

ORDINANCES OF THE CITY OF SEVERY, KANSAS

ORDINANCE NO. 441

AN ORDINANCE PROVIDING FOR ESTABLISHMENT OF A MUNICIPAL COURT

Be it ordained by the Governing Body of the City of Severy, Greenwood County, Kansas:

Section 1

Establishment of a Municipal Court

There is hereby established the Municipal Court for the City of Severy, Kansas ("the municipal court" and "the City"). The municipal court shall have jurisdiction to hear and determine cases involving violations of ordinances of the City and other cases, actions, or controversies explicitly provided for in the Kansas Code of Procedure for Municipal Courts, K.S.A. 12-4101, *et seq.*, as amended ("the Kansas municipal court Code").

Section 2

Governing Law, Practice, Procedure, Powers, and Duties

a. The Kansas municipal court Code, and all Kansas law made amendatory or supplemental thereto, shall govern the practice and procedure in all cases in the municipal court, and the municipal judge shall have such powers and duties as are set forth in the Kansas municipal court Code.

b. Except to the extent the governing body has elected to exempt the City of Severy from certain provisions of the Kansas municipal court Code, pursuant to its home rule powers as set forth in Article 12, Section 5, of the Constitution of the State of Kansas, each section and each provision of the Kansas municipal court Code is hereby adopted into this Ordinance by reference and made a substantive part of this ordinance as if set out more fully herein.

Section 3

Times and Places of Court Sessions

The municipal court shall convene in a suitable courtroom space within the City, at such days, times, and places designated by the City for each session.

Section 4

Appointment of Municipal Judge

A Municipal Judge shall be appointed to preside over all municipal cases within the jurisdiction of the Municipal Court. The City's Governing Body shall appoint the municipal judge.

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Section 5
Absence of Municipal Judge

If the municipal judge is temporarily unable to preside due to absence, illness, disability, or disqualification, the municipal judge shall designate an attorney or other qualified person to act as "judge *pro tempore*." If the municipal judge is unavailable or unwilling to make such temporary appointment, then the judge *pro tempore* will be appointed by the City's governing body and will receive compensation as provided by ordinance, payable in the same manner as the municipal judge is paid.

Section 6
Vacancy in Municipal Judge Position

If a vacancy occurs in the office of municipal judge, a successor shall be appointed by the City's governing body, with compensation to be determined by ordinance.

Section 7
Establishment of a Court Clerk's Office

There is hereby established the Office of the Clerk of the Municipal Court of Severy, Kansas. The Clerk shall be appointed by the municipal judge. The duties of the Clerk shall be those prescribed by the Kansas municipal court Code, and shall include but not be limited to the following:

- a. The clerk of court shall issue all process of the municipal court; administer oaths; file and preserve all papers and audio and audio-visual records; docket cases; set trials, hearings, conferences and other court appearances; and carry out other clerical responsibilities and duties as required.
- b. The clerk of court shall receive, account for, and pay monthly to the City Treasurer all fees, costs, fines, bond forfeitures, and other amounts paid into municipal court and accepted by the municipal judge. All such moneys shall be credited to the general fund of the City within seven (7) days of the date they are collected by the City treasurer.
- c. If the City's governing body requires that the court clerk be bonded, the court clerk will, before entering upon the duties of office, execute to the City such bond as the governing body may require, with the bond conditioned for the faithful performance of the duties required by law of a court clerk, and for faithful application and payment of all moneys that may come into the court clerk's hands in the execution of the duties of the office. The City shall pay the cost of such bond.
- d. Compensation of the clerk of the court shall be fixed by ordinance.

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e. Under the authority of this Section 7, the court clerk may be removed by majority of the governing body and may be temporarily suspended by the mayor for good cause.

Section 8

Payment of Fines

a. The municipal judge has the authority to impose fines in an amount no larger than a fine schedule approved by the City governing body. In the event there is no fine schedule approved by the City governing body or applicable to a given case, a fine shall be in an amount no larger than a reasonable fine as compared to similar offenses and fines in municipalities similarly situated within a 50-mile radius of the Severy City limits.

b. The municipal judge is hereby authorized to permit a litigant to satisfy a fine by participating in a community service program selected by the municipal judge, where the time worked by the litigant will be credited to the fine at the rate of the then-existing state or federal minimum wage, whichever is higher.

Section 9

This Ordinance shall be in full force and effect from and after its adoption, summary publication in the official City newspaper, and publication on the City's website. Any prior ordinances or parts of prior ordinances are repealed in whole or in part, to the extent they may conflict with this Ordinance.

Adopted by the City Council on the 25th day of March 2024.

Approved:


Donna Wiss, Mayor

Attest:


Tessa C. Riggs, City Clerk

(seal).