

## ORDINANCE NUMBER 540

**AN ORDINANCE OF THE CITY OF HIGHLAND, KANSAS, ENACTED IN ACCORDANCE WITH CHARTER ORDINANCE NUMBER 2 OF SAID CITY, PROVIDING FOR THE ASSESSMENT OF COURT COSTS AND ASSESSMENTS IN CASES HEARD IN THE MUNICIPAL COURT OF THE CITY OF HIGHLAND, KANSAS, AND REPEALING ORDINANCE NUMBER 495 AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.**

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

SECTION ONE: In accordance with Charter Ordinance Number 2 of the City of Highland, Kansas, costs for the administration of justice in the municipal court of the City of Highland, Kansas, shall be assessed by the municipal judge, when pronouncing sentence pursuant to the provisions of K.S.A. 12-4509, as the same may be amended from time to time, or upon forfeiture of bond, diversion or dismissal, as follows:

A. Costs, in the form of a docket fee, applicable as of the date of issuance of the citation and/or the date of filing of the complaint, shall be assessed to the defendant in each case filed in municipal court where there is a conviction of the defendant (upon finding or plea of guilty, plea of no contest, or Alford plea) or upon forfeiture of bond, diversion, or as part of a plea agreement to dismiss pending charges, as follows:

1. For violations of the *Uniform Public Offense Code of Kansas Cities*, as the same may be adopted by the City from time to time, (currently *Edition of 2016* as adopted by Ordinance No. 531) and additional violations as set forth in any such adopting ordinance, as the same may be amended from time to time, the sum of One Hundred Dollars (\$100.00), plus the state assessments described in Section 4 hereinafter.

2. For all other city ordinance violations, including, but not limited to, misdemeanor criminal offenses not covered by Section 1 hereof and violations of the *Standard Traffic Ordinance for Kansas Cities*, as the same may be adopted from time to time, (currently *Edition of 2016* as adopted by Ordinance No. 532), except as set forth in subsection 3 herein, the sum of Sixty Dollars (\$60.00), plus the state assessments described in Section 4 hereinafter.

3. Notwithstanding the provisions of subsection 2 hereof, no costs shall be assessed for parking or safety belt violations (not including child safety restraint violations) which are disposed of without trial or contested hearing.

4. The costs set forth in Sections 1 and 2 hereinbefore are in addition to any assessments required by the State of Kansas including, but not limited to, those set out in K.S.A. 12-4116 (education, training or testing of municipal judges), K.S.A. 12-4117 (law enforcement training, alternative to detention, detention of juveniles, protection from abuse, crime victims assistance, trauma and forensic psychologists funds), K.S.A. 12-4120 (offenses of driving under the influence, patronizing a prostitute, and safety belts) and any other state assessments that may be imposed hereafter.

5. Said costs are hereby assessed for the purpose of covering a portion of the costs incurred by the City in connection with administration of its municipal court. Said costs shall be in addition to any mileage and witness fees under K.S.A. 12-4411 and amendments thereto that may be assessed to the defendant.

B. Additional costs, in the form of a booking or processing fee, shall be imposed against the defendant, in accordance with K.S.A, 12-16,119, in cases where the defendant is convicted or diverted, and where fingerprints of said defendant are required in accordance with K.S.A. 21-2501, or as otherwise may be provided by state law, wherein the board of county commissioners has adopted a policy to assess such a fee to the City, and so informed the City of the same, in the amount of the fee so assessed.

C. An additional cost, in the form of a docketing fee in the amount of One Hundred Dollars (\$100.00), shall be assessed to the petitioner, and paid upon filing of a petition for an expungement pursuant to KSA 21-4516, as the same may be amended from time to time, or which petition if filed pursuant to any state law that applies to expungements in municipal court.

D. The assessment of costs as provided by this ordinance may be suspended by the municipal judge in any individual case whenever it would be in the interests of justice to do so.

E. Any costs assessed pursuant to the provisions of this ordinance shall constitute a judgment which may be enforced as a money judgment in civil cases or as otherwise provided by law.

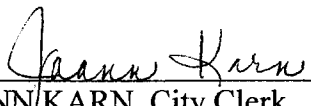
SECTION TWO: Ordinance No. 495 of the City of Highland, Kansas, and all other ordinances or parts of ordinances of said City in conflict herewith, are hereby repealed.

SECTION THREE: This ordinance shall take effect and be in force as of July 1, 2017, and following its summary publication in the official city newspaper.

Passed by the Governing Body and approved by the Mayor of the City of Highland, this 21st day of June, 2017.

  
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JERRY TWOMBLY, Mayor

ATTEST:

  
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JOANN KARN, City Clerk

(SEAL)