

CHAPTER IX. MUNICIPAL COURT

- Article 1. General Provisions
- Article 2. Appearance Bonds

ARTICLE 1. GENERAL PROVISIONS

- 9-101. MUNICIPAL COURT ESTABLISHED. There is hereby established a municipal court for the city. The municipal court shall have jurisdiction to hear and determine cases involving violations of the ordinances of the city. (Code 1987; Code 1999, 11-101)
- 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 1987; Code 1999, 11-102)
- 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. (Code 1987; Code 1999, 11-103)
- 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 1987; Code 1999, 11-104)
- 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 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 the governing body.
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 1987; Code 1999, 11-105)
- 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 1987; Code 1999, 11-106)
- 9-107. 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 1987; Code 1999, 11-107)

9-108. 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 1987; Code 1999, 11-108)

9-109 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 1987; Code 1999, 11-109)

9-110. COURT COSTS. That Court costs shall be assessed against the accused person in any City of Phillipsburg Municipal Court Case where the accused person pleads guilty or no contest or nolo contendere or is found guilty. Court costs shall be \$76.00 per case and in addition thereto the municipal judge may assess witness fees and mileage as set forth in K.S.A. 12-4411 and amendments thereto, and the municipal judge, in addition to the aforesaid, shall make the assessment required by K.S.A. 12-4116 and amendments thereto. . (Ord. 1360; Code 2013)

ARTICLE 2. APPEARANCE BONDS

- 9-201. APPEARANCE BONDS. (a) The provisions and amendments to the Nonresident Violators Compact, K.S.A. 8-1212 et seq. are hereby incorporated.
- (b) When a person is stopped whose home state is not a member state of the Nonresident Violators Compact the police officer shall either cause an immediate hearing to be had or require the person so halted to give a bond. The bond shall be subject to forfeiture if the person does not appear at the court at the time specified in a written notice which is contained in the written traffic citation. Such bond shall be for cash. (Code 1987; Code 1999, 11-201)
- 9-202. SAME. The cash bond may be furnished to the officer who has stopped the person for traffic violation and in such case the officer shall give to the person a receipt showing the amount of cash bond received by him or her and the offense charged. If the person so halted by the police officer requests, the officer shall furnish a person a stamped envelope addressed to the municipal judge, of the city and, in the presence of the officer, the person shall deposit such envelope and the person need not sign the written notice to appear, but the officer shall note the amount of the bond mailed on the notice to appear form and shall give a copy of such form to the person so halted. (Code 1981; Code 1999, 11-202)
- 9-203. BONDS AMOUNTS. Appearance bonds shall be set by the municipal court judge in such amount as to cover the minimum fine and court costs if any. (Code 1987; Code 1999, 11-203)
- 9-204. RELEASE. Whenever any person shall have posted bond as provided in section 9-203 the arresting officer shall release the person arrested from custody. (Code 1971, 13-305; Code 1999, 11-204)
- 9-205. BONDS CREDITED TO CITY. The municipal judge shall keep a record of all appearance bonds received and the disposition thereof. All appearance bonds declared forfeited shall be paid to the city treasurer who shall give a receipt therefore and credit the same to the general fund of the city. The municipal judge shall file all such receipts in the appearance bond record in his or her office. (Code 1971, 13-306; Code 1981; Code 1999, 11-205)
- 9-206. REPORT TO VEHICLE DEPARTMENT. The municipal judge shall report to the division of vehicles, department of revenue, all forfeitures of bail or bond, or convictions within 10 days thereafter, on forms provided by the department for violations of ordinances regulating the operation of vehicles. (K.S.A. 8-523; 8-2215; Code 1971, 13-307; Code 1999, 11-206)