

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 Oxford, Kansas. The municipal court shall have jurisdiction to hear and determine cases involving violations of the ordinances of the city. (Code 1981, 12-101; Code 1988)
- 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 1988)
- 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 except Sunday. (Code 1981, 12-107; Code 1988)
- 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. (Code 1981, 12-102; Code 1988)
- 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 1981, 12-104; Code 1988)
- 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 1981, 12-103; Code 1988)
- 9-107. SAME; SALARY. The municipal judge shall receive a salary as shall be fixed by ordinance. (Code 1981, 12-102; Code 1988)
- 9-108. COURT CLERK. There is hereby established the office of the clerk of the municipal court of the City of Oxford, 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 for 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 the 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.

(Code 1981, 12-110; Code 1988)

9-109. 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 1988)

9-110. 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 1988)

9-111. 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.
(Ord. 152, Sec. 1; Code 1988)

9-112.

COURT AND ADMINISTRATION FEES: Each case filed in municipal court, except for violations with penalty provisions providing within the penalty provision that the fine shall include the court costs, where there is a finding of guilt, either after trial or upon the court accepting a plea of guilty or no contest, or upon a forfeiture of bond or the entry of a diversion agreement, the following court costs shall be imposed:

(a) A Docket Fee of \$39.50 shall be imposed. On any case where the fee imposed pursuant to K.S.A. 12-4117 in subsection b hereto need not be imposed, then this Docket Fee shall be increased by \$20 so that the total amount collected in all cases will be \$60.

(b) A Fee of \$20 as required by K.S.A. 12-4117, except for cases involving nonmoving traffic violations. All parking tickets shall be deemed to be nonmoving traffic offenses. Any traffic violation, including ordinance traffic infractions without corresponding state statute being violated, shall be deemed nonmoving traffic violations.

(c) Witness Fees of \$10 for each witness, plus mileage, shall be assessed for all witnesses signing up for a witness fee after being subpoenaed to testify, except for currently employed Oxford Police officers.

(d) A Bench Warrant Fee of \$50 shall be assessed when a bench warrant has been served upon the defendant. There shall be no more than one bench warrant fee in any case even though multiple bench warrants may be served upon the defendant. When the court recalls the bench warrant without the defendant being arrested, the bench warrant fee shall not be assessed, such as when the defendant appears in court to turn himself in and the court exercises its discretion to recall the warrant.

(e) A KBI Laboratory Fee of \$400 shall be assessed in each case in which the KBI provided forensic science, laboratory services, or forensic computer examination services in connection with the investigation of such case, provided that such services were provided prior to defendant being granted diversion or adjudicated guilty of the crime pertaining thereto.

(f) An Incarceration Fee of \$35 per day for each day or portion of a day that the defendant is committed by the court to serve time in the county jail, up to maximum incarceration fee of \$350 per case (10 days in jail). This incarceration fee only applies to jail time served pursuant to court order and shall not apply to jail time served prior to defendant being initially sentenced by the court.

(g) A Notice Fee of \$30 shall be assessed no more than once in each case in which the court clerk either sends notice to the defendant by mail or summons that the defendant has failed to pay or appear in court as required. Such notice may be the notice required to be sent prior to suspension of defendant's driver's license for a traffic offense or it may be such other notice that the clerk uses to notify defendant of missing a required court appearance.

(h) A Judicial Education Fund Assessment of fifty cents (\$.50) per case shall be assessed as required by state law, including K.S.A. 12-4116.

(i) A probation supervision fee of \$50 may be assessed against any defendant that the court places on a reporting probation.

(j) An Expungement fee of \$75 shall be paid by the defendant upon the defendant filing a motion for Expungement.

(k) Driver's license reinstatement fees as required by state statute shall be collected by the clerk as court costs and forwarded to the Department of Revenue.

(l) The fees in subsections a, b, c, h, and j noted above are mandatory and may not be waived by the court.

(m) The fees provided for in subsections d, e, f, g, and i, may be waived or partially waived by the court upon the court making a finding that the defendant is indigent and is therefore either incapable of paying such fees or would suffer significant financial hardship if required to pay such fees. The basis for such a finding shall be documented by the court.

(Ord. 300; Code 2014)