CHAPTER IX. MUNICIPAL COURT

Article 1. General Provisions

ARTICLE 1. GENERAL PROVISIONS

- 9-101. MUNICIPAL COURT ESTABLISHED. There is hereby established a municipal court for the City of LaHarpe, Kansas. The municipal court shall have jurisdiction to hear and determine cases involving violations of the ordinances of the city. (Code 1992)
- 9-102. SAME; PRACTICE AND PROCEDURE. The Kansas code of procedure for municipal courts, as set forth in K.S.A. 12-4101 et seq. and all acts amendatory or supplemental thereto shall govern the practice and procedure in all cases in the municipal court. (Code 1992)
- 9-103. TIME AND PLACE OF SESSIONS. Municipal court shall be held in the municipal courtroom in the city hall building on such days and at such hours as the municipal judge designates. (Code 1992)
- 9-104. MUNICIPAL JUDGE; APPOINTMENT. The municipal court shall be presided over by a municipal judge. The mayor, subject to the approval of the city council, shall appoint the judge of the municipal court. (Code 1992)
- 9-105. SAME; ABSENCE; VACANCY; PRO TEM. In the event the municipal judge is temporarily unable to preside due to absence, illness or disqualification, the municipal judge shall designate an attorney or other qualified person to act as judge pro tempore. In the event the municipal judge fails to appoint a judge pro tempore, the judge pro tempore shall be appointed in the same manner as the municipal judge is selected. The judge pro tempore shall receive compensation as shall be provided by ordinance, payable in the same manner as the compensation of the regular municipal judge.

In the event a vacancy shall occur in the office of municipal judge, a successor shall be appointed to fill the unexpired term in the same manner as the municipal judge was appointed. (K.S.A. 12-4107; Code 1992)

9-106. SAME; POWERS AND DUTIES. The municipal judge shall have such powers and duties as set forth in the Kansas code of procedure for municipal courts (K.S.A. 12-4101 et seq.) and all acts amendatory or supplemental thereto. (Code 1992)

- 9-107. SAME; SALARY. The municipal judge shall receive a salary as shall be fixed by ordinance. (Code 1992)
- 9-108. COURT CLERK. There is hereby established the office of the clerk of the municipal court of the City of LaHarpe, Kansas, which office shall be filled by appointment by the municipal judge of the municipal court. The duties of the office shall be those prescribed by the Code for Municipal Courts set forth in Chapter 12, Article 41 of the Kansas Statutes, and shall include the following duties:
 - (a) The clerk shall issue all process of the court, administer oaths, file and preserve all papers, docket cases and set same for trial and shall perform such further acts as may be necessary to carry out the duties and responsibilities of the court. The clerk shall receive, account for and pay to the city treasurer monthly all fines and forfeited bonds paid into the court. The clerk shall make reports to the judicial administrator and furnish the information when requested by him, her or a departmental justice on such forms furnished by the judicial administrator, and approved by the supreme court.
 - (b) The clerk of the municipal court shall within 10 days after selection and before entering upon the duties of office, execute to the city such bond as the governing body may require, which shall be approved by the governing body, and file in the office of the city clerk, conditioned for the faithful performance of the duties required of him or her by law, and for the faithful application and payment of all moneys that may come into his or her hands in the execution of the duties of the office. The city shall pay the cost of such bond.
 - (c) The monthly salary of the clerk shall be fixed by ordinance.
 - (d) A majority of all members of the council may remove the clerk appointed under the authority of this article, or for good cause the mayor may temporarily suspend any such appointed clerk. (K.S.A. Supp. 12-4108; Code 1992)
- 9-109. PAYMENT OF FINE. Where a municipal court judgment against any person results in a fine and/or court costs only, the same shall be satisfied by paying the amount of such fine and/or court costs to the municipal court immediately on the rendition of judgment, or at such time as the municipal judge shall determine. (Code 1992)
- 9-110. SAME; FAILURE TO PAY SEPARATE VIOLATION. It shall be unlawful for any person to willfully fail to pay any lawfully imposed fine for a violation of any law of the city within the time authorized by the court and without lawful excuse having been presented to the court on or before the date the fine is due. Such conduct constitutes a violation of this article, regardless of the full payment of the fine after such time. (Code 1992)
- 9-111. FAILURE TO APPEAR. (a) It shall be unlawful for any person charged with violation of any law of the city to fail to appear before the municipal court when

so scheduled to appear, unless lawful excuse for absence is presented to the court on or before the time and date scheduled for appearance.

- (b) For the purpose of subsection (a), failure to appear shall include willfully incurring a forfeiture of an appearance bond and failure to surrender oneself within 30 days following the date of such forfeiture by one who is charged with a violation of the laws of the city and has been released on bond for appearance before the municipal court for trial or other proceeding prior to conviction, or willfully incurring a forfeiture of an appearance bond and failing to surrender oneself within 30 days after his or her conviction of a violation of the laws of the city has become final by one who has been released on an appearance bond by any court of this state.
- (c) Any person who is released upon his or her own recognizance, without surety, or who fails to appear in response to a summons, notice to appear, or traffic citation duly served upon him or her personally shall be deemed a person released on bond for appearance within the meaning of subsection (b) of this section.
- (d) Failure to appear, upon conviction thereof, shall be punishable by incarceration for up to 30 days and/or a fine of up to \$250. (Code 1992)
- 9-112. COURT COSTS. In all municipal court cases where the accused persons pleads guilty or nolo contendere, or is guilty, such person shall be assessed costs in the amount of \$10 for the administration of justice in the municipal court and in addition thereto the municipal judge is authorized and empowered to assess witness fees and mileage permitted and allowed pursuant to K.S.A. 12-4112. (C.O. No. 2, Sec. 2)

(Published In The Iola Register, September 2, 2010)

GENERAL ORDINANCE 1737

AN ORDINANCE AMENDING CHAPTER 26, ARTICLE II, CONCERNING THE MUNICIPAL COURT AND THE LAHARPE CITY CODE OF THE CITY OF LAHARPE, KANSAS.

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

SECTION 1. AMENDMENT. Chapter 26, Article II, is hereby amended as follows:

SECTION 26-34. COURT FINES.

LAHARPE MUNICIPAL COURT Standard Fine Schedule

		Startaara i illo Solloadio	
		DISOBEY TRAFFIC CONTROL DEVICE VIOLATE TRAFFIC CONTROL SIGNAL VIOLATE PEDESTRIAN CONTROL SIGNAL VIOLATE FLASHING TRAFFIC SIGNAL VIOLATE LANE CONTROL SIGNAL UNAUTHORIZED SIGN, SIGNAL, MARKING OR DEVICE LEAVE SCENE OF ACCIDENT (NON-INJURY) FAIL TO REPORT AN ACCIDENT (NON-INJURY) REFUSE A PRELIMINARY BREATH TEST IMPEDING TRAFFIC BY SLOW SPEED SPEEDING ON MOTOR DRIVEN CYCLE DRAG RACING OR EXHIBITION OF ACCELERATION DRIVE ON LEFT SIDE OF ROADWAY FAIL TO KEEP RIGHT TO PASS ONCOMING VEHICLE IMPROPER PASSING; INCREASE SPEED WHEN PASSING IMPROPER PASSING ON RIGHT PASSING ON LEFT WITH INSUFFICIENT CLEARANCE LIMITATIONS TO DRIVING LEFT OF CENTER DRIVE ON LEFT IN NO PASSING ZONE DRIVE WRONG WAY ON ONE WAY ROAD IMPROPER DRIVING ON A LANED ROADWAY FOLLOWING TOO CLOSE IMPROPER CROSSOVER ON DIVIDED HIGHWAY IMPROPER TURN OR APPROACH IMPROPER "U" TURN UNSAFE STARTING OF STOPPED VEHICLE UNSAFE TURNING OR STOPPING, FAIL TO GIVE PROPER SIGNAL,	\$120.00
12	8-1507	DISOBEY THAFFIC CONTROL DEVICE	\$120.00
13	8-1508	VIOLATE DEDECTRIAN CONTROL SIGNAL	\$100.00
14	8-1509	VIOLATE ELACUINO TRAEGO SIGNAL	\$120.00
15	8-1510	VIOLATE LANE CONTROL SIGNAL	\$120.00
16	8-1511	UNIALTHODIZED SIGN SIGNAL MARKING OR DEVICE	\$100.00
17	8-1512	LEAVE COEME OF ACCIDENT (NON-IN ILIBY)	\$120.00
26	8-1605	LEAVE SCENE OF ACCIDENT (NON-INJURY)	\$120.00
27	8-1606	DEFLICE A DDELIMINARY RREATH TEST	\$120.00
30.2	8-1012	IMPEDING TRAFFIC BY SLOW SPEED	\$100.00
34	8-1561	CREEDING ON MOTOR DRIVEN CYCLE	\$120.00
35	8-1562 8-1565	DRAG RACING OR EXHIBITION OF ACCEL ERATION	\$240.00
37 38	8-1505	DRIVE ON LEFT SIDE OF ROADWAY	\$120.00
38 39	8-1514	EALL TO KEEP RIGHT TO PASS ONCOMING VEHICLE	\$120.00
39 40	8-1516	IMPROPER PASSING: INCREASE SPEED WHEN PASSING	\$120.00
41	8-1517	IMPROPER PASSING ON RIGHT	\$120.00
42	8-1518	PASSING ON LEFT WITH INSUFFICIENT CLEARANCE	\$120.00
43	8-1519	LIMITATIONS TO DRIVING LEFT OF CENTER	\$120.00
44	8-1520	DRIVE ON LEFT IN NO PASSING ZONE	\$120.00
45	8-1521	DRIVE WRONG WAY ON ONE WAY ROAD	\$120.00
46	8-1522	IMPROPER DRIVING ON A LANED ROADWAY	\$120.00
47	8-1523	FOLLOWING TOO CLOSE	\$120.00
48	8-1524	IMPROPER CROSSOVER ON DIVIDED HIGHWAY	\$100.00
49	8-1545	IMPROPER TURN OR APPROACH	\$120.00
51	8-1546	IMPROPER "U" TURN	\$120.00
53	8-1547	UNSAFE STARTING OF STOPPED VEHICLE	\$100.00
54	8-1548	UNSAFE TURNING OR STOPPING, FAIL TO GIVE PROPER SIGNAL,	\$120.00
		FTC	
55	8-1549	IMPROPER METHOD OF GIVING NOTICE OF INTENTION TO TURN	\$100.00
56	8-1550	IMPROPER HAND SIGNAL	\$100.00
57	8-1526	FAIL TO YIELD RIGHT OF WAY AT UNCONTROLLED INTERSECTION	\$120.00
58	8-1527	FAIL TO YIELD TO APPROACHING VEHICLE WHEN TURNING LEFT	\$120.00
59	8-1528	FAIL TO YIELD AT STOP OR YIELD SIGN	\$120.00
60	8-1529	FAIL TO YIELD FROM PRIVATE ROAD OR DRIVEWAY	\$120.00
61	8-1530	FAIL TO YIELD TO EMERGENCY VEHICLE	\$240.00
62	8-1531	FAIL TO YIELD TO PEDESTRIAN OR VEHICLE WORKING ON ROAD	\$100.00
63	8-1532	DISOBEY PEDESTRIAN TRAFFIC CONTROL DEVICE	\$100.00
64	8-1533	FAIL TO YIELD TO PEDESTRIAN IN CROSSWALK	\$120.00
65	8-1534	IMPROPER PEDESTRIAN CROSSING FAIL TO EYERCISE DUE CARE IN REGARD TO PEDESTRIAN	\$100.00
66	0 1535	EALL TO EYERCISE DITE CARE IN REGARD TO PEDESTRIAN	\$100.00

. 1	67	8-1536	IMPROPER PEDESTRIAN MOVEMENT IN CROSSWALK	\$100.00
	68	8-1537	IMPROPER USE OF ROADWAY BY PEDESTRIAN	\$100.00
	69	8-1538	SOLICITING RIDE OR BUSINESS ON ROADWAY	\$100.00
	70	8-1539	DRIVE THROUGH SAFETY ZONE	\$100.00
	71	8-1540	FAIL TO YIELD TO PEDESTRIAN ON SIDEWALK	\$100.00
	72	8-1541	FAILURE OF PEDESTRIAN TO YIELD TO EMERGENCY VEHICLE	\$100.00
	73	8-1542	FAIL TO YIELD TO BLIND PEDESTRIAN	\$100.00
	74	8-1543	PEDESTRIAN UNDER THE INFLUENCE	\$240.00
	75	8-1544	PEDESTRIAN DISOBEYING BRIDGE OR RAILROAD SIGNAL	\$100.00
	76	8-1551	FAIL TO STOP OR OBEY RAILROAD CROSSING SIGNAL	\$240.00
	77	8-1552	FAIL TO STOP AT RAILROAD CROSSING STOP SIGN	\$120.00
	78	8-1553	CERTAIN HAZARDOUS VEHICLES FAILURE TO STOP AT RR	\$240.00
			CROSSING	* * * * * * * * * * * * * * * * * * *
	79	8-1554	IMPROPER MOVING OF HEAVY EQUIPMENT AT RAILROAD	\$100.00
			CROSSING	# 4.00.00
	80	8-1555	VEHICLE EMERGING FROM ALLEY, PRIVATE ROADWAY, BUILDING	\$120.00
		Seat A North Con-	OR DRIVE	#250.00
Ď	81	8-1556	IMPROPER PASSING OF SCHOOL BUS; IMPROPER USE OF BUS	\$350.00
	0.0	0.4550	SIGNAL	\$240.00
	82	8-1556a	IMPROPER PASSING OF CHURCH OR DAY-CARE BUS	\$100.00
	83	8-1569	IMPROPER STOPPING, STANDING OR PARKING ON ROADWAY PARKING, STANDING, OR STOPPING IN PROHIBITED AREA	\$100.00
	85	8-1571 8-1572	IMPROPER PARKING	\$100.00
	86° 88	8-15/2	PARKING FOR CERTAIN PURPOSES PROHIBITED	\$30.00
	89		STALL PARKING	\$30.00
	90		BLOCKING TRAFFIC	\$80.00
	91	S\$1	PARK ON NARROW STREET; SIGNS	\$80.00
	92		PARKING IN ALLEY	\$80.00
	96		PARKING PROHIBITED AT ALL TIMES IN DESIGNATED PLACES	\$80.00
	97		LIMITED TIME PARKING ZONES	\$30.00
	103	8-1748	TV SCREEN VISIBLE TO DRIVER	\$100.00
	104		INATTENTIVE DRIVING	\$120.00
-	107	8-1573	UNATTENDED VEHICLE	\$100.00
-	108	8-1576	DRIVE WITH VIEW OR DRIVING MECHANISM OBSTRUCTED	\$100.00
	109	8-1580	COASTING	\$100.00
	110	8-1581	FOLLOWING FIRE APPARATUS TOO CLOSE	\$120.00
	111	8-1582	DRIVE OVER A FIRE HOSE	\$100.00 \$150.00
	112		PUTTING GLASS, ETC. ON HIGHWAY	\$100.00
	113	8-1584	STOP WHEN TRAFFIC OBSTRUCTED	\$100.00
	114	8-1585	IMPROPER OPERATION OF SNOWMOBILE ON HIGHWAY	\$100.00 \$100.00
	116	8-1575	DRIVE ON SIDEWALK IMPROPER BACKING	\$100.00
	117	8-1574	AVOID TRAFFIC CONTROL DEVICE	\$120.00
	118 123	8-1577	UNSAFE OPENING OF VEHICLE DOOR	\$100.00
	123	8-1578	RIDING IN HOUSE TRAILER	\$100.00
	127	8-1586	PARENTAL RESPONSIBILITY OF CHILD RIDING BICYCLE	\$100.00
	129	8-1588	RIDING ON BICYCLE; SEATS; RIDERS LIMITED	\$100.00
	130	8-1589	CLINGING TO VEHICLES	\$100.00
	131	8-1590	IMPROPER RIDING OF BICYCLE ON ROADWAY	\$100.00
	132	8-1591	CARRYING ARTICLES ON BICYCLE; ONE HAND ON HANDLEBARS	\$100.00
	133	8-1592	IMPROPER BICYCLE LAMPS, BRAKES, OR REFLECTORS	\$100.00
	138	8-1594	IMPROPER OPERATION OF	\$100.00
		,	MOTORCYCLE;SEATS;PASSENGERS,BUNDLES	
9	139	8-1595	IMPROPER OPERATION OF MOTORCYCLE ON LANED HIGHWAY	\$120.00
	140	8-1596	MOTORCYCLE CLINGING TO ANOTHER VEHICLE	\$100.00
8	141	8-1597	IMPROPER MOTORCYCLE HANDLEBARS OR PASSENGER	\$120.00
			EQUIPMENT	# 100 00
	142	8-1598	MOTORCYCLE HELMET AND EYE-PROTECTION REQUIREMENTS	\$100.00
	143	8-1701	EQUIPMENT OFFENSES THAT ARE NOT MISDEMEANORS	\$120.00

146	8-1705	DEFECTIVE HEADLAMPS	\$100.00
147	8-1706	DEFECTIVE TAILLAMPS	\$100.00
148	8-1707	DEFECTIVE REFLECTOR	\$100.00
149	8-1708	IMPROPER TAIL LAMP OR TURN SIGNAL	\$100.00
151	8-1710	IMPROPER LIGHTING EQUIPMENT ON CERTAIN VEHICLES	\$100.00
152	8-1711	IMPROPER LAMP COLOR ON CERTAIN VEHICLES	\$100.00
153	8-1712	IMPROPER MOUNTING OF REFLECTORS AND LAMPS ON CERTAIN	\$100.00
		VEHICLES	
154	8-1713	IMPROPER VISIBILITY OF REFLECTORS AND LAMPS ON CERTAIN	\$100.00
		VEHICLES	
156	8-1715	NO LAMP OR FLAG ON PROJECTING LOAD	\$120.00
157	8-1716	IMPROPER LAMPS ON PARKED VEHICLE	\$100.00
158	8-1718	IMPROPER LAMPS AND EQUIPMENT ON IMPLEMENTS	\$100.00
159	8-1719	LINI AWEUL USE OF SPOT. FOG. OR AUXILIARY LAMP	\$100.00
160	8-1720	IMPROPER LIGHTS OR LAMPS ON EMERGENCY VEHICLE	\$100.00
161	8-1721	IMPROPER STOP OR TURN SIGNAL	\$100.00
162	8-1722	IMPROPER VEHICLE HAZARD WARNING LAMP	\$100.00
163	8-1723	UNAUTHORIZED ADDITIONAL LIGHTING EQUIPMENT	\$100.00
164	8-1724	IMPROPER MULTIPLE BEAM LIGHTS	\$100.00
165	8-1725	FAIL TO DIM HEADLIGHTS	\$100.00
166	8-1726	IMPROPER SINGLE BEAM HEADLIGHT	\$120.00
167	8-1727	IMPROPER SPEED WITH ALTERNATE LIGHTING	\$100.00
168	8-1728	IMPROPER NUMBER OF DRIVING LAMPS	\$100.00
	8-1729	UNAUTHORIZED LIGHTS OR SIGNALS	\$100.00
169	8-1729	IMPROPER SCHOOL BUS LIGHTING EQUIP. AND WARNING DEVICES	\$100.00
170	8-1730a	UNAUTHORIZED LIGHTS & DEVICES ON CHURCH OR DAY-CARE BUS	\$100.00
171		IMPROPER LIGHTS ON CONSTRUCTION OR MAINTENANCE VEH.	\$100.00
172	8-1731	DEFECTIVE BRAKES	\$120.00
173	8-1734	DEFECTIVE OR IMPROPER USE OF HORN OR WARNING DEVICE	\$100.00
174	8-1738	DEFECTIVE MUFFLER	\$100.00
175	8-1739	DEFECTIVE MIRROR	\$100.00
176	8-1740	DEFECTIVE MIRAON DEFECTIVE WIPER; OBSTRUCTED WINDSHIELD OR WINDOWS	\$100.00
177	8-1741	MADDODED TIDES	\$100.00
178	8-1742	IMPROPER TIRES USE OF ONE WAY GLASS ON WINDSHIELD, WINDOWS, OR	\$100.00
181	8-1749a		7
	0.4044	HEADLAMPS CHILD PASSENGER SAFETY RESTRAINT SYSTEM	\$100.00
182	8-1344	CHILD PASSENGER SAFETT RESTRAINT STOTEM	\$30.00
182.1	8-2503	FAIL TO USE SEAT BELT UNLAWFUL RIDING ON VEHICLES	\$100.00
182.2	8-1578a	DEFECTIVE MOTORCYCLE HEADLAMP	\$100.00
183	8-1801	DEFECTIVE MOTORCYCLE TAIL LAMP	\$100.00
184	8-1802	DEFECTIVE MOTORCYCLE REFLECTOR	\$100.00
185	8-1803	DEFECTIVE MOTORCYCLE STOP LAMP OR TURN SIGNAL	\$100.00
186	8-1804	DEFECTIVE MULTIPLE BEAM LIGHTING	\$100.00
187	8-1805	IMPROPER ROAD LIGHTING EQUIPMENT ON MOTOR DRIVEN	\$100.00
188	8-1806		10.10 W 0.000000 00000000
		CYCLES DEFECTIVE MOTORCYCLE OR MOTOR DRIVEN CYCLE BRAKES	\$120.00
189	8-1807	DEFECTIVE MOTORCYCLE ON MOTOR DRIVEN OF OLD BITTINGS	\$100.00
190	8-1808	IMPROPER PERFORMANCE ABILITY OF BRAKES	\$100.00
191	8-1810	DEFECTIVE HORN, MUFFLER, MIRRORS, OR TIRES	\$120.00
192	8-235	NO DRIVERS LICENSE	\$120.00
198	8-142	ILLEGAL OR EXPIRED REGISTRATION OR TAG	\$350.00
200	8-3104	NO LIABILITY INSURANCE	ψ000.00
	70 0001	TORACCO INFRACTIONS	\$25.00
5.6	79-3321	TOBACCO INFRACTIONS	•
7-909		FAIL TO CLEAR PROPERTY (IF CORRECTED BEFORE FIRST	\$90.00
1-303		APPEARANCE	
		IN COURT)	
7-803		INOPERABLE VEHICLE (IF CORRECTED BEFORE FIRST	\$90.00
7 300		APPEARANCE	
		N COURT'	

Court costs of \$60.00 shall be added to all misdemeanor, code violation, infraction and traffic violation fines.

Exceptions to the Standard Fine Schedule:

- (1) For a second offense conviction within a twelve (12) month period, the fine shall be doubled.
- (2) For a third offense conviction within a twelve (12) month period, the fine shall be tripled.
- (3) For a fourth and subsequent offense conviction within a twelve (12) month period, the fine shall be \$500.00. In no event shall a traffic infraction conviction exceed \$500.00.

SECTION 2. REPEAL. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed accordingly.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after the 1st day of September, 2010.

PASSED and APPROVED by the Commission and SIGNED by the Mayor this day of September 2010.

CITY OF LAHARPE, KANSAS

Cynthia Carr. Mayor

Kim Bradford, City Clerk

CHARTER ORDINANCE NO. 2016-4

A CHARTER ORDINANCE REPEALING CHARTER ORDINANCE NO.2016-1 EXEMPTING THE CITY OF LAHARPE, KANSAS, FROM K.S.A. 12-4112 AND AMENDMENTS THERETO, AND SUBSTITUTING IN LIEU THEREOF ADDITIONAL PROVISIONS OF THE PROVISIONS AUTHORIZING THE ASSESSMENT OF COURT COSTS IN CASES HEARD IN THE MUNICI PAL. COURT OF THE CITY OF LAHARPE, KANSAS.

SECTION 1. Exemption Election. The City of LaHarpe, Kansas, a City of the second class, by virtue of the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to and does exempt itself from and herby exempts itself from the provisions of Kansas Statutes Annotated 12-4112, in as much as said statute prohibits the collection of costs for the administration of justice in Municipal courts. The remaining portion of K.S.A. 12-4112 in as much as it allows for the collection of witness fees and mileage shall not be affected by the passage of this Ordinance

SECTION 2. Court Costs. In all municipal court cases there the shall be a Eighty and NO/100 Dollar (\$80.00) assessment taxed to each case filed in the municipal court of LaHarpe, Kansas, payable by the Defendant if convicted or as assessed as part of a diversion agreement, in addition to all witness fees and mileage as authorized by K.S.A. 12-4411. Said assessment shall be designated as court costs and shall be in addition to any fine or order of restitution as may be imposed by the Municipal Court Judge.

SECTION 3. The court costs shall be dispensed first to meet mandated assessments, then the balance is to go to the LaHarpe Municipal court for the purpose of engaging additional personnel to assist in the court's community service program, serving of municipal warrants and assisting the municipal court clerk in the performance of his/her duties and the purchase of any necessary equipment to assist these functions. Additionally, as funds may be available they may be dispensed to philanthropic organizations as proposed by the LaHarpe City Attorney and Municipal Court Judge and approved by the LaHarpe City Commission.

SECTION 4. ADDITIONAL COSTS.

- (a) Attorneys fees. As part of the court costs, the Municipal Court may also assess to the Defendant, if convicted, the amount of attorneys fees and costs expended by the city if the Defendant was represented by court-appointed counsel. In determine the amount and method of payment of such sum, the court may take into account the financial resources of the Defendant and the nature of the burden that payment of such sum will impose.
- (b) Incarceration fees. As part of the court costs, a fee in the amount of Twenty Dollars (\$20.00) per day may be assessed against a defendant in each case in which said Defendant is incarcerated pursuant to an order to the Municipal Court Judge.
- (c) Expungement fee. As part of the Court costs, the Municipal court may assess the sum of up to One Hundred fifty Dollars (\$250.00) for each expungement ordered the Court.
- (d) Warrant fees. The Municipal Court may assess as court costs the sum of Fifty Dollars (\$50.00) against each person named or described in an arrest warrant made by the Municipal Court Judge directed to any law enforcement officer commanding the officer to arrest the person named or described.

<u>SECTION 5</u>. This charter ordinance shall be published once each week for two (2) consecutive weeks in the official city newspaper.

SECTION 6. This charter ordinance shall take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and referendum held on the ordinance as provided in Article 12, Section 6, Subsection (c) (3) of the Constitution of the State of Kansas, in which case the ordinance shall become effective upon approval by a majority Of the electors voting thereon

PASSED by the Governing Body, with not less than two-thirds of the members elected voting in favor thereof, July 13, 2016.

APPROVED and SIGNED by the Mayor this 13 day of July, 2016.

CITY OF LAHARPE, KANSAS

Ella Mae Crowell, Mayor

Attest:

(Seal)

Michelle Altis, City Clerk