

## CHAPTER IX. MUNICIPAL COURT

### Article 1. General Provisions

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#### ARTICLE 1. GENERAL PROVISIONS

- 9-101. MUNICIPAL COURT ESTABLISHED. There is hereby established a municipal court for the City of Galena, Kansas. The municipal court shall have jurisdiction to hear and determine cases involving violations of the ordinances of the city. (Code 1988)
- 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 1988)
- 9-103. COURT DATE. The municipal judge shall designate the official court date for the month for the processing of all criminal cases pending before the municipal court. The court is given the authority to conduct special sessions in the event that an emergency exists and the administration of justice would be best served. (Ord. 90-7; Sec. 1:2; Code 1988)
- 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 2015)
- 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 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; Ord. 947, Code 1988)
- 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 1988)
- 9-107. SAME; SALARY. The municipal judge shall receive a salary as shall be fixed by the governing body. (Code 1988)

- 9-108. COURT CLERK. There is hereby established the office of the clerk of the municipal court of the City of Galena, 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 the governing body.
  - (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. 12-4108; Ord. 87-1; Code 1988)
- 9-109. INDIGENT COUNSEL. Indigent defendants charged with violation of any city ordinance that could result in a jail sentence shall be appointed counsel by the court. Any counsel so appointed shall be assigned at the discretion of the municipal judge. The position shall receive compensation as shall be fixed by local court rule. (Code 2015)
- 9-110. WITNESS FEES. There is hereby established a Witness Fees Fund for the city. All regular police officers, members of the auxiliary police force, and any other witnesses, shall receive witness fees in an amount to be determined by the court, pursuant to Kansas statute for appearing to testify at a hearing by the city municipal court concerning any alleged ordinance violation; provided, that no witness fees shall be allowed if a witness is on duty as a regular officer or assigned to special duty at the time of hearing. (Code 2015)
- 9-111. ASSESSMENT CONCERNING DRIVING UNDER THE INFLUENCE FOR PURCHASE OF PROSECUTION EQUIPMENT AND LAW ENFORCEMENT EQUIPMENT.
- (a) When a complaint is charged in the municipal court of Galena, Kansas, charging Driving While Under the Influence of Alcohol or Drugs that results in the defendant entering a guilty plea, no contest plea, or a diversion agreement thereto, or, in which there is a forfeiture of the defendant's bond, there shall be assessed an additional fee of \$100.00.
  - (b) Such fee may be waived by the prosecutor in diversion agreements and by the court for convictions, if the defendant is found to be indigent.

(c) The monies collected under the provisions of this section shall be distributed to the Galena Police D.U.I. Assessment Fund and the Galena Municipal Prosecutor D.U.I. Assessment Fund for purchase or equipment that will help assist in the prevention and prosecution of alcohol and drug related crimes or for training to assist in the prevention or prosecution of alcohol and drug related crimes. Such equipment shall include, but not be limited to, in-car video cameras, radar and laser speed detection devices and blood or breath alcohol concentration equipment.

(d) 75% of the fees collected under this section shall be placed in the Galena Police D.U.I. Assessment Fund and 25% of the fees collected under this section shall be placed in the Prosecutor D.U.I. Assessment Fund.  
(Ord. 00-11; Code 2015)

9-112. COURT COSTS. (a) That court costs shall be assessed against the accused person in all cases in the city of Galena, Kansas, Municipal Court, where the accused person is convicted or enters into a diversion agreement with the city of Galena. The municipal court costs established herein shall not apply to parking violations.

(b) The court costs of the Municipal Court of the City of Galena, Kansas shall be assessed as follows: \$100 for a traffic infraction or traffic misdemeanor case and \$162 for a misdemeanor case that is not a traffic infraction or traffic misdemeanor case.

(c) The court costs paid to the city shall be allocated as follows:

(1) to the General Fund of the City of Galena, Kansas for the administration of justice in the amount of \$73.50 for a traffic infraction or traffic misdemeanor case and \$135.50 for each misdemeanor case that is not a traffic infraction or traffic misdemeanor case;

(2) to the Local Law Enforcement Training Reimbursement Fund established pursuant to K.S.A. 74-5620, and amendments thereto, the sum \$1;

(3) to the Law Enforcement Training Center Fund established pursuant to K.S.A. 74-5619, and amendments thereto, the sum of \$11.50;

(4) to the Juvenile Detention Facilities Fund established pursuant to K.S.A. 79-4803, and amendments thereto, to be expended for operational costs of facilities for the detention of juveniles, the sum of \$2;

(5) to the Protection From Abuse fund established pursuant to K.S.A. 74-7325, and amendments thereto, the sum of \$0.50;

(6) to the Crime Victims Assistance Fund established pursuant to K.S.A. 74-7334, and amendments thereto, the sum of \$.50;

(7) to the Trauma Fund established pursuant to K.S.A. 75-5670, and amendments thereto, the sum of \$1;

(8) to the Kansas Commission on Peace Officers' Standards and training fund established by K.S.A. 74-5619, and amendments thereto, the sum of \$2.50;

(9) to the Department of Corrections Forensic Psychologist Fund established pursuant to K.S.A. 75-52,151, and amendments thereto, the sum of \$1;

(10) to the Training, Testing and Continuing Judicial Education of Municipal Judges as provided in K.S.A. 12-4114 and K.S.A. 12-4116 and K.S.A. 20-1a11 and amendments thereto, the sum of \$0.50, such payment is sent directly from the court clerk to the state of Kansas;

(11) to the Galena City Attorney Equipment, Training and Continuing Legal Education Fund which is hereby established to defer the costs of continuing

legal education and equipment which shall be administered by the City Clerk of the City of Galena, Kansas, the sum of \$1; and,

(12) to the City of Galena Local Law Enforcement Training Fund the sum of \$5.

For the purpose of determining the amount to be assessed according to this Section 9-112 of this Code, if more than one complaint is filed in the municipal court against one individual arising out of the same incident, all such complaints shall be considered as one case. (Ord. 13-7; Code 2015)

9-113. SAME; MONEYS COLLECTED; REMITTANCE. (a) The judge or clerk of the municipal court shall remit the appropriate assessments received in subsections (c)(2) through (c)(10) of Section 9-112 and above to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto.

(b) All other money collected by the court not specifically designated to a fund pursuant to Section 9-112 herein, shall be distributed as follows by the court:

(1) to the Kansas Bureau of Investigation, any laboratory fee received; and,

(2) all other money shall be paid to the city clerk for credit to the general fund (C.O. No. 2000-14; Ord. 13-7, Code 2015)

9-114. 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 2015)

9-115. 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 2015)

9-116. FAILURE TO APPEAR. Shall be punishable by contempt proceedings. (Code 2015)