

**CHAPTER IX
MUNICIPAL COURT**

Article 1. General Provisions

**ARTICLE 1
GENERAL PROVISIONS**

9-101 MUNICIPAL COURT ESTABLISHED. There is hereby established a municipal court for the City of Clay Center, Kansas. The municipal court shall have jurisdiction to hear and determine cases involving violations of the ordinances of the city. (Code 1993, 14-102; Code 1999)

9-102 SAME; PRACTICE AND PROCEDURE. The Kansas code of procedure for municipal courts, as set forth in K.S.A. 12-41 01 et seq. and all acts amendatory or supplemental thereto shall govern the practice and procedure in all cases in the municipal court. (Code 1999)

9-103 TIME AND PLACE OF SESSIONS. Municipal court shall be held in the municipal courtroom in the city hall building on such days and at such hours as the municipal judge designates. (Code 1993, 14-104; Code 1999)

9-104 DOCKET, SUPPLIES; INSPECTION OF RECORDS. The governing body shall also furnish the municipal judge with a suitable docket, and such legal forms, papers, law books, ordinances and files which may be required for the proper discharge of his or her office. He or she shall deliver such docket, books, papers and records of his or her office to his or her successor in office. Such records shall be kept open at all reasonable times for inspection of all persons interested therein.
(Code 1993, 14-104)

9-105 MUNICIPAL JUDGE; APPOINTMENT. The municipal court shall be presided over by a municipal judge. The mayor, subject to the approval of the city council, shall appoint the judge of the municipal court. (Code 1999)

9-106 SAME; ABSENCE; VACANCY; PRO TEM. In the event the municipal judge is temporarily unable to preside due to absence, illness or disqualification, the municipal judge shall designate an attorney or other qualified person to act as judge pro tempore. In the event the municipal judge fails to appoint a judge pro tempore, the judge pro tempore shall be appointed in the same manner as the municipal judge is selected. The judge pro tempore shall receive compensation as shall be provided by ordinance, payable in the same manner as the compensation of the regular municipal judge. In the event a vacancy shall occur in the office of municipal judge, a successor shall be appointed to fill the unexpired term in the same manner as the municipal judge was appointed.
(K.S.A. 12-4107; Code 1993, 14-101:103; Code 1999)

9-107 SAME; POWERS AND DUTIES. The municipal judge shall have such powers and duties as set forth in the Kansas code of procedure for municipal courts (K.S.A. 12-4101 et seq.)

and all acts amendatory or supplemental thereto. (Code 1993, 14-102; Code 1999)

9-108 SAME; SALARY. The municipal judge shall receive a salary as shall be fixed by ordinance. (Code 1999)

9-109 SAME; DUTIES AS COURT CLERK. The municipal judge shall perform the duties of court clerk. The duties of the office shall be those prescribed by the Code for Municipal Courts set forth in Chapter 12, Article 41 of the Kansas Statutes, and shall include the following duties:

(a) The judge shall issue all process of the court, administer oaths, file and preserve all papers, docket cases and set same for trial and shall perform such further acts as may be necessary to carry out the duties and responsibilities of the court. The judge shall receive, account for and pay to the city treasurer monthly all fines and forfeited bonds paid into the court. The judge shall make reports to the judicial administrator and furnish the information when requested by him, her or a departmental justice on such forms furnished by the judicial administrator, and approved by the supreme court.

(b) The clerk of the municipal court shall within 10 days after selection and before entering upon the duties of office, execute to the city such bond as the governing body may require, which shall be approved by the governing body, and file in the office of the city clerk, conditioned for the faithful performance of the duties required of him or her by law, and for the faithful application and payment of all moneys that may come into his or her hands in the execution of the duties of the office. The city shall pay the cost of such bond.

(K.S.A. Supp. 12-4108; Code 1999)

9-110 PAYMENT OF FINE. Where a municipal court judgment against any person results in a fine and/or court costs only, the same shall be satisfied by paying the amount of such fine and/or court costs to the municipal court immediately on the rendition of judgment, or at such time as the municipal judge shall determine. (Code 1999)

9-111 SAME; FAILURE TO PAY SEPARATE VIOLATION. It shall be unlawful for any person to willfully fail to pay any lawfully imposed fine for a violation of any law of the city within the time authorized by the court and without lawful excuse having been presented to the court on or before the date the fine is due. Such conduct constitutes a violation of this article, regardless of the full payment of the fine after such time. (Code 1999)

9-112 FAILURE TO APPEAR.

(a) It shall be unlawful for any person charged with violation of any law of the city to fail to appear before the municipal court when so scheduled to appear, unless lawful excuse for absence is presented to the court on or before the time and date scheduled for appearance.

(b) For the purpose of subsection (a), failure to appear shall include willfully incurring a forfeiture of an appearance bond and failure to surrender oneself within 30 days following the date of such forfeiture by one who is charged with a violation of the laws of the city and has been released on bond for appearance before the municipal court for trial or other proceeding prior to conviction, or willfully incurring a forfeiture of an appearance bond and failing to surrender oneself within 30 days after his or her conviction of a violation of the laws of the city has become final by one who has been released on an appearance bond by any court of this state.

(c) Any person who is released upon his or her own recognizance, without surety, or who fails to appear in response to a summons, notice to appear, or traffic citation duly served upon him or her personally shall be deemed a person released on bond for appearance within the meaning of subsection (b) of this section.

(d) Failure to appear, upon conviction thereof, shall be punishable by incarceration for up to 30 days and/or a fine of up to \$250.00. (Code 1999)

9-113 COURT COSTS. As allowed by Charter Ordinance No. 10, and for cases commenced by the filing of a complaint in the municipal court, where the accused person pleads guilty or no contest, or is found guilty, or there is a forfeiture of bond or a diversion, such persons shall be assessed costs in the amount of \$40.00 for Court Costs and additionally the sums required by the following Kansas Statutes: K.S.A. 12-4116, K.S.A. 12-4117, K.S.A. 79-4803, K.S.A. 74-5619, K.S.A. 74-5620, 74-7325, K.S.A. 74-7334, and K.S.A. 2007 Supp. 75-5670. (Code 2008)

In addition to the sums as shown above, the Municipal Judge is authorized and empowered to assess witness fees and mileage permitted and allowed pursuant to K.S.A. 12-4112 and K.S.A. 12-4411.

The Judge shall report such amounts collected to the City Clerk and he or she shall remit the appropriate assessments received pursuant to this section to the State Treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the State Treasurer shall deposit the entire amount in the State Treasury to the credit of the local law enforcement training reimbursement fund, the law enforcement training center fund, the Kansas commission on peace officers' standards and training fund, the juvenile detention facilities fund, the crime victims assistance fund and the trauma fund as provided in this section.

9-114 COURT SERVICES OFFICER; DUTIES. Under the supervision of the municipal judge, the court services officer serves as probation officer, parole officer, diversion officer and victim rights coordinator. (Code 1999)