

## 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 Augusta, Kansas. The municipal court shall have jurisdiction to hear and determine cases involving violations of the ordinances of the city. (Code 1975, 11-101; Code 1991)
- 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 1975, 11-102; Code 1991)
- 9-103. TIME AND PLACE OF SESSIONS. Municipal court shall be held at a location within the city limits on such days and at such hours as the municipal judge designates. (Code 1975, 11-103; Code 1991)
- 9-104. MUNICIPAL JUDGE; APPOINTMENT. The municipal court shall be presided over by a municipal judge. The city manager shall appoint the judge of the municipal court. (Code 1991)
- 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, a successor shall be appointed in the same manner as the municipal judge is selected. The judge pro tempore shall receive compensation as shall be approved by the city manager, 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 in the same manner as the municipal judge was appointed.  
(K.S.A. 12-4107; Code 1991; Code 2010)
- 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 1991)
- 9-107. COURT CLERK. There is hereby established the office of the clerk of the municipal court of the City of Augusta, Kansas. 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 clerk of the municipal court 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 bonds paid into the court. The clerk shall make reports to the state 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 1991)

9-108. 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 1991)

9-109. 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 1991)

9-110. 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 1991)

9-111.

COURT COSTS; WITNESS AND MILEAGE FEES. (a) The judge of the municipal court of the city shall assess as costs of the case the sum of \$30.00 for each case that results in a plea of guilty or a finding of guilt by the Court; except that any parking violation or adult seat belt violation, which is an uncontested, or is not required for a court appearance by the Judge in the Municipal Court, shall not be assessed court costs. These costs are to be used to defray the expenses incurred in the operation of the Municipal Court and all other fees or costs mandated by the State of Kansas or any agency thereof.

(b) All witnesses compelled to appear in the municipal court of the city by subpoena or by order of the court, shall be entitled to a witness fee of \$10.00 per day or any part thereof and mileage at the rate used by the State of Kansas for every mile driven over 10 miles. All such fees shall be paid by the party calling the witness except that if the defendant is found not guilty, all such fees and mileage shall be paid by the city.

(Ord. 1839, Sec. 1; Code 2010)