

## CHAPTER 254.

## MUNICIPAL COURT.

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**254.01 Option of municipality.** (1) There is created and established in and for each city, town and village, a municipal court designated "Municipal Court for the . . . (city, town or village) of . . . (name of municipality)". This court shall become operative and function when the city council, town board or village board adopts an ordinance or bylaw providing for the election of a justice and the operation and maintenance of the court. Any municipal court established pursuant to this section is not a court of record. The court shall be maintained at the expense of the municipality. In cities of the 1st class more than one justice may be provided for. If any city which has established a municipal court consolidates with or has previously consolidated with another municipality which also had created such a court, that city may provide for the election of 2 municipal justices.

(2) The governing body may by ordinance or bylaw abolish the municipal court at the end of any term for which the justice has been elected.

**History:** 1967 c. 276.

**254.02 Term.** The justices shall be elected at large for a term of 2 years unless a longer term, not exceeding 4 years, is provided by ordinance or bylaw. The term shall commence on May 1 of the year of his election.

**History:** 1967 c. 276.

**254.03 Oath and bond.** (1) The justice shall, after his election or appointment to fill a vacancy, take and file the official oath as prescribed in s. 256.02 (1) and at the same time execute and file an official bond in an amount to be fixed by the governing body. No justice shall act as such until his oath and bond have been filed. The oath and bond shall be filed as required by s. 19.01 (4) (c).

(2) The clerk of the circuit court shall within 10 days after the filing with him of said oath and bond, execute and mail to the clerk of the city, town or village, wherein such justice was elected, a certified copy of said bond, which certified copy shall be filed by said city, town or village clerk, and preserved in his office, and the same shall be presumptive evidence of its execution by such justice and his sureties.

**History:** 1967 c. 276.

**254.04 Salary and fees.** The council shall fix a salary for such justice which shall be in lieu of fees and costs. Fees and taxable costs shall be paid into the municipal treasury as the governing body directs. The salary may be increased by the governing body before the start of the 2nd or a subsequent year of service of the term of the justice, but shall not be decreased during a term. Salaries may be paid annually or in equal instalments as determined by the governing body, but no justice shall be paid a salary for any time during his term during which such justice has not executed his official bond or official oath, as required by s. 254.03, and filed pursuant to s. 19.01 (4) (c).

**History:** 1967 c. 276.

**254.05 Territorial jurisdiction; appeals.** (1) Every justice shall have county-wide jurisdiction. If elected in a city or village lying in more than one county, he shall qualify and have jurisdiction in each, the same as though the municipality lay wholly therein, and may hold court in one county while exercising jurisdiction in the other. If a defendant resides in either of such counties, venue on appeal or certiorari in civil cases, except actions brought by cities or villages, shall be in that county, otherwise in that one of the counties where the cause of action arose if it arose in either, otherwise in either county. In criminal cases venue upon appeal or certiorari shall be in the county where the offense was committed. In all actions brought by a city or village appeals may be taken to the circuit court of the county where the action was tried. Juries may be impaneled of persons qualified as jurors in either county.

(2) In case of a change of venue of a civil action to another court it shall be within the county where the defendant was served, and in criminal actions, within the county where the offense was committed.

(3) Appeals from municipal court shall be to the circuit court.

**History:** 1967 c. 276.

**254.06 Sessions of court.** The municipal court shall be open daily or as directed by the governing body, but the governing body may by ordinance or bylaw allow the justice to determine when the court shall be open.

**History:** 1967 c. 276.

**254.07 Removal of cases.** If an affidavit of prejudice is filed or the justice is disqualified, the justice shall call in another municipal justice of the county to try the case or transfer it to the county court.

**History:** 1967 c. 276.

**254.08 Illness or absence of justice.** If any justice is to be absent or if he is sick or disabled, he may by written order filed in his court designate another municipal justice of the county to perform his duties or he may deliver his docket and all papers relating to any pending action to the county court of the county. When the incumbent justice is incompetent, unable or fails to act, the mayor, village president or town chairman may call in another justice or transfer the case. The parties, their agents or attorneys shall be notified of the transfer prior to trial. The justice called in or the judge to whom the case is transferred may, while the docket remains in his possession, issue execution upon or give a certified transcript of any unsatisfied judgment appearing therein.

**History:** 1967 c. 276.

**254.09 Sentences imposed.** The municipal justice may punish a violation of an ordinance or bylaw by ordering payment of a forfeiture plus costs of prosecution or by imprisonment in case the forfeiture and costs are not paid, and may sentence any person convicted of a misdemeanor to pay a fine and the costs of prosecution or be imprisoned in the jail of the county in which the offense was committed. Persons committed for offenses against ordinances or bylaws shall be committed to the jail of the county in which the offense was tried. Prisoners confined in the county jail or in some other penal or correctional institution for violation of an ordinance or bylaw shall be kept at the expense of the municipality and the municipality shall be liable therefor.

**History:** 1967 c. 276.

**254.10 Employees.** The justice shall in writing appoint such clerks and deputy clerks as are authorized by the council or board. Their salaries shall be fixed by the council or board. The clerks shall, before entering upon the duties of their offices, take the oath provided by s. 19.01 and give a bond if required by the council or board. The cost of the bond shall be paid by the municipality. Oaths and bonds of the clerks shall be filed with the municipal clerk.

**History:** 1967 c. 276.