

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 Bentley, Kansas. The municipal court shall have jurisdiction to hear and determine cases involving violations of the ordinances of the city. (Code 1990)
- 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 1990)
- 9-103. TIME AND PLACE OF SESSIONS. Municipal court shall be held on the first Thursday of each month, unless a lack of complaints to be heard shall necessitate the cancellation of any such regular session of municipal court. (Ord. 95, Sec. 2; Code 1990)
- 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 1990)
- 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; Code 2016)
- 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 1990)
- 9-107. SAME; SALARY. The municipal judge shall receive a salary as shall be fixed by ordinance. (Code 1990)
- 9-108. COURT CLERK; DUTIES. The city clerk or assistant city clerk shall serve as clerk of the municipal court. (Code 2016)

- 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. (C.O. No. 5; Code 2016)
- 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. (C.O. No.5; Code 2016)
- 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 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. (Code 1990)
- 9-112. COURT COSTS. In each proceeding before the Municipal Court for the city of Bentley, Kansas, in which court costs are required or are determined to be assessed against a party thereunder, such court costs shall be in the amount of \$90, which shall include and not be in addition to any of the costs specified under K.S.A. 12-4112, as the same now provides or as the same may hereafter be amended, except for witness fees and mileage.
- (a) All violations of the Standard Traffic Ordinance and/or of the Uniform Public Offense code, regardless of appearance in court, shall carry a Municipal Court cost of \$90, which amount shall be periodically adjusted as mandated by Statute.
- (b) All Municipal Court cases, regardless of appearance and except as otherwise listed herein, shall carry a Municipal Court cost of \$90, which amount shall be periodically adjusted as mandated by Statute.
- (c) Whenever witness fees and mileage have been incurred and are assessable against the defendant under the provisions of K.S.A. 12-4411, then such costs shall be assessed in addition to the court costs prescribed above. (C.O. No. 5, Ord. 276; Code 2016)

- 9-113. HOUSING FEE. A Housing Fee for housing, transfer, and medical care of each inmate, consisting of the amount actually paid by the city to the Sedgwick County Jail, other facility, or medical provider, shall be and hereby is assessed against every inmate housed for violation of Bentley Municipal Code or at the direction of the Bentley Municipal Court, for each day prior to and after conviction for an offense resulting in a conviction. (Ord. 248; Code 2016)
- 9-114. SAME; NOTIFICATION. At the time of sentencing, the Municipal Court shall impose the Housing Fee and notify the Defendant/Inmate of the amount of such Housing Fee, if known at that time. If not paid in full at the time of sentencing, such Housing Fee shall be included in a payment plan, along with the payment of costs and fines to the court. Any restitution, child support, court costs, or fines owed by any inmate shall take priority over this Housing Fee. (Ord. 248; Code 2016)
- 9-115. SAME; HARDSHIP. If the inmate alleges the Housing Fee would create an undue hardship on the inmate, the inmate may, by motion to the Municipal Court, request that such Housing Fee be waived and/or reduced. The Court shall weigh the evidence to determine, in its discretion, whether such Housing Fee will, in fact, create an undue hardship on the inmate. If the Court determines the Housing Fee will create an undue hardship, the Court shall waive or reduce the Housing Fee. (Ord. 248; Code 2016)
- 9-116. SAME.; GARNISHMENT If the inmate fails to pay such Housing Fees, as ordered by the Municipal Court, the City with the approval of the Sedgwick County Jail, may garnish such inmate's commissary account to recover such costs, if;
- (a) The Municipal Court provided actual notice to the inmate that it intended to request garnishment, and setting a reasonable deadline to challenge the proposed action by requesting a hearing with the Municipal Court; and;
- (b) After a hearing on the matter, if any, the Municipal Court determines the inmate owes the Municipal Court a Housing Fee, such Housing Fee has not been paid, and garnishment of the inmate's commissary account is reasonable and proper. (Ord. 248; Code 2016)
- 9-117. COLLECTION. In addition to all other remedies available to the Municipal Court to collect the amount due should the inmate fail or refuse to make the promised payments under a Municipal Court-ordered payment plan, the Municipal Court may forward the unpaid debt to the city attorney or other authorized agency or contractor for collection. (Ord. 248; Code 2016)
- 9-118. FORM OF PAYMENT. The inmate shall pay the Housing Fee charged by cash, check or money order or upon approval by the Sedgwick County Jail, by release of funds in the inmate's jail commissary account. Any Housing Fees paid by the inmate, by garnishment or otherwise, shall be paid to the Municipal Court Clerk and the entire amount will be deposited in the City General Fund. (Ord. 248; Code 2016)
- 9-119. SAME; If the City is otherwise entitled to receive reimbursement or compensation for the maintenance of an inmate who is required to pay Housing Cost, and such reimbursement or compensation constitutes the entirety of the costs maintaining such inmate, the amount paid by such inmate shall be deducted from the amount of the other reimbursement or compensation to which the City is entitled. (Ord. 248; Code 2016)