

MUNICIPAL COURTS

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Article I. Municipal Judges.

For state law as to municipal judges generally, see W.S., 1977, §5-6-102 to 5-6-105.

Sec. 11-1. Appointments.

The mayor, by and with the consent of the town council, shall appoint a municipal judge and may appoint an alternate municipal judge, who shall serve at the pleasure of the mayor. (Ord. No. 372; amended during August, 1984, supplementation.)

For state law as to appointment of municipal judges, see W. S., 1977, §§ 5-6-103 and § 15-2-102.

For state law as to removal of municipal judges, see W.S., 1977, §§ 5-6-104 and 15-2-102.

Sec. 11-2. Duties; jurisdiction: powers; sessions; salary.

The duties of the municipal judge or alternate municipal judge shall be to preside at all regular or special sessions of the municipal court.

The municipal judge shall have exclusive jurisdiction of and shall hear and determine all cases arising under this Code and other ordinances of the town. The forms, practice and procedure before such municipal judge in such cases, unless otherwise provided in this Code or other town ordinances, shall conform as closely as possible to the forms, practice and procedure before justices of the peace of the state, insofar as such practices and procedures may be applicable. The municipal judge shall have the power to impose fines of no more than seven hundred fifty dollars for any one offense, to which may be added costs. He shall have the authority to enforce due obedience to this Code and all other town ordinances, rules and judgments made by him. He shall have the same power as does the district court in the issuance of warrants, subpoenas or other process that may be necessary, and may

fine or imprison for contempt offered while holding court or to

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process issued, in the same manner and to the same extent as does the district court. (Ord. No. 372; amended during August, 1984, supplementation.)

The Municipal Court for the Town of Wheatland shall be open and in session each week on Tuesday and Thursday, from 8:00 o'clock a.m. until 12:00 o'clock noon. Provided however, the Municipal Court will not be open or in session on those holidays set forth in §14-2 of the Wheatland Town Code, if said holidays fall on a Tuesday or Thursday.

The Municipal Judge's salary shall be established by the Mayor and Town Council. The Municipal Judge is not eligible for any municipal benefits, which include but are not limited to paid vacation, paid sick leave, or health insurance. (Ord. No. 645)

For state law as to jurisdiction of municipal judges, see W. S., 1977, S 5-6-102.

Sec. 11-3. Surety bond.

The municipal judge and alternate municipal judge shall be required to execute to the town a bond in the sum of one thousand dollars with two or more sureties, conditioned substantially that he will well and truly perform all the duties of his office as is or may be prescribed by state law, this Code and other ordinances of the town, and shall, with all reasonable skill, diligence, good faith and honesty, safely keep and be responsible for all funds coming into his hands by virtue of his office, and pay over without delay to the person authorized by state law, this Code and other ordinances of the town to receive such, all monies which may come into his hands by virtue of his office, and shall well and truly deliver to his successor in office, or such other person as is authorized by law to receive such, monies, books, papers and all else held by him as such officer. (Ord. No. 372; amended during August, 1984, supplementation.)

For state law as to authority of town to require bond for municipal judges, see W. S., 1977, § 5-6-105.

Article II. Court Procedure.

For criminal procedure applicable to municipal courts, see Wyoming Rules of Criminal Procedure, Rule 2. See also, W.S., 1977, § 5-6-106.

Sec. 11-4. Commencement of action for violation of Town Code-- Filing of complaint--Form; issuance of warrant.

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may be commenced by filing with the municipal judge a statement or complaint stating the nature of the offense, signed by any member of the police department or any other person, which complaint shall be made in accordance with the forms required by law. If any person shall, on oath, make complaint that anyone has violated this Code or any other ordinance of the town, setting forth the section of the Code or other town ordinance which has been violated, the municipal judge may issue a warrant for the apprehension of the offender. (Ord. No. 372; amended during August, 1984, supplementation.)

For rule of criminal procedure applicable to complaint in municipal court proceedings, see W.R. Cr. P., Rule 3,. As to warrants, see W.R. Cr. P., Rule 4.

Sec. 11-4,1. Same--Same--Citation in lieu of complaint.

In addition to the procedure for issuance of citations now provided by law, a citation in lieu of a formal complaint may be issued charging any violation of the ordinances of the town for which any fine or imprisonment is specified, provided:

The potential defendant has waived the right to have a formal complaint filed against him and has signed a promise to appear in municipal court;

Prior to such waiver, the potential defendant has been advised that he need not consent to the issuance of the citation and that he has a right to have his case prosecuted upon a sworn complaint. (Ord. No. 467.)

Sec. 11-5. Same--Same--Entering case on court docket; issuance of summons.

Upon the filing of such statement or complaint, the municipal judge shall enter the case upon his docket in the manner required by law, and shall issue a warrant or summons returnable forthwith or at such time, no longer than ten days, as he may designate. (Ord. No. 372.)

Sec. 11-6. Same--Same--Appearance of complainant at trial.

No person who shall file a complaint in the municipal court which results in the arrest or the citation to the municipal court of the person complained of shall willfully fail, neglect or refuse to appear for the trial of such arrested or cited person and testify in support of the complaint. The police department shall provide such complaining person a written notice of the time for trial of such person arrested or cited pursuant to such complaint. (Ord. No. 372; amended during August, 1984, supplementation.)

No action before the municipal judge shall 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 which is required to be answered. Such statement or complaint may include several persons charged with the same offense. (Ord.. No. 372; amended during August, 1984, supplementation.)

Sec. 11-8, Change of venue.

No change of venue shall be granted in any case arising under this Code or other ordinances of the town. (Ord. No. 372.)

Sec. 11-9. Judgment by default.

Should a defendant duly summoned fail to appear in municipal court at the time his case is set for trial, the municipal judge shall hear and examine the testimony offered on the part of the town and shall render judgment by default against the defendant for such amount under this Code or other town ordinances as the **municipal judge** shall deem just. (Ord. No. 372.)

Sec. 11-10. Trial by jury.

In any case before the municipal judge for any violation of this Code or other ordinances of this town, the defendant shall be tried by the municipal judge without intervention of a jury. (Ord. No. 372.)

Sec. 11-11. Costs.

Upon each conviction on a complaint filed in the municipal court, the municipal judge shall **levy** and collect, in addition to any fine imposed, court costs of no more than ten dollars and the fine and costs so collected shall be remitted to the town treasurer.

When a defendant is acquitted in any prosecution, the complainant may, in the discretion of the municipal judge, be adjudged to pay the costs of the proceeding if it appears to the municipal judge that the prosecution was instituted maliciously or without reasonable cause, and judgment shall be so rendered and execution shall issue therefor. (Ord. No. 372.)

For law as to disposition of fines, see W. S.,
1977, 5 5-6-303.

Witnesses appearing in the municipal court of the town on behalf of the town shall be entitled to such fees as are allowed to

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witnesses appearing in justice of the peace courts of the state.
(Ord. No. 372.)

For state law as to witness fees, see
W.S., 1977, §§ 1-14-102, 1-14-193, as
amended.

Article III. Bail.

Sec. 11-13. Admission.

Any person charged with an offense under any provision of this Code or other ordinances of the town shall be admitted to bail.
(Ord. No. 372.)

Sec. 11-14. Terms.

Any person charged with an offense shall be ordered released pending trial on his personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the municipal judge, unless the municipal judge determines in the exercise of his discretion that such a release will not reasonably insure the appearance of the person as required. When such a determination is made the municipal judge shall, either in lieu of or in addition to the above methods of release, impose the first of the following conditions of release which will reasonably insure the appearance of the person for trial or, if no single condition gives that assurance, any combination of the following conditions:

Place the person in custody of a designated person or organization agreeing to supervise him;

Place restrictions on the travel, association, or place of abode of the person during the period of release;

Require the execution of an appearance bond in a specified amount and the deposit in cash, or other security as directed, of a sum not to exceed ten per centum of the amount of the bond, such deposit to be returned on the performance of the conditions of release;

Require the execution of a bail bond with sufficient solvent sureties or the deposit of cash in lieu thereof;

Impose any other condition deemed reasonably necessary to assure appearance as required, including a condition requiring that the person return to custody after specified hours. (Ord. No. 372; amended during August, 1984, supplementation.)

Sec. 11-15. Failure to appear.

If any defendant shall fail to appear according to the

conditions of the bond or appearing, shall depart the court without leave, the municipal judge may enter judgment against him and his sureties for the penalty of such bond.

Upon entering such judgment, the municipal judge shall issue process in behalf of the town against the parties liable on such bond, requiring them to appear before him 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 so entered may be set aside by the municipal judge if the defendant shall personally appear before him at the time named in such process and show good cause for setting aside the judgment. The sureties in such bond may appear before the municipal judge at the time aforesaid and make the same defense that is allowed for the nonappearance of the principal under the laws of this state in similar cases before the justice of the peace. (Ord. No. 372.)

Sec. 11-16. Inability to post. Repealed/deleted in 1995 supplementation.

Article IV. Work Program.

Sec. 11-17. Established--Purpose

A work program is hereby established for the town. This program shall be for the sole purpose of permitting indigent defendants unable to pay fines levied in municipal court to work for the town and to have any wages earned from the work applied to the payment of any fine levied. (Ord. No. 560, § 1.)

Sec. 11-18. Inability to pay fine--Agreement to participate.

If any person who has been fined in the municipal court shows financial inability to pay any such fine, the municipal judge shall require the person to certify to the court in writing that such person is indigent. If the municipal judge determines the person to be indigent, the person may be placed in the work program provided a voluntary agreement to participate in the program, a release and an assignment of all wages to the town be signed. (Ord. No. 560, § 2.)

Sec. 11-19. Rate of compensation

The rate of compensation to be paid to any such indigent shall be the minimum hourly rate established by the statutes of the state of Wyoming. (Ord. No. 560, § 3.)

Sec. 11-20 Supervisor of program.

The chief of police shall supervise and direct all persons placed in the work program. (Ord. No. 560, § 4.)

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NOTE: The phrase "police justice" has been changed to "municipal judge" to comply with Wyoming statutes. Revised by 1995 supplementation.