

ORDINANCE NO. 248

AN ORDINANCE ESTABLISHING COURT COSTS ASSESSED BY THE LINN VALLEY MUNICIPAL COURT AND AMENDING SECTION 9-112 OF THE CODE OF THE CITY OF LINN, KANSAS.

IT IS HEREBY ORDAINED BY THE GOVERNING BODY OF THE CITY OF LINN VALLEY, KANSAS:

Section 1. Section 9-112 of the City Code is hereby amended to read as follows:

(a) No persons shall be assessed costs for the administration of justice in any municipal court case, except for cases docketed for court appearance. In such cases where the accused person is found guilty, the court costs shall be assessed against the accused person. If the accused person is unable to pay the costs assessed against him, they shall be and remain a judgment against him which may be enforced as judgments for payment of money in civil cases. It shall be the duty of the clerk of the court to issue execution for unpaid fines and costs at least once each year.


(b) If it appears to the court that the prosecution was instituted without probable cause and from malicious motives, the court may require the complaining witness or other person instituting the prosecution to appear and answer concerning his or her motives for instituting the prosecution, If, upon hearing, the court determines that the prosecution was instituted without probable cause and from malicious motives, all costs in the case shall be assessed against the complaining witness or other person initiating the prosecution. At the conclusion of each municipal court case, the court shall, where applicable, assess the costs against the party 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 such service.

(c) Costs shall be in the amount of seventy-eight dollars and fifty cents (\$78.50) per case and applicable fingerprint fees, plus mileage, subpoena and witness costs for the defense witnesses authorized by statute.

Section 2. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed as to the conflicting portions.

Section 3. This ordinance shall take effect and be in force from and after its publication of a summary in the official newspaper of the City and publication of the entire ordinance on the official City website, www.linnvalleyks.com, for one week following the aforesaid newspaper publication.

PASSED AND ADOPTED by the governing body of the City of Linn Valley, Kansas on this 14th day of August 2023.



Cindy Smith, Mayor

Attest:



Karen Siffring, City Clerk

