

# CHAPTER IX. MUNICIPAL COURT

## ARTICLE 1. GENERAL PROVISIONS

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**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)

**9-119. COMPLAINT AND NOTICE TO APPEAR.**

In all cases in the municipal court, a complaint and notice to appear, whether in written form or an electronic citation, filed with the municipal court shall be deemed sufficient if it substantially complies with the information required by subsection (b) of K.S.A. 8-2106, K.S.A. 12-4202 or K.S.A. 12-4204, and amendments thereto.

(Ord. No. 2805C; 09-19-16)

**9-120. COMPLAINT AND NOTICE TO APPEAR; SERVICE AND RETURN.**

The complaint and notice to appear shall be served upon the accused person by delivering a copy to him or her personally, or by leaving it at the dwelling house of the accused person or usual place of abode with some person of suitable age and discretion then residing therein, or by mailing it to the last known address of said person. A complaint and notice to appear may be signed by and served by a law enforcement officer, fire marshal or designee, duly appointed Leawood City building official, code enforcement officer or zoning enforcement officer, animal control officer, public service officer, city attorney, city prosecutor, or the clerk of the municipal court, and, if mailed, shall be mailed by a law enforcement officer or the clerk of the municipal court.

Upon service by mail, the official effecting service shall document on the complaint or notice to appear the address to which it was mailed, the date mailed, and by whom. Nothing herein shall be construed to empower the fire marshal or designee, building officials, code enforcement officers, zoning enforcement officers, animal control officers, public service officers, city attorney, city prosecutors or court clerks with powers of arrest, search, detention or other powers of law enforcement officers, except as provided by law.

(Ord. No. 2805C; 09-19-16)

**9-121. ELECTRONIC CITATIONS.**

(a) As used in this Article:

- (1) "Electronic citation" means a charging citation, complaint or notice to appear which is prepared by a law enforcement officer, fire marshal or designee, duly appointed Leawood City building official, code enforcement officer or zoning enforcement officer, animal control officer, public service officer, city attorney or city prosecutor, in an electronic data device with intent that the data collected will be electronically filed with the municipal court for prosecution of a municipal ordinance violation. The data elements collected shall conform to the requirements of K.S.A. 12-4201 through 12-4207, and amendments thereto, or the requirements of the secretary of revenue or the secretary's designee pursuant to K.S.A. 79-3393, and amendments thereto, as applicable.
- (2) "Electronic citation system" means the device, database or computer software used to create, store, transmit or exchange the data included in an electronic citation.
- (3) "Electronic signature" means an electronic signature having legal effect pursuant to the Kansas uniform electronic transaction act, K.S.A. 16-1601 et seq., and amendments thereto.

(b) For purposes of an electronic citation, including a complaint and notice to appear issued under this section, an electronic signature indicated by the law enforcement officer or complainant's typed name, agency and agency

identification number, if any, has the same effect and is as sufficient as a manual signature as required in K.S.A. 12-4202, 12-4204, 12-4207, subsection (b) of 22-3201 or 79-3393, and amendments thereto.

- (c) A notice to appear, complaint or electronic citation as provided in K.S.A. 12-4201 through 12-4207 or 79-3393, and amendments thereto, shall be deemed to be written if on a paper form or in a document printed from an electronic citation system.
- (d) For purposes of signing a notice to appear as provided in K.S.A. 8-2107 and 12-4204, and amendments thereto, a person being charged by a law enforcement officer shall be deemed to have signed the notice to appear if the person physically signs the paper notice to appear or, in the case of an electronic citation, verbally acknowledges that the person promises to appear on or before the date set at or with the designated court.

**9-122.**

**COURT COSTS AND FEES.**

Pursuant to Section 1-701 of this Code, the Municipal Court may assess and collect such costs and fees as are set forth in the City of Leawood Fee Schedule.

(Ord. No. 2970C; 12-10-19)