

## **CHAPTER IX. MUNICIPAL COURT**

### **Article 1. Municipal Court**

#### **ARTICLE 1. MUNICIPAL COURT**

- 9-101. **MUNICIPAL COURT ESTABLISHED.** The municipal court existing as of the date of the approval and adoption of this code by the governing body shall be continued and maintained and be presided over by a municipal judge to be appointed by the mayor with the consent of the city council.  
(Code 1984; Code 2003)
- 9-102. **CODE OF PROCEDURE.** Except as may be provided by prior or future charter ordinance of the city, provisions of the Kansas Code of Procedures for Municipal Courts, established by Chapter 12, Articles 41 to 46, inclusive, of the Kansas Statutes Annotated, as may be amended from time to time, shall govern and control the procedure of the Municipal Court. Said code is by this reference, hereby incorporated in, and made part of, this article, as if the same had been set out in full.  
(Code 1984; Ord. 535; Code 2003)
- 9-103. **PLACE; TIME.** All sessions of the municipal court shall be held in the Court Room of the City Building at 200 West Grand Avenue and shall be convened at the municipal judge's discretion on the first four (4) Tuesdays of each calendar month, unless the judge shall determine that the court's caseload requires fewer or more sessions or days of court, or at such other dates and times as may be fixed by the judge for special settings of particular cases.  
(Ord. 479; Code 1984; Code 2003)
- 9-104. **MUNICIPAL JUDGE; DUTIES.** It shall be the duty of the municipal judge to hear matters pertaining to the conduct of his or her office pursuant to the laws of the state of Kansas, and he or she shall have for his or her salary a sum to be determined by the governing body.  
(Code 1971, Sec.1-209; Code 1984; Code 2003)
- 9-105. **MUNICIPAL JUDGE PRO TEMPORE.** In the event the municipal judge of the city is temporarily unable to preside due to absence, illness or disqualification, he or she shall designate an attorney or other qualified person to act as judge pro tempore. The judge pro tempore appointed as hereinbefore provided shall receive compensation in an amount to be determined by the governing body for each session of court over which he or she presides, such compensation to be payable in the same manner as the compensation of the municipal judge.

(Ord. 326; Code 2003)

- 9-106. COURT COSTS. There shall be charged by the clerk of the municipal court in each case or hearing before the municipal court of the city, the fees as set out in Chapter 17 associated with court costs, warrant fees, witness fees, diversion and probation fees, and all other costs and fees set forth in that chapter, in additions to any fine or other penalty imposed by the court. The Municipal Court Judge shall assess the jail costs the City incurs for each day or portion of a day that the convicted person serves in jail at the rate the City is charged for the jail time by Sedgwick County. The current rate charged the City for jail time shall be included as an entry in the Municipal Court's fine schedule. In addition thereto, the Judge of the Municipal Court shall assess all State imposed fees as required by statute.

(Ord.408; Ord. 526; Ord. 526-A; Ord. 526-B; Code 2003; Code 2007; Ord. 933, Code 2009; Ord. 985, Code 2013)

- 9-107. FAILURE TO APPEAR: (a) Failure to appear is willfully incurring a forfeiture of an appearance bond and failing to surrender oneself within thirty (30) days following the date of such forfeiture by one who is charged with a misdemeanor, and has been released on bond for appearance before any court of this state, other than the municipal or police court of a city, for trial or other proceeding prior to conviction, or willfully incurring a forfeiture of an appearance bond and failing to surrender oneself within thirty (30) days after conviction of a misdemeanor by one who has been released on an appearance bond by any court of this state. The fine shall be as set out in Chapter 17.

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

(c) The provisions of subsection (a) of this section shall not apply to any person who forfeits a cash bond supplied pursuant to law upon an arrest for a traffic offense.

(d) Failure to appear is a Class B misdemeanor.

(Ord. 397)

- 9-108. DIVERSION AGREEMENTS: (a) The city attorney shall administer the Municipal Court Diversion Program as provided by K.S.A. 12-4412 et seq., and amendments thereto.

(b) Each defendant requesting diversion shall submit a diversion application form to the city attorney, or their designee, which shall provide such information as the city attorney deems necessary, as provided by K.S.A. 12-4414, 12-4415 and 12-4416, and amendments thereto.

(c) Each defendant requesting diversion shall pay a non-refundable application fee in an amount set out in Chapter 17 to the city clerk to cover the costs incurred by the city in processing such application and administering such diversion program. Such diversion application fee shall be submitted to the city clerk with each defendant's application form described above in subsection (b).

(d) Each defendant requesting diversion shall obtain a drug and alcohol evaluation through the city's probation provider.

(e) The diversion application fee required above in subsection(c) shall not be refunded to any defendant in the event the city attorney does not accept such defendant for diversion or terminates such diversion agreement as provided therein.

(Ord. 557; Code 2003; Code 2011)

9-109. APPEALS TO THE DISTRICT COURT. All appeals to the district court from the municipal court must be taken pursuant to the procedure as set forth in K.S.A. 12-4601, 12-2602 and 22-3609. In addition to the procedures set forth therein, any person taking an appeal shall file also a notice of the appeal with the municipal court clerk. The appealing party shall cause notice of the appeal to be served upon the Municipal Court Clerk.

(Code 2004; Code 2011)