

## ARTICLE 1. GENERAL PROVISIONS

- 10-101. MUNICIPAL COURT ESTABLISHED. There is hereby established a municipal court for the City of Ulysses, Kansas. The municipal court shall have jurisdiction to hear and determine cases involving violations of the ordinances of the city. (Code 1984)
- 10-102. 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 1984)
- 10-103. OFFICERS. The officers of the municipal court of this city shall be the municipal judge, clerk of the municipal court, the chief of police, and the police officers of the city. (Code 1981, 10-102; Code 1984)
- 10-104. MUNICIPAL JUDGE. The municipal judge shall:
- (a) 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;
  - (b) Be a conservator of the peace and have exclusive jurisdiction to hear and determine all offenses violating the laws of the city;
  - (c) Keep a docket in which to enter every case commenced before him or her as municipal judge;
  - (d) Have power to administer the oath and enforce due obedience to all orders, rules and judgments made by the judge, and may fine or imprison for contempt in the same manner and to the same extent as the district court;
- (Code 1984)
- 10-105. 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 1997)

10-106. COURT CLERK. There is hereby established the office of the clerk of the municipal court of the City of Ulysses, 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.

(K.S.A. Supp. 12-4108; Code 1997)

10-107. COMMUNITY SERVICE. (a) Whenever any person shall be convicted in the municipal court of any municipal offense, and be ordered to pay a fine and such person shall fail to pay such fine and costs of prosecution, or to secure payment of the same to the satisfaction of the municipal judge, and shall be committed to jail in default thereof, the municipal judge may compel such person, unless

such person be physically unable to work, to community service work, until such fine and costs are paid, as hereinafter provided.

(b) Such person may be compelled to work eight hours per day and for each day's community service performed by him or her, shall be credited with \$5 on the judgment against him or her and when the judgment and costs are satisfied by such work shall be discharged from custody. A good time allowance of 20% of his or her sentence shall be made to any prisoner working on the streets, alleys, avenues, areas and public grounds of the city, who shall perform his or her duties faithfully, and final judgment as to his or her earning of good time shall be with the municipal judge.

(Code 1981, 10-105:106)

10-108. COURT COSTS. (a) In each case filed in municipal court where there is a finding of guilty, or a plea of guilty, a plea of no contest, forfeiture of bond, or a diversion there shall be a \$34 assessment, in addition to the fine imposed for the violation, \$1 of which shall be given to the organization known as "Crime Stoppers", for the administration of justice. Any and all additional fees established by the State of Kansas shall be added over and above the assessment. (Code 2003)

(b) The judge of the municipal court may grant probation or suspended sentence upon a conviction for violation of this article, including, but not limited to, all sections in Chapter 16 of the Code of the City of Ulysses. As a condition of probation or suspended sentence, the judge of the municipal court shall have the authority to order a person to reimburse the city for all or part of the expenditures by the city to provide counsel or other defense services to the person. In determining the amount or method of payment of such sum, the judge of the municipal court shall take account of the financial resources of the person and the nature of the burden of payment of such sum will impose. A person who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court to waive payment of such sum or any unpaid portion thereto. If it appears to the satisfaction of the judge of the municipal court the payment of the amount due will impose manifest hardship on the person or the person's immediate family, the judge of the municipal court may waive payment of all or part of the amount due or modify the method of payment.

(c) In addition to or in lieu of any other sentence authorized by law, whenever there is evidence that the act constituting the violation was substantially related to the possession, use or ingestion of cereal malt beverage or alcoholic liquor by such person, the court may order

such person to attend and satisfactorily complete an alcohol or drug education or training program certified by the administrative judge of the judicial district or licensed by the secretary of social and rehabilitation services.

(d) The judge of the municipal court may grant probation or suspends sentence upon a conviction for violation of this article. As a condition of probation or suspended sentence, the judge of the municipal court shall have the authority to order a person to reimburse the city for all or part of the expenditures by the city to provide counsel or other defense services to the person. In determining the amount or method of payment of such sum, the judge of the municipal court shall take account of the financial resources of the person and the nature of the burden of payment of such sum will impose. A person who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the judge of the municipal court the payment of the amount due will impose manifest hardship on the person or the person=s immediate family, the judge of the municipal court may waive payment of all or part of the amount due or modify the method of payment.

(C.O. No. 5, Sec. 2; Ord. 940, Sec. 2; Ord. 960, Sec. 1; Ord. 961, Sec. 1; Ord. 1021, Sec. 1) (Code 2003)

- 10-109. 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 1997)
- 10-110. 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 1997)
- 10-111. 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.

(Code 1997)