

(First Published in The Western Butler County Times, ^{June} May 8, 1972)

ORDINANCE NO. 172

AN ORDINANCE CREATING AND ESTABLISHING THE OFFICE OF JUDGE OF THE MUNICIPAL COURT FOR THE CITY OF ANDOVER, KANSAS, AS PRESCRIBED BY STATUTE, PROVIDING THE SALARY THEREOF AND CREATING A SPECIAL FUND FROM WHICH SAID SALARY SHALL BE PAID AND PROVIDING THE PROCEDURE FOR THE ADMINISTRATION OF SAID FUND AND THE LEVYING OF COURT COSTS AND PROVIDING FOR THE APPOINTMENT AND TENURE OF THE JUDGE OF SUCH COURT.

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

Section 1: That there shall be and there is hereby created and reaffirmed authorized statutory Municipal Court of Andover, Kansas.

Section 2: That said Court shall be administered by the Judge thereof who shall be appointed by the Mayor with the consent of the majority of the governing body of the City of Andover, Kansas.

Section 3: That Court costs in the amount of \$12.00 per case shall be charged to each case excepting when the judge of said Court shall waive or suspend such costs by the entry of such waiver or suspension upon the case docket of said Court and additional costs may be assessed by said judge for any necessary out-of-pocket expenses or for mileage incurred by the city in connection with the arrest or imprisonment of a defendant who is later convicted and in any case, where a blood alcohol test has been legally taken and a conviction is obtained for a charge of driving under the influence of intoxicating liquors or narcotic drugs, or in the case where a defendant was originally charged with such offense and the offense was reduced to a lesser offense and the defendant consents to such cost being assessed.

Section 4: That there is hereby created in the hands of the City Treasurer of said City a special fund known as the "Municipal Court Administration Fund" and the Judge of said Municipal Court shall monthly and within ten days following the end of each month, file a report with the City Treasurer and City Clerk enumerating and itemizing by case, all fines and costs collected and assessed during the month period and shall remit same to the City Treasurer. In no case shall the Municipal Judge or any law enforcement officer of the City receive any portion of any

fine or cost excepting for the purpose of reimbursing said officer for actual expenses incurred and properly assessed as costs, such reimbursed expense shall be paid by the Treasurer from said fund upon approval of the same by the Governing Body .


Section 5: Said fund in the hands of the City Treasurer shall be used to pay the salary of the Municipal Judge and all expenses of administration of said Court, including supplies, books, and fixtures. Should said fund be insufficient to pay such expenses, then the balance of such expenses shall be paid from the general fund of the City, but in the event that at the end of any calendar year any unencumbered monies shall remain in said fund, then in that event the same shall be remitted or transferred to the general fund of said city.

Section 6: That the salary of the Municipal Judge of said City shall be \$100.00 per month, payable monthly.


Section 7: That the Municipal Judge of said City shall serve at the pleasure of the Governing Body of said City, and may be removed from office by the Governing Body of said City at any time and, of course, may also be ousted from office by a Court of competent jurisdiction.

Section 8: This Ordinance shall become effective on the 1 day of July, 1972, after its passage and publication.

This Ordinance duly passed and adopted this 1 day of June, 1972.


Alvin B. Beckwith
City Clerk

(SEAL)


Bob Cunningham
ACTING MAYOR AND PRESIDENT
OF THE COUNCIL