ORDINANCE NO. 1681

AN ORDINANCE ADOPTING THE APPOINTMENT AND TERM OF OFFICE FOR THE MUNICIPAL COURT JUDGE AND CLERK OF THE MUNICIPAL COURT AND AMENDING THE CODE OF THE CITY OF COLBY, KANSAS, 2017 CHAPTER 9, ARTICLE 1 SECTIONS §9-101 – 9-112: MUNICIPAL COURT; GENERAL PROVISIONS; AS AUTHORIZED BY K.S.A. 14-201 AND 12-4101 THROUGH 12-4602; REPEALING ORDINANCE NO. 1663 DATED DECEMBER 5, 2023.

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

SECTION 1. The Code of The City of Colby, Kansas, 2017, Chapter 9, Article §9-101 – 9-112 is hereby amended as follows:

§ 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.

§ 9-102 KANSAS MUNICIPAL COURT CODE.

The Kansas Municipal Court Code, K.S.A. 12-4101 through 12-4602 inclusive, is hereby adopted and incorporated by reference for the city.

§ 9-103 MUNICIPAL COURT; TIME AND PLACE.

(a) The Municipal Court shall be open on the third Tuesday of each month to begin at 9:00 a.m. and at such other times as established by the Municipal Judge for the purpose of holding Court hearings; Municipal Court being open for all other Court purposes as set by the Municipal Judge.

(b) The Municipal Court is located at 300 North Court, Second Floor, Thomas County Courthouse, Colby, Kansas.

§ 9-104 MUNICIPAL JUDGE; APPOINTMENT AND TERM OF OFFICE.

The Municipal Judge shall be appointed in the manner provided by law on an annual basis. Said term of office shall be from January 15 to January 15 of each year.

§ 9-105 SAME; ABSENCE; VACANCY; PRO TEM.

(a) 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.

(b) 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)

§ 9-106 SAME; JOB DESCRIPTION AND COMPENSATION.

(a) The Municipal Judge shall conduct and shall preside over the Municipal Court of the city in accordance with, and as required by, the ordinances of the city and the laws of the state. The position of Municipal Judge is not a full-time position. The Municipal Judge shall spend only such time as is required to perform his or her duties properly and effectively.

(b) Nothing herein shall prevent the Municipal Judge, should he or she be a licensed attorney, from conducting his or her private practice or from serving or presiding as Judge in other courts, so long as the same is not prohibited by law.

(c) The compensation for the Municipal Judge shall be $1,000 per month.
(d) Annual membership to Kansas Municipal Judges Association.

§ 9-107 COURT CLERK.

The Office of Clerk of Municipal Court is hereby established in accordance with K.S.A. 12-4108.

§ 9-108 SAME; JOB DESCRIPTION AND COMPENSATION.

(a) The Clerk of Municipal Court, should this position be filled, shall perform all duties required by law and established by the Municipal Judge and approved by the City Manager.

(b) Nothing herein shall prevent or limit the Clerk of Municipal Court from obtaining other employment as long as the same is not in conflict with his or her duties as Clerk of Municipal Court or prohibited by law.

(c) The compensation for the Clerk of Municipal Court shall be an hourly rate established by the Municipal Judge and approved by the City Manager.

§ 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.

§ 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.

§ 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 division (a) above, 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 the 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 division (b) above.

(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.

§ 9-112 COURT COSTS.

(a) Pursuant to Charter Ord. 8 of the city, Court costs in the Municipal Court of the city are hereby established and shall be assessed at the Court of the city at the rate of $100 per case, except for violations of the "Standard Traffic Ordinance for Kansas Cities" as amended from time to time, which shall be assessed at the rate of $75 per case; provided, however, if more than one complaint is filed against one person arising out of the same incident, only one Court cost shall be assessed.

(b) All Court costs collected by the Municipal Court or the Clerk of the Court shall be apportioned and distributed as follows:

(1) To the State Treasurer such amount as may be required by state law or order of the Kansas Supreme Court; and

(2) The remaining balance shall be placed into the General Fund of the city.

(c) The Municipal Court may, from time to time, impose and assess additional costs to pay future assessments required by state law or the Kansas Supreme Court. Assessment of additional costs to the city shall require approval of the governing body.

(d) The assessment of costs required by this section shall be implemented by the Municipal Court and apply to all Municipal Court cases filed on and after the effective date of this section. (Ord. 1564, passed 12-30-2015)

SECTION 2. REPEALER. Ordinance No. 1663, dated December 5, 2023, is hereby repealed.

SECTION 3. The Code of The City of Colby, Kansas, 2017, Chapter 9, Articles §9-101 – 9-112 is hereby amended.

SECTION 4. This Ordinance shall be in full force and effect from and after its publication in the official city paper as provided by law.

PASSED by the Governing Body and approved by the mayor this 17th day of December, 2024.

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Lee Leiker, Mayor

ATTEST:

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Joni L. Ketchum, City Clerk

Seal