

(Published in the Cunningham Courier, the official City newspaper, Jan 28 + Feb 4, 2016)

CHARTER ORDINANCE CO-16-01

A CHARTER ORDINANCE EXEMPTING THE CITY OF CUNNINGHAM, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-4112 AND AMENDMENTS THERETO AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, RELATING TO THE CODE OF PROCEDURE FOR MUNICIPAL COURTS OF THE CITY OF CUNNINGHAM, KANSAS.

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

SECTION 1. The City of Cunningham, Kansas, by the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt itself from, and makes inapplicable to it the provisions of K.S.A. 12-4112 and amendments thereto, and provide substitute and additional provisions as hereinafter set forth in this ordinance. Such referenced provisions are either enactments or a part thereof which are applicable to this city, but are not applicable uniformly to all cities.

SECTION 2. Municipal Court Costs may be assessed against accused persons for the administration of justice in any Municipal Court case where:

- (1) the accused person is found guilty; or
- (2) the accused person pleads guilty or no contest (nolo contendere); or
- (3) the accused person has failed to comply with a traffic citation as set forth by ordinance.

The costs shall be assessed in accordance with the terms contained in Section 9-112 of the Code of the City of Cunningham, Kansas, and amendments thereto. At the conclusion of each municipal case, the court shall, where applicable, assess the costs against the responsible party.

SECTION 3. Any prior ordinances, whether charter or ordinary, related to the assessment of municipal court costs are hereby repealed.

SECTION 4. This ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

SECTION 12. This is a Charter Ordinance and shall take effect sixty-one (61) days after final publication, unless a sufficient petition for a referendum is filed requiring a referendum to be held on the ordinance as provided in Article 12, section 5, subsection (c)(3) of the Constitution of the State of Kansas in which case the ordinance shall become effective if approved by a majority of the electors voting thereon.

PASSED BY THE GOVERNING BODY, not less than two-thirds of the members elect voting in favor thereof, this 25th day of January, 2016.

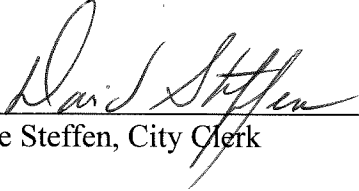


THE GOVERNING BODY OF THE
CITY OF CUNNINGHAM, KANSAS



Aaron Murphy, Mayor

(Seal)
Attest:



Dave Steffen, City Clerk