



CHAPTER 9.

MUNICIPAL COURT

ARTICLE 1. GENERAL PROVISIONS

9-101. MUNICIPAL COURT ESTABLISHED.

There is hereby established a municipal court for the City of Westwood, Kansas. The municipal court shall have jurisdiction to hear and determine cases involving violations of the ordinances of the city.
(Code 1983; Code 2008, § 9-101)

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 1983; Code 2008, § 9-101)

9-103. TIME AND PLACE OF SESSIONS. ¹

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 2008, § 9-103)

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 1993, 9-103; Code 2008, § 9-104; C.O. No. 9, Sec. 3)

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 in the same manner as the compensation of the regular municipal judge.

¹ **Legal analysis: 9-103. TIME AND PLACE OF SESSIONS.** Please advise whether the city would like to add a provision allowing for remote court appearances under certain circumstances.

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.

(Code 2008, § 9-105)

(K.S.A. 12-4107) ²

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 1983, 9-104; Code 2008, § 9-106)

9-107. SAME; SALARY.

The municipal judge shall receive a salary as shall be fixed by ordinance.

(Code 1983, 9-105; Code 2008, § 9-107)

9-108. COURT CLERK.

There is hereby established the office of the clerk of the municipal court of the City of Westwood, Kansas. The duties of the office shall be those prescribed by the Code for Municipal Courts set forth in K.S.A. 12-4101 et seq., and shall include those duties as set for in section 1- 320 of this code.

The monthly salary of the clerk shall be fixed by ordinance.

(Code 2008, § 9-108)

(K.S.A. Supp. 12-4108)

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 2008, § 9-109)

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 2008, § 9-110)

² **Legal analysis: 9-105. SAME; ABSENCE; VACANCY; PRO TEM.** Revise this and other statutory history notes by placing them in standard state law reference format.

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 \$250.00.
(Code 2008, § 9-111)

9-112. COURT COSTS. ³

In addition to witness fees, mileage and assessments as provided by state statute, the imposition of which the Court is authorized to impose as costs, in each case filed in the Municipal Court of Westwood, Kansas, where there is a finding of guilty or a plea of guilty, a plea of no contest, forfeiture of bond or diversion, the Court shall assess court costs in the amount of \$25.00 for each complaint or charge filed unless waived or suspended by the court.

Court costs shall not be assessed for parking violations.
(Code 1993, 9-107; Code 2008, § 9-112; C.O. No. 12, Sec. 2; Ord. 865, Sec. 1)

³ **Legal analysis: 9-112. COURT COSTS.** Please review court costs (\$25.00), and advise as to any changes.