

CHARTER ORDINANCE NO. SIXTY-ONE

(Note: All or parts of this charter ordinance have been repealed. See notes at the end of the ordinance.)

A CHARTER ORDINANCE AMENDING AND REPEALING SECTION 2 OF CHARTER ORDINANCE NO. FIFTY-ONE PERTAINING TO THE POWERS OF MUNICIPAL COURT JUDGES AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

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

SECTION 1. Section 2 of Charter Ordinance No. Fifty-One of the City of Overland Park, Kansas, be and the same is hereby amended to read as follows:

SECTION 2. Municipal judges; powers and duties.

(a) The municipal judge shall have the power to administer oaths and enforce due obedience to all orders, rules and judgments made by him or her, and may fine or imprison for contempt committed in court or for failure to obey process issued by him or her, in the same manner and to the same extent as the district court

(b) The municipal judge shall have the power to hear and determine all cases properly brought before him or her, to grant continuances, to sentence those found guilty to a fine or confinement in jail, or both, to commit accused persons to jail in default of bond, to determine applications for parole, to release on probation, to grant time in which a fine may be paid, to correct a sentence, to suspend imposition of a sentence, to set aside a judgment, to permit time for post trial motions and to discharge accused persons.

(c) The municipal judge shall promptly make such reports and furnish the information requested by any departmental justice or the judicial administrator, in the manner and form prescribed by the supreme court.

(d) The municipal judge shall maintain a docket in which he or she shall enter every cause commenced before him or her. Said docket shall contain the names of the accused persons and 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 and sentence, the date of payment, the date of issuing commitment, if any, and every other fact necessary to show the full proceedings in each case.

(e) All of the above-listed powers and duties of municipal judges, except those powers and duties set forth in subsection (c), may be modified, restricted, or expanded by ordinances duly enacted by the Governing Body.

Charter Ordinance No. Sixty-One

(f) Court services officers.

(1) The Administrative Judge of the Municipal Court is authorized to appoint court services officers, in such numbers and for such compensation that is in accordance with the annual budget adopted by the Governing Body. The court services officers shall serve under the direction and control of the Administrative Judge, who shall set the qualifications for appointment to that office consistent with the requirements of law. The Mayor may issue commissions and badges for the court services officers upon the recommendation of the Administrative Judge.

(2) The duties of a court services officer shall include enforcing and serving court orders and processes, maintaining public order in the court operations and facilities, protecting the court and its officers in the exercise of their judicial functions, and executing all orders issued or made by lawful authority of the municipal court. A court services officer may, subject to the direction and control of the Administrative Judge as set forth in subsection (f)(1), exercise the power to make an arrest or otherwise take a person into custody, detain or otherwise restrain a person, carry firearms, concealed or otherwise, serve process, or exercise any other lawful power necessary to execute or enforce municipal court orders or perform their duties as specified in this subsection.

SECTION 2. Existing Section 2 of Charter Ordinance No. Fifty-One is hereby repealed.

SECTION 3. This ordinance shall be published once each week for two consecutive weeks in *The Overland Park Sun*, an official City newspaper.

SECTION 4. THIS IS A CHARTER ORDINANCE AND SHALL TAKE EFFECT 61 DAYS AFTER FINAL PUBLICATION UNLESS WITHIN 60 DAYS OF ITS FINAL PUBLICATION A PETITION SIGNED BY A NUMBER OF ELECTORS OF THE CITY OF OVERLAND PARK EQUAL TO NOT LESS THAN TEN PERCENT OF THE NUMBER OF ELECTORS WHO VOTED AT THE LAST PRECEDING REGULAR CITY ELECTION SHALL BE FILED IN THE OFFICE OF THE CITY CLERK OF OVERLAND PARK DEMANDING AN ELECTION ON THE CHARTER ORDINANCE, IN WHICH CASE THE CHARTER ORDINANCE SHALL BECOME EFFECTIVE ONLY IF AND WHEN APPROVED BY A MAJORITY OF THE ELECTORS VOTING THEREON.

PASSED by the Governing Body not less than two-thirds of the members elect voting in favor thereof the 1st day of March, 1993.

Ed Eilert, Mayor

ATTEST:
Norma Moffet, City Clerk

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APPROVED AS TO FORM:

Michael R. Santos

Senior Assistant City Attorney

Passed:	3/1/93
Published:	3/10/93
	3/17/93
Effective:	5/17/93

Entire ordinance repealed by Charter Ordinance No. Sixty-Six

Charter Ordinance No. Sixty-One