

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 Edgerton, Kansas. The municipal court shall have jurisdiction to hear and determine cases involving violations of the laws of the city. (Code 1984)
- 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 1984)
- 9-103. **MUNICIPAL JUDGE; APPOINTMENT.** The municipal court shall be presided over by a municipal judge who shall be appointed by the mayor with the consent of the Council. (Code 1984)
- 9-104. **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 1984)
- 9-105. **SAME; SALARY.** The municipal judge shall receive a salary fixed by ordinance. (1984)
- 9-106. **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 1995)

- 9-107. MUNICIPAL COURT; LOCATION, TIME. Effective May 1, 2022, the municipal court of the City of Edgerton shall be held on the first and third Tuesdays of each month at 2:00 P.M. at the Edgerton Community Building, 404 E. Nelson, Edgerton, Kansas 66021. The date, time and location of municipal court may be changed on a temporary basis by the municipal judge to accommodate holidays or other scheduling conflicts, so long as court staff and defendants scheduled to appear are notified of the change. (Ord. 2104, 2022; Ord. 2085, 2021; Ord. 2046, 2020; Ord. 1075, 2018; Ord. 974, 2014; Ord. 602, 1990; Ord. 581, 1988; Ord. 456, 1978)
- 9-108. CITY ATTORNEY. The city attorney, in person or by his assistants such as the named prosecuting attorney, shall prosecute all contested cases in Municipal Court, and shall appear to prosecute such other cases as the Judge of the Municipal Court for the City of Edgerton shall deem necessary. (Charter Ordinance No 8, 1982)
- 9-109. COURT COSTS. (a) Every person found guilty of a violation of the ordinances of the City of Edgerton, Kansas shall be assessed costs for the administration of justice in the Municipal Court and such costs shall be determined by provisions of this Code. (Ord. 968, 2014; Charter Ordinance No. 20, 2014; Charter Ordinance No. 8, 1982)
- (b) In all Municipal Court cases where the accused person or persons plead guilty or nolo contendere, or is found guilty, such person shall be assessed costs as established by the Municipal Court Judge by Administrative Order. (Ord. 968, 2014; Charter Ordinance No. 20, 2014; Charter Ordinance No. 8, 1982)
- (c) In all Municipal Court cases where the accused person or persons plead guilty or nolo contendere, or is found guilty, such person shall pay training assessments established by the State of Kansas. (Ord. 968, 2014; Code 1995)
- 9-110. FAILURE TO APPEAR. (a) For the purpose of subsection (b), Failure to Appear shall mean: Failure to appear or willfully incurring a forfeiture of an appearance bond and failing to surrender oneself within thirty (30) days following the date of such forfeiture by one who is charged with a public offense, has been released on bond for appearance before the Municipal Court of this city for trial or other proceeding prior to conviction, or willfully incurring a forfeiture of an appearance bond and failing to surrender oneself within thirty (30) days after his conviction of a public offense has become final by one who has been released on an appearance bond by any Court. Any person who is released upon his own recognizance, without surety, or who fails to appear in response to a summons or traffic citation, is a person released on bond for appearance within the meaning of this section. The provisions of this section do not apply to any person who forfeits a cash bond supplied pursuant to law or city ordinance upon an arrest for a traffic offense.
- (b) Any person or persons who “fail to appear” as defined in subsection (a) shall be punished by serving up to but no more than thirty (30) days in either

the city or county jail and/or up to but not exceeding a \$500.00 fine, or both.
(Ord. 500, 1981)