

(Summary First Published in the Times-Sentinel  
on the 31 day of December, 2011.)

THE CITY OF CLEARWATER, KANSAS

ORDINANCE NO. 1008

AN ORDINANCE AMENDING COURT FEES WITHIN THE  
CLEARWATER MUNICIPAL COURT BY AMENDING  
SECTION 1.24.012 OF THE CLEARWATER, KANSAS  
MUNICIPAL CODE.

WHEREAS, September 15, 1981, the governing body of the City of Clearwater, Kansas adopted Charter Ordinance Number 6 exempting the City of Clearwater, Kansas from the provisions of K.S.A. 12-4112 concerning municipal court fees; and

WHEREAS, Section 2 of said City of Clearwater, Kansas Charter Ordinance Number 6 adopts Section 1.24.011 of the Clearwater, Kansas Municipal Code relating to municipal court fees; and

WHEREAS, said section 2 provides that "Costs may be assessed against accused persons for the administration of justice in any municipal court case where the accused person is found guilty, or where the accused person pleads guilty. The costs shall be assessed as provided by the terms contained in Section 1.24.012." of the Clearwater, Kansas Municipal Code; and

WHEREAS, 2015 Kansas Supreme Court Order 97 raised the assessment for the judicial branch educational fund to \$1.00 effective January 1, 2016, in accordance with K.S.A. 12-4116.

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

Section 1. Amending Section 1.24.012 of the Clearwater, Kansas Municipal Code.

Section 1.24.012 of the Clearwater, Kansas Municipal Code is hereby amended to read as follows:

"1.24.012 - Costs in municipal court.

- A. Municipal court costs are set forth as follows:
1. A cost of seventy dollars (\$70.00) shall be assessed against each accused person who enters a plea of guilty or nolo contendere, or enters a plea of not guilty or nolo contendere, if subsequently found guilty in all cases involving traffic infractions, nuisance adjudications, and violation of dog or sound amplification ordinances. A cost of one hundred and nine dollars (\$109.00) shall be assessed against each accused person who enters a plea of guilty or nolo contendere, or enters a plea of not guilty or nolo contendere; if subsequently found guilty in all other cases, unless otherwise provided under state statute; and
  2. Additional court costs and fees are imposed by the state of Kansas to be collected by the municipal court, including costs and fees for the judicial branch education fund, law enforcement training center program, protection from abuse fund, crime victims assistance fund and the department of corrections forensic psychologist fund; and
  3. A fee of twenty-five dollars (\$25.00) for warrant service fee; and
  4. A fee of twenty-five dollars (\$25.00) for administrative costs for Failure to Appear; and
  5. A non-refundable fee of one hundred dollars (\$100.00) for an application for expungement of any municipal case entry.
- B. A fingerprinting fee in the amount of ten dollars (\$10.00) shall be assessed against a defendant in each case in which the defendant has been convicted of violating municipal ordinance provisions that prohibit conduct comparable to a class A or B misdemeanor or assault as defined in K.S.A. 21-3408 and amendments thereto under the Kansas criminal statutes.
- C. A booking fee in the amount of twenty five dollars (\$25.00) shall be assessed against any defendant in each case in which said defendant has been booked into jail.
- D. These charges shall be assessed in addition to and not in lieu of the fees and mileage of witnesses which may be assessed in accordance with K.S.A. 12-4411.
- E. The municipal court judge may, upon appropriate findings that the interests of justice would be best served, abate all or a portion of the costs imposed in this chapter except those costs referred to above in A (1) and (2)."

## Section 2. Severability.

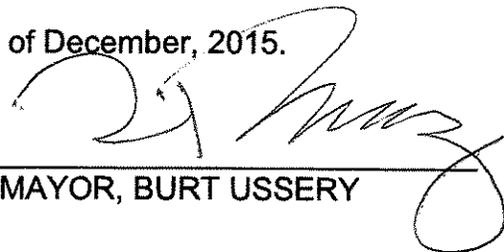
If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

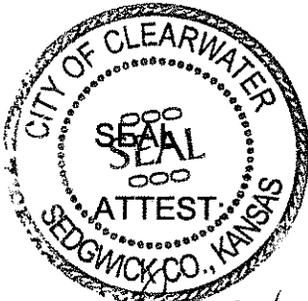
## Section 3. Effective Date.

This Ordinance shall take effect and be in force from and after January 1, 2016 and publication in the official city newspaper.

Adopted by the City Council this 22nd day of December, 2015.

Approved by the Mayor this 22nd day of December, 2015.

  
MAYOR, BURT USSERY



  
CITY CLERK, COURTNEY MEYER