the Court and shall pay over such moneys to the City Treasurer within 30 days of collection. 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 moneys were collected.
- (6) Contempt of Court. The Municipal Judge may punish a person for contempt of court in accordance with the provisions of § 800.12 of the Wisconsin Statutes.

C. Stipulation and deposits in Municipal Court.

- (1) Deposit schedule to be established. The Municipal Judge shall establish and submit to the Common Council for approval in accordance with § 800.037, Wis. Stats., a schedule of deposits for violations of City ordinances, resolutions and bylaws, except traffic regulations which are governed by § 345.26, Wis. Stats., and boating violations governed by § 30.77, Wis. Stats. When approved by the Council, such deposit schedule shall be posted in the office of the Municipal Court Clerk and the Monona Police Department.^[4]
- (2) Stipulation and deposit in lieu of court appearance. Persons cited for violations of City ordinances, resolution or bylaws for which a deposit has been established under this subsection shall be permitted to make a stipulation of "no contest" and a deposit in lieu of court appearance as provided in § 800.035(6), Wis. Stats.^[5]
- (3) Traffic and boating deposits. The deposit schedule established by the Wisconsin Judicial Conference and the procedures set forth in Chs. 23 and 345, Wis. Stats., shall apply to stipulations and deposits for violations of traffic regulations in accordance with § 345.27, Wis. Stats., and boating regulations enacted in accordance with § 30.77, Wis. Stats.
- (4) When not permitted. Stipulations and deposits shall not be permitted after initial appearance or in cases of contempt.

^[4] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

^[5] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).