



Crawford County

**COUNTY
CODES COURT
2018**

COUNTY CODES COURT
January 2018

ARTICLE 1. PROCEDURES

1-101. DEFINITIONS.

The definitions in The Code for Enforcement of County Codes and Resolutions (K.S.A. 19-4701, *et seq.*) are hereby adopted and incorporated by reference in this chapter. In addition, the following words, terms and phases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

- (A) **Clerk** shall mean the Clerk of the District Court, Eleventh Judicial District, Crawford County, Kansas, or authorized deputy.
- (B) **Holiday** shall mean any date that the Board of County Commissioners of Crawford County, Kansas declares, by resolution, a holiday. If a regularly scheduled Court date falls on a holiday, the Court date shall be scheduled for the following Friday.
- (C) **Judge** shall mean a judge of the Eleventh Judicial District or a judge pro tem appointed by the Administrative Judge and assigned to the County Codes Court of Crawford County.
- (D) **Codes Court** shall mean the District Court of Crawford County, Kansas Codes Court Division.

1-102. ISSUANCE OF COMPLAINT AND NOTICE TO APPEAR.

Any code enforcement officer or law enforcement officer duly authorized and having jurisdiction in the unincorporated area of Crawford County, Kansas, may issue a Complaint and Notice to Appear to any person (hereinafter "accused person") violating a county code or resolution of Crawford County, Kansas, when such code or resolution provides for enforcement by prosecution through Crawford County Codes Court. The Complaint and Notice to Appear shall be served on the accused person named either by certified mail or by any law enforcement officer.

1-103. APPEARANCE DATE.

- (A) Any Complaint and Notice to Appear so issued shall state on its face an appearance date, which is the date the accused person so cited shall either appear in court for arraignment, or pay the fine(s) and costs assessed for the violation(s) cited.

- (B) The appearance date to be written by the code enforcement officer or by the law enforcement officer shall be on the third Friday of the month following the date of issuance of the Complaint and Notice to Appear, unless such third Friday is a holiday, in which circumstance the next following Friday shall be the appearance date.

1-104. APPEARANCE; PAYMENT OF FINE(S) AND COSTS; TRIAL SETTING.

An accused person shall either appear in the County Codes Court of Crawford County on the appearance date for the purpose of setting a trial date, or shall on or before the appearance date pay the total fine(s) and costs stated thereon in person or by mail and in either case by cash or by check. The trial date shall be set by the Judge for the third Friday of the following month from the appearance date, unless such date is a holiday, in which circumstance, the next following Friday shall be the trial date.

1-105. CLERK'S EXTENSION OF TIME TO PAY OR APPEAR.

On or before the appearance date, the accused person, or that person's attorney of record, may contact the Clerk, in person, by phone, or by mail, for the purpose of requesting an extension of time to pay or appear. The Clerk, upon prior approval of the Judge, is authorized to grant an additional two weeks to pay any outstanding fines. The Clerk, upon judicial approval, is authorized to schedule the arraignment for the following month. The Clerk is authorized to grant only one continuance to pay or to appear.

1-106. FAILURE TO APPEAR DEFINED; VIOLATION, ADDITIONAL COUNT; ISSUANCE OF COMPLAINT AND NOTICE TO APPEAR BY CLERK; SERVICE THEREOF.

- (A) If any accused person fails to appear on the appearance date and fails to pay the total fine(s) and costs on or by the appearance date, then upon directions from the Judge, the Prosecuting Attorney shall add a count of "Failure to Appear" against such person. The Clerk shall thereupon issue a Complaint and Notice to Appear ordering the accused person so cited to appear on all violations cited including the added count of "Failure to Appear", on an appearance date which shall be on the next date that the Court will be in session. The Complaint and Notice to Appear shall be served on the accused person named therein either by certified mail or by any law enforcement officer.
- (B) It shall be a violation of this Code for an accused person to fail to appear on an appearance date stated on the face of the Complaint and Notice to Appear and to fail to pay all fine(s) and costs stated on the face of the Complaint and Notice To Appear on or before the appearance date stated on the face of the Complaint and Notice to Appear. Failure to Appear is a class B violation of the Schedule of Fines for Violations of Codes and Resolutions of Crawford County, Kansas.

1-107. FAILURE TO APPEAR IN COURT DEFINED: VIOLATION; ADDITIONAL COUNT; ISSUANCE OF COMPLAINT AND NOTICE TO APPEAR BY COURT, SERVICE THEREOF.

- (A) If an accused person who has appeared before the Judge at an appearance date and who has requested trial fails to appear in Court on the date set by the Court for trial, then on the Monday following such failure to appear in Court and upon directions from the Judge, an additional count of "Failure to Appear in Court" may be filed against the accused person. Upon the filing of such additional count, the Court shall thereupon issue a Complaint and Notice to Appear including the added count of "Failure to Appear in Court", with an appearance date set for the date that the Court will be in session. This Complaint and Notice to Appear shall be served on the accused person named, and service shall be made either by regular first class mail to the address provided by the accused at the first appearance, or by a commissioned law enforcement officer.
- (B) Violation. It shall be a violation of this County Codes Court Procedures Code for an accused person to fail to appear in court for trial as scheduled. Failure to Appear in Court shall be a class C violation of the "Schedule of Fines for Violations of Codes and Resolutions of Crawford County, Kansas."

1-108. ISSUANCE OF BENCH WARRANT; CASH BOND.

If an accused person fails to appear on the appearance date stated in the Complaint and Notice to Appear which carries the additional count of Failure to Appear or Failure to Appear in Court, then following such failure the Judge may issue either an Order to Show Cause why a Bench Warrant should not be issued, or at the Judge's discretion, a Bench Warrant for the accused person's arrest may be issued. The Prosecuting Attorney shall prepare for the Judge's signature, such Order to Show Cause or Bench Warrant.

An Order to Show Cause shall be served upon the accused and such service shall be completed either by mail in the same manner as required for the issuance of the Failure to Appear or by any duly commissioned law enforcement officer. If such accused person does not appear in court upon the date shown on the Order to Show Cause the Judge shall issue a bench warrant for the arrest of such accused person in the manner below described.

A Bench Warrant, signed by the Judge, shall be executed by the Sheriff of Crawford County or by any duly authorized law enforcement officer. A cash bond shall be stated on the Bench Warrant, which shall be the minimum amount of the total fine(s) and costs due on all counts.

1-109. ARREST ON BENCH WARRANT; BOND POSTED; RELEASE ON RECOGNIZANCE.

Upon an accused person's arrest on a Bench Warrant, the accused person shall be processed at the Crawford County Jail, and

- (A) Upon posting the cash bond stated in the Bench Warrant, the accused person shall be given an appearance date for the next date that the Court will be in session, and the accused person shall be released; or
- (B) In the event the accused person who is arrested does not post the cash bond stated in the Bench Warrant, the accused person shall be detained until the accused person can be brought before the Judge for an appearance, and the Judge shall inquire into the financial circumstances of the accused person, set a trial date which shall be on the next session of the County Codes Court, and the accused person shall be released by the Judge on the accused person's own recognizance.

1-110. BOND FORFEITURE; FINE(S); ENFORCEMENT; AND COSTS SATISFIED.

If an accused person who has posted a cash bond fails to appear on the appearance date, on that date the Judge shall find that the posting of bond constitutes such an appearance, waiver of right to trial, and plea of no contest and order the entire amount of the bond forfeited by operation of county law and the fine(s) and costs assessed on all counts to be satisfied out of the bond proceeds. In the event the bond proceeds exceed the amount due on all fine(s) and costs, the Clerk shall retain said monies in the fine(s) and costs overage fund.

ENFORCEMENT.

- (A) The Board of County Commissioners shall have the power to enforce all resolutions and provisions of this code passed pursuant to county home rule powers, as designated by K.S.A. 19-101 and amendments thereto.
- (B) Prosecution of any such violation shall be commenced in the Crawford County District Court and shall be conducted in the manner provided by law for the prosecution of misdemeanor violations of State laws, and/or in accordance with the Kansas code for the enforcement of county codes and resolutions, K.S.A. 19-4701, *et. seq.*
- (C) Any action commenced in the district court for the enforcement of this code, wherein a person may be subject to detention or arrest or wherein an accused person, if found guilty, would or might be deprived of such person's liberty, shall be conducted in the manner provided by law for the prosecution of misdemeanor violations of state laws under the Kansas code of criminal procedure. (K.S.A. 19-101d; Code 2007)

SCHEDULE OF FINES FOR VIOLATIONS OF CODES AND RESOLUTIONS.

(D) Range of fines for each violation and recommended fines upon conviction of subsequent violations which occur within 24-month period following prior conviction are as follows:

Violation Classification		First	Second	Third
A	Range \$100.00- \$400.00			
		\$100.00	\$200.00	\$400.00
B	Range \$250.00 to \$1,000.00			
		\$250.00	\$500.00	\$1,000.00
C	Range \$500.00 to \$1,000.00			
	Recommended	\$500.00	\$1000.00	

(E) In addition to the above fines, court costs of \$20.00 will be assessed in each case, pursuant to K.S.A. 19-4707.

(F) An alleged violator may be charged with separate counts for each day that an offense occurs, with a fine being assessed for each separate count for which the violator is convicted. A daily \$25.00 fine may be charged until the nuisance is abated.

(G) The presiding district court judge has discretion to assess fines other than those recommended, as long as the fines are within the range for each classification, if the facts or circumstances warrant a fine other than the recommended amount.

1-111. COURT APPEARANCE BY CODE ENFORCEMENT OFFICERS.

All code enforcement officers and law enforcement officers who are complaining witnesses in a Codes Court Complaint and Notice to Appear shall appear in Crawford County Codes Court for any hearing for which they are needed and for all hearings related to the Complaint and Notice to Appear issued by the officer without the requirement of a subpoena and the payment of witness fees and mileage, unless such appearance is specifically excused by the prosecutor.

1-112. SUBPOENAS ISSUED BY ACCUSED.

Any accused person may subpoena witnesses for trial or hearing subject to the procedures and rules of the Eleventh Judicial District of the State of Kansas.

1-113. HEARING DAYS AND TIME.

The Judge shall conduct hearings and trials on the third Friday of the month that is not a holiday, commencing at 1:00 o'clock p.m., at which time the Judge will conduct first appearances and trials, hear motions and orders to show cause.

1-114. JUDGMENT.

At the conclusion of a trial, the Judge shall find the accused person either guilty or not guilty of each of the violations cited in the complaint and shall assess the appropriate fine(s) for each of the violations, according to the Schedule of Fines, and shall assess costs, determine the length of time to pay and establish a payment schedule, when necessary, and enter the judgment on the record. The Judge shall have discretion to adjust the fine according to the number of violations that guilty person is convicted of, the length of time that the convicted person was in violation of the charges upon which he/she was convicted, whether or not the guilty party has mitigated the violation/s of county codes and resolutions and whether the convicted person has prior convictions in Crawford County Codes Court.

1-115. FAILURE TO PAY JUDGMENT.

- (A) If a person has been found guilty by a Judge upon entering a plea of guilty or no contest or has been found guilty by the Judge after a trial and has failed to pay all fine(s) and costs ordered by the Court within the time allowed by the Court, the Clerk shall notify the prosecutor who shall request that the Judge issue either an Order to Show Cause why the accused person should not be found in contempt of court for failing to comply with the Judge's order or a bench warrant, cash bond only, in the amount of the outstanding balance of the fine and cost.
- (B) The Order to Show Cause shall be set for hearing on the next date that the Court is in session.
- (C) A law enforcement officer shall serve the Order to Show Cause upon the accused person.
- (D) The Bench Warrant shall be issued by the Judge in the manner described in the manner described in above paragraph 1.108.

1-116. RETENTION OF COURT RECORDS.

Records of the County Codes Court of Crawford County, Kansas shall be retained for two years following the finding of judgment of the accused person by the Judge.