

Chapter 2.35

Municipal Court Administration

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2.35.010 Created.

As provided for by Wyoming State Statute there is hereby created and established, in and for the Town, a Municipal Court for the trial of all offenses arising under the ordinances of the Town of Encampment, Wyoming.

2.35.020 Purpose, Authority and general provisions.

A. The purpose of this title is to hereby set forth the jurisdiction of the municipal court and describe its administration, procedures and authority pursuant to Town ordinance and state law.

B. Authority is granted to cities and towns by Wyoming State Statute Section

§ 5.6.101 to prosecute violations of Town ordinance. Authority of appointed judges of the municipal court is governed by the laws of the state of Wyoming that regulate the practice and proceedings in cases before it, and relevant town ordinances. Judges have exclusive jurisdiction and will hear and determine all cases involving violations of this code and other town ordinances.

2.35.030 Appointment; qualification; term.

The Municipal Judge shall be appointed by the Mayor with the consent of the Council and shall be a qualified elector and a resident of the Town of Encampment. Such judge shall, before entering upon his duties, take or subscribe to such oath of office as the Mayor and Council may prescribe and which may be consistent with the constitution and laws of the state. The Mayor with the consent of Council may appoint an alternate judge as provided by section §2.32 of this code. The term of office shall be the same term of other offices of the town unless removed from office for good cause, as provided for by Wyoming state law.

2.35.040 Compensation.

The Mayor and Council shall, from time to time, establish the salary to be paid the municipal judge on a per case basis.

2.35.050 Powers, generally.

The Municipal Judge shall have the power to force due obedience of all orders, rules and judgments made by him. Municipal court judges have the same power as district court in the

issuance of warrants, search warrants, subpoenas or other process necessary and may fine for contempt offered to him while holding court, or in the process issued, in accordance with existing state law.

2.35.060 Court procedure.

A. The forms, practice and procedure before said municipal judge in such cases, unless otherwise provided in this title or other town ordinances, shall conform as closely as possible to the forms, practice and procedure before the justices of the peace of the state, insofar as such practices and procedures may be applicable.

B. The municipal court for the Town of Encampment shall be open and in session at intervals deemed necessary for the conduct of judicial business at the discretion of the judge. Scheduling of the municipal court will be handled by the Clerk of Court who shall be available to act as liaison to the judge during regular office hours.

2.35.070 General penalty.

The Municipal Court Judge of the Town of Encampment, upon conviction, shall impose fines of offenses not less than thirty dollars (\$30.00) and not more than seven hundred and fifty dollars (\$750.00) as allowed by law, to which may be added cost. Each day a violation occurs will constitute a separate offense.

2.35.080 Disposition of costs and fines.

The Municipal Court Judge, upon determination of cases properly before him, in which fines and costs are properly assessable, shall immediately pay over of cause the parties chargeable

to pay over to the Clerk of Court or Clerk/Treasurer all fines and costs or other money lawfully received by him or by others under his direction or authority, by lawful process issued from the municipal court for deposit into the Town treasury. The Clerk of Court shall properly account for said monies at acceptable intervals by report to Mayor and Council.

Court costs for municipal court shall be ten dollars (\$10.00). This amount will be collected in addition to other fines or penalties imposed by the judge, and collected in the same manner as other fines and penalties.

2.35.090 Execution of Judgments

Upon rendition of judgment against any defendant for violation of any provision of this code or other Town ordinance, the Municipal Judge shall make an order, entering the same upon the docket, that, if the defendant refuses to satisfy such judgment and cost of suit, further penalty of two hundred and ten dollars (\$210.00) for failure to comply with an order of the court may be assessed.

2.35.100 Complaints-Procedure.

A. Actions for violations of this code or other Town ordinances may be commenced by filing with the Municipal Court Judge a statement or complaint stating the nature of the offense, signed by the Town attorney, a member of the police department or any reasonable resident of the Town. The complaint will be made in accordance with forms I use by the police department. If any person shall, o oath, make complaint that one has violated any provision of the code or other Town ordinance, setting

forth the section of the code or other Town ordinance allegedly violated, the Municipal Judge may issue a warrant for the apprehension of the offender.

B. No action before the court will be dismissed for any defect of form in the statement or complaint if it substantially sets forth the nature of the violation alleged, so as to give the defendant notice of the charge he or she will be required to answer. Such statement or complaint may include several persons charged with the same offense.

2.35.110 Contempt of Court.

A. It will be unlawful for persons to knowingly and willfully engage in any of the following types of conduct:

1. Disorderly, contemptuous, or insolent behavior toward a municipal judge which tends to interrupt proceedings or to impair the respect due to the court;
2. Any breach of peace, noise, or disturbance, tending to interrupt the official proceedings of a municipal judge;
3. Resistance or disobedience to any lawful order or process made, issued or served by the municipal court;
4. Refusal to be sworn or refusal to answer any pertinent or proper questions;
5. Repeatedly filing complaints which are frivolous or without merit.

B. Person found guilty of contempt by the municipal court judge may be fined not more than seven hundred fifty dollars (\$750.00) for each offense, to which may be added court costs, imprisonment, or both.

2.35.120 Appeals.

Appeals from all decision of the Municipal Judge of the Town of Encampment may be taken to the District Court in the manner provided by state law.

2.35.130 Failure to Appear.

If any defendant fails to appear according to the conditions of the bond provided for in this chapter or appearing, departs the court without leave, the municipal judge may enter judgment against him or her for the penalty of such bond. In addition to the charge that is defaulted against the defendant, the court may also render separate judgment for the defendant's failure to appear. Any plaintiff or witness who is given notice to appear in municipal court, but fails to appear, may also have judgment rendered against them for failure to appear. The judge may assess court costs against any party.

2.35.140 Action against sureties.

Upon entering judgment as provided in section 2.35.090, the municipal judge shall issue process upon behalf of the Town, against parties liable on such bond, requiring them to appear before him or her on a day to be mentioned therein and show cause, if any, why judgment should not be confirmed against them, and execution issued on such judgment. Any judgment may be set aside by the municipal judge if the defendant personally appears before him or her at the time named in such process and shows good cause for setting aside the judgment. (Adopted 10-25-2007)