

(Summary First Published in the Butler County Times-Gazette
on the 24th day of January, 2015.)

THE CITY OF AUGUSTA, KANSAS

ORDINANCE NO. 2075

AN ORDINANCE ESTABLISHING COURT COSTS AND FEES AND MILEAGE FOR WITNESSES FOR THE MUNICIPAL COURT OF THE CITY OF AUGUSTA, KANSAS BY AMENDING SECTION 9-111 OF ARTICLE 1, CHAPTER IX OF THE CODE OF THE CITY OF AUGUSTA, KANSAS, 2010 AND REPEALING ORDINANCE NUMBER 2015 AND ALL OTHER CONFLICTING ORDINANCES OR PARTS OF ORDINANCES.

WHEREAS, Charter Ordinance Number 9 authorizes the establishment of court costs and fees and mileage for witnesses by adopting an ordinance setting forth such costs and fees as deemed appropriate for the orderly administration of the Municipal Court of the City of Augusta, Kansas; and

WHEREAS, the governing body of the City of Augusta, Kansas deems the costs and fees established in this Ordinance appropriate for the orderly administration of the Municipal Court of the City of Augusta, Kansas.

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

SECTION 1. Amending Section 9-111 of the Code

Section 9-111 of Article 1, Chapter IX of the Code of the City of Augusta, Kansas, 2010 is amended to read as follows:

"COURT COSTS AND FEES AND MILEAGE FOR WITNESSES. The following schedule of Court Costs and Fees and Mileage for Witnesses is established within the Municipal Court of the City of Augusta, Kansas:

- (a) A cost of seventy dollars (\$70.00) shall be assessed by the Municipal Court of the City of Augusta, Kansas against each accused person who enters a plea of guilty or nolo contendere or is found guilty of any violation contained in any city ordinance and/or any section of the Code of the City of Augusta, Kansas except for any seat belt/child safety restraints or parking violation. These costs are to be used to defray the expenses incurred in the operation of the Municipal Court of the City of Augusta, Kansas and all other fees or costs

mandated by the State of Kansas or any agency thereof but shall not include any other costs and/or fees provided for in this section;

- (b) For each continuance of a court appearance, trial, deposition, or pre-sentence investigation at the request of a defendant, a cost of ten dollars (\$10.00) shall be assessed against the defendant unless the defendant is found not guilty;
- (c) A cost of five dollars (\$5.00) shall be assessed for each letter sent to a defendant advising the defendant of a failure to appear in the Municipal Court of the City of Augusta, Kansas as ordered;
- (d) A cost of twenty dollars (\$20.00) shall be assessed against each defendant for whom a municipal court bench warrant is ordered by the Municipal Court of the City of Augusta, Kansas for failure to appear or failure to comply;
- (e) Any person convicted of violating any provisions of the Code of the City of Augusta, Kansas or other ordinances of the City of Augusta, Kansas and sentenced to pay any fine, penalty or costs, who shall fail or refuse to pay the same, or any person sentenced to imprisonment, shall stand committed to be confined pursuant to the direction of the Court or until such fine, penalty or costs are paid or until such sentence has been served;
- (f) If it appears to the Court that a prosecution was instituted without probable cause and with malicious motives, the Court may require the complaining witness or other person instituting the prosecution to appear and answer concerning his/her motives for instituting the prosecution. If, upon hearing, the Court determines that prosecution was instituted without probable cause and with malicious motives, all costs of the case shall be assessed against the complaining witness or other person instituting the prosecution;
- (g) The Judge of the Municipal Court may fix, by Administrative order, miscellaneous costs for processing records, photocopies, certificates, etc. All funds collected from any cost imposed shall be paid into the General Fund of the City of Augusta, Kansas;
- (h) At the conclusion of each municipal court case, the Court shall, where applicable, assess the costs to the person responsible for payment and shall cause to be delivered to such responsible party a complete statement of the costs specifying each item of service and the fee assessed for each service;
- (i) All witnesses compelled to appear in the Municipal Court of the City of Augusta, Kansas by subpoena or order of the Court shall be entitled to a witness fee of ten dollars (\$10.00) per day or any part thereof and a mileage fee at a rate used by the State of Kansas actually driven in excess of fifteen (15) miles. All such fees shall be paid by the party calling the witness except

in the event the defendant is found not guilty, then all fees shall be paid by the City;

- (j) The fee to be paid to an attorney, properly appointed by the Judge of the Municipal Court of Augusta, Kansas to represent an indigent defendant charged with a crime punishable with a jail sentence in the Municipal Court of the City of Augusta, Kansas shall be set by the Governing Body of the City of Augusta, Kansas;
- (k) The City Clerk is authorized to accept a statement, approved by the Judge of the Municipal Court, from an attorney for services rendered to an indigent defendant and present it to the Governing Body for payment; and
- (l) In accordance with state statute, the cost of collection shall be paid by the defendant as an additional court cost in all cases where the defendant fails to pay any amount ordered by the Court and the Court utilizes the services of a contracting agent, including the state of Kansas. The cost of collection shall be deemed an administrative fee to pay the actual costs of collection made necessary by the defendant's failure to pay Court debt and restitution."

SECTION 2. Repeal

Ordinance Number 2015 is hereby repealed. All other ordinances or parts of other ordinances in conflict herewith are repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

SECTION 3. Effective Date

This Ordinance shall take effect and be in force from and after publication in the official city newspaper.


Adopted by the City Council this 19th day of January, 2015.

Approved by the Mayor this 19th day of January, 2015.


Matt Childers, Mayor

SEAL

ATTEST:


Erica Jones, City Clerk



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SUMMARY OF CITY OF AUGUSTA ORDINANCE NO. 2075

Notice is hereby given that the Governing Body of Augusta, Kansas did, on the 19th day of January 2015; pass Ordinance No. 2075, establishing court costs and fees and mileage for witnesses for the Municipal Court of the City of Augusta, Kansas by amending Section 9-111 of Article 1, Chapter IX of the Code of the City of Augusta, Kansas, 2010 and repealing all conflicting Ordinances or parts of Ordinances. The complete text of the Ordinance may be obtained or viewed free of charge at the office of the Augusta City Clerk. Additionally, the full text of the Ordinance may be viewed on the City's official website www.augustagov.org for a minimum of one week following the date of this publication.

I hereby certify that this summary of Ordinance No. 2075 is legally accurate and sufficient for publication, pursuant to the provisions of K.S.A. 12-3007.



Austin K. Parker
Augusta City Attorney