

**CITY OF CHERRYVALE**

**ORDINANCE 14-4652  
LABORATORY FEES ADDED TO COURT COSTS**

AN ORDINANCE AMENDING SECTION 9-112 OF CITY CODE; ADDING ANY FEES CHARGED TO THE CITY OF CHERRYVALE, KANSAS BY AN OUTSIDE AGENCY TO PERFORM LABORATORY TESTING DURING A CRIMINAL INVESTIGATION TO COURT COSTS IF THE CASE RESULTS IN A CONVICTION.

**BE IT ORDAINED** by the Governing Body of the City of Cherryvale:

Section 9-112 of the Code of the City of Cherryvale is hereby amended to read as follows:

**9-112. Court costs.**

(a) Persons or entities found guilty of violating ordinances of the city shall be assessed costs for the administration of justice in municipal court.

(b) In addition to any fines, forfeitures or penalties imposed by the Municipal Court Judge, the following docket fees shall be assessed to each person who has been convicted of a violation of a City ordinance and command to appear before the Cherryvale Municipal Court:

(1) For any traffic offense which results in a conviction, the costs to be assessed by the Municipal Judge shall be seventy-three dollars (\$73.00); except for the following list of violations, outlined in the adopted Standard Traffic Ordinance, if the fine is paid by the preceding Monday ahead of the established court date:

Sec 83: Stopping, Standing and Parking Outside Business or Residence Districts

Sec 86: Stopping or Parking on Roadways

Sec 88: Parking for Certain Purposes Prohibited

Sec 89: Stall Parking

Sec 90: Blocking Traffic; Narrow Streets; Stopping; When

Sec 91: Parking on Narrow Streets; Signs

Sec 92: Parking in Alley

Sec 93: Parking Disabled and Other Vehicles

Sec 94: Parking Adjacent to Schools; Signs

Sec 95: Stopping or Parking in Hazardous or Congested Places

Sec 96: Parking Prohibited at All Times in Designated Places

Sec 97: Limited Time Parking Zones

Sec 99: Loading, Unloading, or Special Zones

Any person convicted of a violation of any of the above listed provisions of the Standard Traffic Ordinance, shall for the first conviction thereof be punished by a fine of not more than thirty dollars (\$30.00); for a second such conviction within one year thereafter, such person shall be punished by a fine of not more than fifty dollars (\$50.00); upon a third or subsequent conviction within one year, after the first conviction, such person shall be punished by a fine of not more than one hundred twenty-five dollars (\$125.00).

(2) For any offense listed in the Uniform Public Offense Code which results in a conviction, the costs to be assessed by the Municipal Judge shall be one hundred thirty dollars (\$130.00);

(3) For any other ordinance violation which results in a conviction, the costs to be assessed by the Municipal Judge shall be one hundred thirty dollars (\$130.00).

(4) For any costs of laboratory fees that the City of Cherryvale may be charged by outside agencies during a criminal investigation which results in a conviction, the costs to be assessed by the Municipal Judge shall be for the total cost of the laboratory fees.

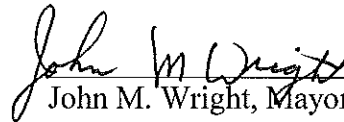
(c) Moneys received from any court costs levied and moneys received from any fines, forfeitures or penalties imposed by the Municipal Court Judge shall be deposited into the General Fund of the City of Cherryvale in accordance with adopted finance and accounting policies and practices and, therefrom, shall be paid to the Treasurer of the State of Kansas such sum as required by statutes and the remaining funds expended therefrom as the Governing Body shall deem necessary and prudent.

(d) In each case filed in municipal court where there is a finding of guilty or a plea of guilty, a plea of no contest, forfeiture of bond, or a diversion, a sum in an amount not to exceed \$1.00 shall be assessed for the training, testing and continuing judicial education of municipal judges as provided in K.S.A. 1989 Supp. 12-4114. The judge or clerk of the municipal court shall remit at least monthly all assessments received pursuant to this section to the state treasurer for deposit in the state treasury to the credit of the municipal judge training fund. The specific amount of the assessment shall be fixed by order of the Supreme Court and shall apply uniformly to all cities. For the purpose of determining the amount to be assessed according to this section, if more than one complaint is filed against one individual arising out of the same incident, all such complaints shall be considered as one case. For the purpose of this section, parking violations shall not be considered as cases.

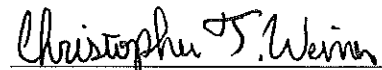
(e) If it appears to the court prosecution was instituted without probable cause and with malicious motives, the court may require the person initiating the prosecution to appear and

answer concerning their motives for instituting the prosecution. If after such hearing the court determines prosecution was instituted without probable cause and with malicious motives, all costs in the case shall be assessed against the complaining witness or other person or persons initiating the prosecution.

**PASSED AND APPROVED** by the Governing Body of the City of Cherryvale, Kansas, this 2<sup>nd</sup> day of September, 2014.

  
John M. Wright, Mayor

ATTEST:

  
Christopher T. Weiner, City Clerk

