

ORDINANCE NO. 51-O-011

AN ORDINANCE CREATING THE OFFICE OF CLERK OF THE MUNICIPAL COURT; PROVIDING THE DUTIES THEREOF; PROVIDING FOR COMPENSATION THEREFOR; PROVIDING FOR THE SETTING OF A BAIL SCHEDULE BY THE MUNICIPAL JUDGE; PROVIDING FOR THE TAKING OF BAIL BY THE CLERK OF THE MUNICIPAL COURT OR BY ANY POLICE OFFICER OF THE BUREAU OF POLICE; AND DECLARING AN EMERGENCY. [Effective November 13, 1951]

[Ordinance No. 51-O-011 repealed in its entirety by Ordinance No. 96-O-516, effective April 9, 1996]

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Sections:

- Section 1. Creation of office of clerk of the municipal court.
- Section 2. Records of the municipal court.
- Section 3. Docket of the municipal court.
- Section 4. Bail schedule.
- Section 5. Authorization for taking of bail.
- Section 6. Procedure for taking of bail.
- Section 7. Restrictions on taking of bail.
- Section 8. Bail receipt.
- Section 9. Alteration of bail schedule.
- Section 10. Compensation.
- Section 11. [Emergency clause.]

The city of Brookings ordains as follows:

Section 1. Creation of office of clerk of the municipal court.

There is hereby created the office of clerk of the municipal court for the city of Brookings.

Section 2. Records of the municipal court. It shall be the duty of the clerk of the municipal court to keep and maintain an accurate record of all persons arrested, the disposition by the

municipal judge of every charge made against every person arrested, of all fines paid, of all persons incarcerated in the city jail, of all expenditures made by the municipal judge and the clerk, of all bail forfeited or returned, and of all such other matters are customarily recorded by the clerk of a municipal court.

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Section 3. **Docket of the municipal court.** It shall be the duty of the clerk to prepare and make available to the municipal judge a reasonable time in advance of every session of the municipal court for the city of Brookings a trial docket setting forth every case to be tried by the municipal judge during such session.

Section 4. **Bail schedule.** The municipal judge is hereby directed to prepare a bail schedule designating the amount of bail which must be posted for the release of any person who is under arrest for the violation of any ordinance of the city of Brookings; and said bail schedule shall be filed with the clerk of the court and be available to all persons authorized to take bail.

Section 5. **Authorization for taking of bail.** The municipal judge, the clerk of the municipal court, the chief of police, and any police officer of the police department are each authorized to take bail from any person arrested for violation of any ordinance of the city of Brookings; provided, however, that in the taking of bail the same shall be done in the manner provided by this ordinance.

Section 6. **Procedure for taking of bail.** No person authorized to take bail shall do so in any place whatsoever other than the office of the clerk of the municipal court. Any person desiring to post bail for either himself or another person shall come to or, if under arrest, be taken to the office of the clerk of the municipal court where the transaction of posting and taking bail shall be performed.

Section 7. **Restrictions on taking of bail.** The authority of the municipal judge and the clerk of the municipal court for the

taking of bail extends to any and all times. The authority of the chief of police and any police officer of the police department to take bail is limited and restricted to those hours that he/she is on official duty.

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Section 8. **Bail receipt.** The clerk of the municipal court shall keep and maintain a bail receipt book, and the receipts forms therein shall be number consecutively and be in triplicate. Every person taking bail shall give to the person placing the bail an official receipt therefor; and said receipt shall show the date on which the bail was posted and taken, the name of the party posting the bail, the name of the accused person for whom the bail was posted, the terms upon which the bail is taken, and the amount thereof. The duplicate copy of such receipt shall be kept by the clerk of the municipal court and the triplicate copy thereof shall be furnished to the municipal judge on the day that the accused is to appear for trial.

Section 9. **Alteration of bail schedule.** The bail schedule provided for herein may be changed or altered from time to time in the sound discretion of the municipal judge.

Section 10. **Compensation.** The clerk of the municipal court shall receive as compensation for his/her services such remuneration as the council shall determine from time to time.

Section 11. **[Emergency clause.]**

[Effective November 13, 1951]