

CHAPTER IX. MUNICIPAL COURT

Article 1. Municipal Court

ARTICLE 1. MUNICIPAL COURT

9-101. JURISDICTION; SEARCH WARRANTS PROSCRIBED. The municipal court of the city shall have jurisdiction to hear and determine cases involving violations of the ordinances of the city. Search warrants shall not issue out of the municipal court. (K.S.A. Supp. 12-4104)

9-102. MUNICIPAL JUDGE: APPOINTMENT; QUALIFICATIONS; COMPENSATION. The municipal court shall be presided over by the municipal judge. The judge shall be selected in the manner provided by statute. The person so selected shall be a citizen of the United States and at least eighteen (18) years of age. The municipal judge shall receive a monthly or annual salary set by ordinance of the city in which he presides, except where otherwise provided by law. (K.S.A. Supp. 12-4105)

9-103. MUNICIPAL JUDGE: POWERS, DUTIES. The municipal judge shall have the power to administer the oaths and enforce due obedience to all orders, rules and judgments made by him, and may fine or imprison for contempt committed in court or for failure to obey process issued by him, in the same manner and to the same extent as the district court. The municipal judge shall have the power to hear and determine all cases properly brought before him, to grant continuances, to sentence those found guilty to a fine or confinement in jail, or both, to commit accused persons to jail in default of bond, to determine applications for parole, to release on probation, to grant time in which a fine may be paid, to correct a sentence, to suspend imposition of a sentence, to set aside a judgment, to permit time for post trial motions and to discharge accused persons. (K.S.A. Supp. 12-4106)

9-104. MUNICIPAL JUDGE; DOCKET. The municipal judge shall maintain a docket in which he shall enter every cause commenced before him. The docket shall contain the names of the accused persons and complainant, the nature or character of the offense, the date of trial, the names of all witnesses sworn and examined, the finding of the court, the judgment and sentence, the date of payment, the date of issuing commitment, if any, and every other fact necessary to show the full proceedings in each case. (K.S.A. Supp. 12-4106)

9-105. MUNICIPAL JUDGE: ABSENCE; VACANCY; PRO TEM. In the event the municipal judge is temporarily unable to preside due to absence, illness or disqualification, he 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. Supp. 12-4107)

9-106. CLERK, MUNICIPAL COURT. The governing body may provide for the office of the clerk of the municipal court. The municipal judge shall appoint such clerk or if no clerk is provided for, the judge shall also serve as clerk. The clerk 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 clerk shall receive, account for and pay to the city treasurer monthly all fines and forfeited bonds paid into the court. The clerk shall make reports to the judicial administrator and furnish the information when requested by him or a departmental justice on such forms furnished by the judicial administrator, and approved by the supreme court. (K.S.A. Supp. 12-4108)

9-107. MUNICIPAL JUDGE OR CLERK OF THE COURT, BOND. The clerk of the municipal court or the municipal judge if no clerk is appointed, shall, within ten (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 filed in the office of the city clerk, conditioned for the faithful performance of the duties required of him by law, and for the faithful application and payments of all moneys that may come into his 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)

9-108. MUNICIPAL COURT: COURTROOM, SUPPLIES, RECORDS, SESSIONS. The City shall provide at the expense of the city a suitable courtroom for the municipal court, together with all necessary supplies and records. Municipal court shall be held on the first and third Tuesday of each month at the Spring Hill Civic Center, 401 North Madison, Spring Hill, Kansas, at eight thirty (8:30) o'clock a.m. (K.S.A. 12-4109). (Ord 2007-20)

9-109. CITY ATTORNEY TO PROSECUTE. The city attorney, in person or by assistants, shall prosecute all causes in the municipal court. (K.S.A. Supp. 12-4110)

9-110. LAW ENFORCEMENT OFFICERS: EMPLOYMENT; POWERS. The governing body may employ law enforcement officers who shall have power to execute all process issued by any municipal judge with the state and delivered to him for that purpose, to detain persons, to place them in custody, and to arrest them, pursuant to the terms of this act. The powers of law enforcement officers with respect to the code of criminal procedure shall not be reduced by the Kansas Code of Procedure for Municipal Courts (K.S.A. Supp. 12-4101:4701). (K.S.A. Supp. 12-4111)

9-111. COSTS. The Governing Body shall establish by resolution the amount of Municipal Court costs that shall be assessed in Municipal Court cases in criminal or public offenses or involving a moving violation as defined by K.S.A. 8-849.

(Ord. 94-12)

9-112. DEFINITIONS. Definitions of terms used in the Kansas Code of Procedure for Municipal Courts shall be as follows:

- a) Appearance bond means an undertaking, with or without security, entered into by a person in custody by which he binds himself to comply with such conditions as are set forth therein. (See Chapter XV, Article 3, for Appearance Bonds.)
- b) Accused person means a person, corporation or other legal entity accused by a complaint of the violation of a city ordinance.
- c) Arraignment means the formal act of calling the person accused of violating an ordinance before the municipal court to inform him of the offense with which he is charged, to ask him whether he is guilty or not guilty, and if guilty, to impose sentence.
- d) Arrest means the taking of a person into custody in order that he may be forthcoming to answer for the violation of an ordinance. The giving of a notice to appear is not an arrest.
- e) Bail is the security given for the purpose of insuring compliance with the terms of an appearance bond.
- f) City attorney means any attorney who represents the city in the prosecution of an accused person for the violation of a city ordinance.
- g) Complaint means a sworn written statement of the essential facts constituting a violation of an ordinance.
- h) Custody means the restraint of a person pursuant to an arrest.
- i) Detention means the temporary restraint of a person by a law enforcement officer.
- j) Law enforcement officer means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order and to make arrests for violation of the laws of the State of Kansas or ordinances of any municipality thereof.
- k) Notice to appear is a written notice to a person accused by a complaint of having violated an

ordinance of a city to appear at a stated time and place to answer to the charge of the complaint.

- l) Subpoena is a process issued by the court to cause a witness to appear and give testimony at a time and place therein specified.
- m) Warrant is a written order made by a municipal judge directed to any law enforcement officer commanding such officer to arrest the person named or described therein. (K.S.A. Supp. 12-4113)
Ref.: See K.S.A. Supp 12-4201:4701 for the remainder of the Code of Procedure for Municipal Courts.