

ORDINANCE NO. 16

A CHARTER ORDINANCE RELATING TO THE IMPOSITION AND COLLECTION OF MUNICIPAL COURT COSTS, AND RELATED FEES.

WHEREAS, the City of Abilene, Kansas, is a city of the Second Class, and

WHEREAS, K.S.A. 12-4112 prohibits the assessment of court costs for the administration of justice in any municipal court, and

WHEREAS, Attorney General Opinion 78-302 states that the "KANSAS CODE OF PROCEDURE FOR MUNICIPAL COURTS" does not apply uniformly to all cities in the State of Kansas, and

WHEREAS, the City of Abilene hereby elects to exempt itself from the provisions of K.S.A. 12-4112, as amended, pursuant to its home rule powers as set forth in Article 12, Section 5(c)(1), et seq., of the Kansas Constitution and to provide for substitute and or additional provisions on the same subject.

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

Section 1. That the City of Abilene hereby elects to exempt itself from the provisions of K.S.A. 21-4112, as amended, pursuant to Article 12, Section 5(c)(1), et seq., of the Kansas Constitution.

Section 2. That in lieu of K.S.A. 21-4112, the City of Abilene hereby adopts the following schedule of court costs and fees to be charged in the Municipal Court of Abilene, Kansas, and the Traffic Bureau:

- A. For docketing any case and thereafter entering any final judgment or order and for any diversion: \$70.00.
- B. For furnishing a transcript or judgment of appeal to be charged against defendant if said judgment appealed from is affirmed: \$1.00 per page.
- C. For issuing bench warrants: \$25.00.

Section 3. All court costs and fees provided by this Charter Ordinance are to be collected by the Municipal Judge or Municipal Court Clerk, and shall be paid into a fund hereby created called the Abilene Municipal Court fund. Said fund shall be maintained by the City Clerk of the City of Abilene to be disbursed upon proper voucher for the following purposes:

- A. For payment of attorney fees properly charged against said fund for representation of indigent defendants, as provided by law, and approved by Municipal Judge.
- B. For payment of the cost of seminars attended by Court Officers, Clerks, and Judicial Officers of the Municipal Court of the City of Abilene, and approved by the Judge.
- C. For payment of equipment and supplies as required and approved by the Municipal Judge.
- D. To transfer any excess to the City General Fund once each year as ordered by the Governing Body of the City of Abilene.

Section 4. This Charter Ordinance shall be published once each week for two successive weeks in the Official City Newspaper, but this Ordinance shall not become effective until sixty (60) days after its final publication, and provided further that it shall not take effect if within sixty (60) days of its final publication a petition signed by a number of electors of the City equal to not less than ten percent (10%) 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 such city demanding that such Ordinance be submitted to a vote of the electors. It shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

Passed by the Governing Body of the City of Abilene, Kansas this 26th day of June, 2006.





DEVIN KARRAKER
Mayor



PENNY SOUKUP
City Clerk, CMC