

## CHAPTER IX. MUNICIPAL COURT

### Article 1. General Provisions

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#### **ARTICLE 1. GENERAL PROVISIONS**

- 9-101. MUNICIPAL COURT ESTABLISHED. There is hereby established a municipal court for the City of Marysville, Kansas. The municipal court shall have jurisdiction to hear and determine cases involving violations of the ordinances of the city. (Code 1987)
- 9-102. SAME; PRACTICE AND PROCEDURE. The Kansas code of procedure for municipal courts, as set forth in K.S.A. 12-4101 *et seq.* and all acts amendatory or supplemental thereto shall govern the practice and procedure in all cases in the municipal court. (Code 2011)
- 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 2011)
- 9-104. 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 annually. (Code 1987, 9-103)
- 9-105. 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 2011)
- 9-106. 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 1987, 9-104)

- 9-107. SAME; SALARY. The municipal judge shall receive a salary as shall be fixed by ordinance. The municipal judge shall not work more than 999 hours per year. (Code 1987, 9-105)
- 9-108. REWARDS. The city council may, at its pleasure, offer and pay over, out of its general fund, rewards for information leading to the apprehension of any violator of any city, state or federal law, regulation or ordinance, except that no reward shall be paid to any police officer. (Ord. 1011, Sec. 4; Code 1987, 9-106)
- 9-109. DAY AT LABOR. The municipal judge may, at his or her discretion, substitute "day at labor for the City of Marysville" for "dollar" in passing sentence on anyone convicted of violating a city ordinance. The municipal judge shall have authority to set any rate of compensation that is not less than the Kansas minimum wage and not higher than the federal minimum wage in effect on the date of sentencing. (Ord. 1201, Sec. 1; Code 1987, 9-107)
- 9-110. COURT CLERK. There is hereby established the office of the clerk of the municipal court of the City of Marysville, Kansas, which office shall be filled by appointment by the municipal judge of the municipal court. The duties of the office shall be those prescribed by the Code of Municipal Courts set forth in Chapter 12, Article 41 of the Kansas Statutes, and shall include the following duties:
- (a) 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, 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 duties of the office. The city shall pay the cost of such bond.
  - (c) The monthly salary of the clerk shall be fixed by ordinance.
  - (d) A majority of all members of the council may remove the clerk appointed under the authority of this article, or for good cause the mayor may temporarily suspend any such appointed clerk until such employee is reviewed by the governing body. (K.S.A. Supp. 12-4108; Code 2011)
- 9-111. 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. Nothing in this section shall prohibit the payment of fines and court costs by credit card or bank debit card. However, the governing body shall adopt policies, procedures and fees for the provision of such services to criminal defendants before such payments can be accepted.

9-112. 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 2011)

9-113. 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 6 months in jail and/or a fine of up to \$1,000.00.

9-114. COURT COSTS. Court costs shall be assessed against the accused person for the administration of justice in any municipal court where the accused person pleads guilty or nolo contendere or is otherwise convicted of a crime or traffic infraction or where the accused person enters into a diversion agreement that is filed with the Municipal Court. Court costs shall be set at Sixty-five dollars (\$65) per case, which will include the amount fixed by order of the Supreme Court to be remitted to the Municipal Judge Training fund in accordance with K.S.A. 12-4114 *et al.* and an amount to be remitted to the Law Enforcement Training Fund in accordance with K.S.A. 74-5619. Such costs may be waived by the Municipal court upon a showing of good cause and without the objection of the prosecutor. In addition, the Court may impose an administrative fee not to exceed \$25 for the issuance of any arrest warrant or bench warrant. Such fee shall be collected as part of the court costs to be assessed against the accused.