

CHAPTER IX. MUNICIPAL COURT

ARTICLE 1. GENERAL PROVISIONS

SECTIONS

9-101	MUNICIPAL COURT ESTABLISHED
9-102	PRACTICE AND PROCEDURE
9-103	OFFICERS
9-104	MUNICIPAL JUDGE
9-105	MUNICIPAL JUDGE QUALIFICATIONS
9-106	MUNICIPAL JUDGE SELECTION
9-107	MUNICIPAL JUDGE ABSENCE
9-108	MUNICIPAL JUDGE VACANCY IN OFFICE
9-109	MUNICIPAL JUDGE SALARY
9-109.1	QUALIFICATIONS OF CITY ATTORNEY
9-109.2	PERIODIC EVALUATION OF MUNICIPAL JUDGE AND CITY ATTORNEY
9-110	CLERK OF THE MUNICIPAL COURT
9-111	BAILIFF-CLERK OF THE MUNICIPAL COURT
9-112	SUPPLIES FOR JUDGE, INSPECTION OF RECORDS DOCKET
9-113	MUNICIPAL JUDGE DEFINED
9-114	APPOINTMENT OF MUNICIPAL JUDGES
9-115	MUNICIPAL JUDGE AUTHORITY, DUTIES AND QUALIFICATIONS
9-116	ADMINISTRATIVE FUNCTIONS OF MUNICIPAL JUDGE
9-117	MUNICIPAL COURT
9-118	HOW PROSECUTIONS CONDUCTED

9-101. MUNICIPAL COURT ESTABLISHED. There is hereby established a municipal court for the City of Leawood, Kansas. The municipal court shall have jurisdiction to hear and determine cases involving violations of the ordinances of the city.

(Code 1973, 9-101)

9-102. 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. OFFICERS. The officers of the municipal court of this city shall be the municipal judge, city attorney, assistant city attorney/prosecutor, clerk of the municipal court, the chief of police, and the police officers of the city.
(Code 1973, 9-101)

9-104. MUNICIPAL JUDGE. The municipal judge shall:

- (a) 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;
- (b) Be a conservator of the peace and have exclusive jurisdiction to hear and determine all offenses violating the laws of the city;
- (c) Keep a docket in which to enter every case commenced before him or her as municipal judge;
- (d) Have power to administer the oath and enforce due obedience to all orders, rules and judgments made by the judge, and may fine or imprison for contempt in the same manner and to the same extent as the district court;
- (e) Appoint the clerk of the municipal court.

(Code 1973, 9-102)

9-105. QUALIFICATIONS. The municipal judge shall be a resident of Johnson County, Kansas; a practicing attorney in and licensed by the State of Kansas and shall have so practiced for a period of three years.
(Ord. 617)

9-106. SELECTION.

- (a) Prior to the Mayor's appointment of (a) Municipal Judge(s) as provided for in Section 1-404 of the Code, the Mayor, with the consent of the Council, shall appoint a judicial selection committee to screen candidates for the position of Municipal Judge. The committee shall consist of one resident from each ward in the City; the person selected to serve on the committee shall be chosen by the two Councilmembers representing that ward. In addition, the Mayor shall appoint, with the consent of the Council, three attorneys to serve as advisory members of the committee. The committee, consisting of seven persons, shall then interview and screen applicants for the position of Municipal Judge. The committee shall then present to the Mayor a list of three qualified individuals, from which list the Mayor shall appoint, by and with the consent of the City Council, the individual(s) to serve as Municipal Judge(s).
- (b) No attorney serving as an advisor to the committee shall be considered for, or be appointed to, the position of Municipal Judge.

(Ord. 1098C; 4/17/89)

- 9-107. ABSENCE.** If the municipal judge be absent, sick or disqualified from acting, some suitable and proper person appointed by the mayor shall act as municipal judge until the absence, disqualification or objection ceases.
(Code 1973, 9-102)
- 9-108. VACANCY IN OFFICE.** In case of a vacancy in the office of Municipal Judge, the mayor shall appoint some suitable and proper person to fill the vacancy as set forth in section 9-106 above, and the person so appointed shall hold office until a successor is appointed and qualified.
(Ord. 1098C; 4/17/89)
- 9-109. SALARY.** The municipal judge shall receive a salary as established by the governing body from time to time.
(Code 1984)
- 9-109.1. QUALIFICATIONS OF CITY ATTORNEY.** The City Attorney shall be a resident of Johnson County, Kansas, a practicing attorney in and licensed by the State of Kansas, and shall have so practiced for a period of three years.
(Ord. 1569C; 3-25-96)
- 9-109.2. PERIODIC EVALUATION OF MUNICIPAL JUDGE AND CITY ATTORNEY.** The Governing Body shall meet with the Municipal Judge on a periodic basis, but not less than annually, to review and evaluate his or her performance and to discuss matters of mutual concern relative to their work on behalf of the City. The evaluation process shall be conducted by the Mayor pursuant to such process and criteria as it shall deem appropriate.
(Ord. 1569C; 3-25-96; Code 2000)
- 9-110. CLERK OF THE MUNICIPAL COURT.** The clerk of the municipal court, when so authorized by the municipal judge, shall:
- (a) Prepare and issue all processes of the court;
 - (b) Administer oaths required in proceedings before the court;
 - (c) File and carefully preserve all papers in cases pending in the court;
 - (d) Docket cases and set them for trial;
 - (e) Attend sessions of the court;
 - (f) Receive and account for fines and bonds paid into the court;
 - (g) Perform such other duties as the judge may require, or as are set forth in the rules of the court, or as may be necessary and proper for the convenience of the court or judge.
- (Ord. 556)

9-111. BAILIFF-CLERK OF THE MUNICIPAL COURT. The bailiff-clerk of the municipal court, when so directed or authorized by the municipal judge, shall:

- (a) Administer oaths;
- (b) Prepare papers and documents of cases pending before the court;
- (c) File and catalogue cases;
- (d) Type orders, reports or documents as directed by the judge;
- (e) Serve as acting clerk of the municipal court in the absence of the clerk of the municipal court;
- (f) Assist the clerk of the court with the duties of that office, including the preparation of the docket, and the receiving and accounting for fines and bonds paid into the court;
- (g) Perform such other duties as may be assigned from time to time, consistent with the function of the municipal court.

(Ord. 566)

9-112. SUPPLIES FOR JUDGE, INSPECTION OF RECORDS DOCKET. The governing body shall provide suitable records, blanks, etc., for the use of the judge in carrying out the provisions of this act. Such records shall be kept open at all times for the inspection of all persons interested therein. The governing body shall furnish the municipal judge with a suitable docket and the judge shall deliver the docket and all books and papers pertaining to the office of municipal judge to his or her successor in office.

(Code 1973, 9-105)

9-113. MUNICIPAL JUDGE DEFINED. As used in the Ordinance of the City of Leawood, the term "municipal judge" shall mean that person or those persons who have been appointed by the Mayor in the manner provided by Section 9-106 of this Article.

(Ord. 853C; 6-3-85)

9-114. APPOINTMENT OF MUNICIPAL JUDGES. In the event that the Governing Body of the City shall determine that additional judges are necessary to adequately serve the needs of the City, upon resolution of the Council, the Mayor shall, with the consent of the Council, appoint a committee to screen candidates for the position of Municipal Judge, and the Mayor shall appoint such additional judges in the manner provided by Section 9-106 of this Article.

(Ord. 853C; 6-3-85)

9-115. MUNICIPAL JUDGE AUTHORITY, DUTIES AND QUALIFICATIONS. In the event that more than one Municipal Judge is appointed by the mayor, said judge or judges shall have the same authority, duties and qualifications as established and provided by Chapter IX, Article 1 of the "Code of the City of Leawood".

(Ord. 853C; 6-3-85)

9-116. ADMINISTRATIVE FUNCTIONS OF MUNICIPAL JUDGE. Whenever there shall be more than one Municipal Judge, the administrative functions of the Municipal Court shall be rotated and divided equally on an annual basis.
(Ord. 853C; 6-3-85)

9-117. MUNICIPAL COURT. The governing body may provide, at the expense of the city, a suitable room or office for the municipal judge, and shall hold court in such room and court shall be open every day except Saturdays, Sundays, and legal holidays. In addition thereto, the court shall be in regular session at least weekly on a schedule to be established by the rules of the court for the purpose of arraignments, sentencing and/or trials.
(Ord. 1759C; 11-2-98)

9-118. HOW PROSECUTIONS CONDUCTED. All prosecutions for violating any city ordinance shall be entitled "The City of Leawood against _____" (naming the person or persons charged), and the municipal judge shall state in the docket the name of the complainant, the nature or character of the offense, the date of trial, the names of all witnesses sworn and examined, the finding of the court, the judgment of fine and costs, the date of payment, the date of issuing commitment, if any, and every other fact necessary to show the full proceedings in such case.

In no case shall a judgment of conviction be rendered, except upon sufficient legal testimony given on a public trial or upon a plea of guilty made, except as hereinafter provided in the case of certain traffic offenses, in open court.

(Ord. 1759C; 11-2-98)

(Ord. 1759C; 11-2-98)