

CHAPTER XVI
MUNICIPAL COURT

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BUHLER,
KANSAS:

SECTION XVI-1. EXEMPTION.

The City of Buhler, Kansas, a mayor-council City of the third class, by the power invested in it by Article 12, Section 5 of the Constitution of the State of Kansas, elects to and does hereby exempt itself, and make inapplicable to it, K.S.A. 12-4101 through 12-4602, inclusive of the Kansas Statutes Annotated, which statutes do not uniformly apply to all cities within the State of Kansas, pursuant to the case of, City of Junction City v. Griffin, 227 Kan. 332 (1980), and to provide substitute and additional provisions as hereinafter set forth.

SECTION XVI-2. JURISDICTION.

The Municipal Judge of the City shall have exclusive jurisdiction to hear and determine all offenses against the Ordinances of the City of Buhler.

SECTION XVI-3. COURT ROOM AND COURT SUPPLIES.

The City Council shall provide a suitable room or office for the Municipal Judge, at the expense of the City, and shall furnish the Judge with a suitable docket, and ordinance book and other law books that may be required and such forms, files and supplies as may be needful for the Municipal Court. The Municipal Judge shall deliver said docket and all books and papers pertaining to his office to his successor.

SECTION XVI-4. COURT SESSIONS.

The Municipal Judge shall hold his court in the court room and his court shall be open as the business thereof may require at his discretion.

SECTION XVI-5. COURT DOCKET.

The Municipal Judge shall keep a docket in which he shall enter every cause brought before him as Municipal Judge. All cases prosecuted for violation of any ordinance of the city shall be entitled The City of Buhler against "_____."

(naming the person charged), and the Municipal Judge shall state in his docket the name of the complainant, the nature of character of the offense, the date of the trial, the names of all witnesses, the findings of the Court, the judgment entered, the date of payment and discharge of the defendant, the date of issuing a commitment, if any, and every other fact necessary to show the full proceedings in each case.

SECTION XVI-6. DUTY OF JUDGE ON ARREST; RECOGNIZANCE.

When any person shall be arrested and brought before the Municipal Judge, it shall be his duty to hear and determine the complaint alleged against the defendant at the next regular court session, unless for good cause the trial be postponed to a time certain, in which case he may require the defendant to enter into a recognizance with sufficient surety, conditioned that the defendant will appear before the said judge at the time and place appointed, then and there to answer the complaint alleged against him. If the defendant fails or refuses to enter into such recognizance, the defendant shall be committed to Reno County Detention Center and held until he answers said complaint as aforesaid.

SECTION XVI-7. COMPLAINTS; HOW MADE.

In all cases, a complaint shall be in writing, and a summons or warrant shall be issued by the Judge, to compell the attendance of the person complained against. A uniform citation and notice to appear shall be acceptable as a complaint and need not be attested to by the Municipal Judge when signed by an authorized law enforcement official.

SECTION XVI-8. EXECUTION OF WARRANTS.

All warrants issued by the Municipal Judge shall be directed to the appropriate law enforcement officials of the city.

SECTION XVI-9. WITNESSES; SUMMONS.

It shall be the duty of the Municipal Court to summon all persons whose testimony may be deemed essential as witnesses to the trial and to enforce their attendance by subpoena if necessary. When a trial shall be continued by the Municipal Judge, it shall not be necessary to summon again any witness who may be present at the continuance; but the Judge shall verbally notify such witness as either party may require to attend before him to testify in the cause on the day set for trial, which verbal notice shall be as valid as a summons.

SECTION XVI-10. ARRAIGNMENT.

The complaint shall be read to the person charged before the Court, and he shall be required to plead "guilty", "nolo contendere", or "not guilty". If the person when arraigned, shall plead "guilty", or if found guilty upon trial, or on a plea of nolo contendere, the court shall immediately pass sentence upon such person; but testimony may be introduced to show aggravation or mitigation of the offenses in all cases where the plea of "guilty" is entered.

SECTION XVI-11. TRIALS; SUFFICIENCY OF EVIDENCE.

Following the arraignment of a person who shall plead "not guilty", testimony shall be offered on behalf of the city by the complaining witness or other witness or other witnesses as the usual case. Thereupon, the defendant, shall be entitled to introduce testimony in his behalf. No person shall be required to testify against himself and shall be entitled to the assistance of counsel if he is found to be an indigent person, if he might be sentenced to jail, and if he requests the assistance of counsel. In that event the Municipal Judge shall appoint a licensed Reno County attorney to represent the defendant. The cost of such counsel shall be borne by the City of Buhler. The fees of appointed counsel shall be subject to the approval of the Municipal Judge.

SECTION XVI-12. JUDGMENT; SENTENCE; AND COSTS.

If the defendant pleads guilty or is found guilty, the Municipal Judge shall declare and assess the punishment under the ordinances of the city and shall render judgment accordingly. Any fines assessed shall be due and payable immediately, although the judge shall have the power, at his discretion, to stay execution of sentence for a maximum of two (2) weeks. In the event the defendant refuses or fails to pay the fine at the time established by the Municipal Judge, he may be found guilty of contempt of court.

If the judge directs that the defendant be committed to jail, for any reason, it shall be the duty of the appropriate law enforcement officials to deliver the defendant to the Reno County Law Enforcement Center, and such person shall be confined in said jail at the expense of the city until he is discharged by the Municipal Judge.

SECTION XVI-13. BONDS.

The Municipal Judge shall have authority to establish bonds and the condition for bonds as may be necessary to secure the attendance of defendants at a court hearing. The Judge may require such surety as seems appropriate under the

circumstances. Provided however, no such bond, nor surety for the bond, shall exceed the sum of Five Hundred Dollars (\$500.00) for any offense. The Judge shall also have the authority to establish an automatic schedule of bonds that may be posted for particular classes of offenses.

SECTION XVI-14. CONTEMPT OF COURT.

The Judge shall have the power to maintain order in his courtroom, and shall further have the power to punish anyone for a direct contempt of Court. The non-payment of any fine, when due, shall be considered such a contempt of Court. When an individual is found guilty of contempt of court, he may be assessed a fine or sentenced to jail, or both, at the discretion of the Judge, not to exceed maximum penalty powers of this Court.

SECTION XVI-15. PENALTY.

The Municipal Judge of Buhler shall assess no more penalty than is provided for any given offense. In the event no penalty is otherwise stated by a particular ordinance, the maximum penalties that may be assessed by this Court are a fine of \$500.00, or one (1) year in jail (to be served at the Reno County Detention Center), or both.

SECTION XVI-16. PROCEDURES.

The Municipal Judge of Buhler shall follow the Code of Criminal Procedure of the State of Kansas, except where inconsistent with any of the provisions of this Ordinance.

SECTION XVI-17. PRO TEM.

The Municipal Judge shall have the authority to appoint a Judge Pro Tem when the Municipal Judge has a conflict of interest, or is unable to appear at a particular time. Such Judge Pro Tem shall be subject to all of the duties and powers of the duly appointed Municipal Judge.

SECTION XVI-18. PERSONNEL OF THE COURT.

The City Clerk shall maintain the Municipal Court of Buhler and shall be present at sessions of the court to receive fines, give receipts and be of assistance as needed. The officers of the City of Buhler Police Department or the City Clerk shall be the bailiffs of said Court, and at least one of said bailiffs shall be in attendance at every court session. The City Attorney shall not be required to appear except when a trial has been requested, at which time he shall appear and present evidence on behalf of the City.

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SECTION XVI-19. SEVERABILITY.

If any of the provisions of this ordinance be found unconstitutional or void, or unenforceable by a court of record of the State of Kansas, the unconstitutionality, voidness, or unenforceability of any such provision shall not affect the constitutionality or status of any of the other provisions of this ordinance, which are expressly declared to be severable.