

## 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.

**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.

**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.

**254.04 Salary and fees.** The governing body 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).

**254.045 Jurisdiction.** A municipal court has exclusive jurisdiction over offenses against ordinances of the city, town or village which operates the court and where legal relief only is sought. If equitable relief is demanded, the municipal court does not have jurisdiction and the action must be brought in a court of record.

**254.05 Territorial jurisdiction.** Every justice has countywide 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.

**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.

**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.

**254.09 Office, where kept.** (1) Every justice shall keep his office and hold court only in the municipal hall of the town, village or city in which he was elected or if no room is available in the municipal hall, the governing body may authorize him to temporarily keep his office and hold court elsewhere in the municipality, other than at a place prohibited under sub. (2). He may issue process or perform ministerial functions at any place in the county.

(2) No justice shall keep his office or hold court in any tavern, or in any room in which intoxicating liquors are sold, or in any room connecting therewith. For any violation of this section the justice shall forfeit \$25 but the violation of the subsection does not make any order or judgment void.

(3) No justice shall hold court or keep his office with a practicing attorney unless the attorney is his law partner, and the partner shall not act as attorney before such justice.

**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.

**254.11 Papers, how kept.** Every justice shall file and keep together all papers in an action, separate from all other papers.

**254.12 Delivery of books to municipal clerk.** When a municipal court ceases to operate, the docket, books of account, case files, moneys and bonds belonging to the court shall be delivered to the municipal clerk within 10 days after the vacancy occurs by the person who is in possession.

**254.13 Books demanded by municipal clerk.** If any materials which should be delivered to the municipal clerk under s. 254.12 are not delivered within the time specified, the municipal clerk shall demand their delivery and may by action compel delivery.

**254.14 Duty of clerk on receipt of books.** (1) When the municipal clerk receives the docket, books of account and case files of a municipal court which has ceased to operate, he shall within 10 days dispose of them as follows:

(a) Deliver them to the clerk of the county court of that county if the municipality in which the municipal court was located was within one county.

(b) Deliver the case files of the pending and appealable cases to the clerk of the county court of the county where the court held office and certified copies of the docket for the past 12 months to the clerk of the county court of every other county in which the municipality lies, if the municipality in which the municipal court was located is in more than one county.

(2) For any pending or appealable cases, the bail shall be delivered along with the case file to the proper clerk of court. Any other moneys received under sub. (1) shall be delivered to the city treasurer as provided in s. 300.21.

**254.15 Pending actions triable by court which receives books.** When any action is pending before a justice at the time his office becomes vacant and his books and papers have been delivered to the county court, it may try the action and enter judgment as though the action was begun before it.

**254.16 Continuance on vacancy; notice of trial.** All actions before any justice undetermined or appealable when his office becomes vacant are continued until the expiration of 10 days from the time when his books and papers were delivered to the county court. The court shall give 3 days' notice to the parties to the action.