

(First published in THE GALENA SENTINEL-TIMES, November 4, 1976)

CHARTER ORDINANCE NO. 3

A CHARTER ORDINANCE EXEMPTING THE CITY OF GALENA, KANSAS, FROM THE PROVISIONS OF THE REQUIREMENTS OF K.S.A. 1974 Supp. 12-4112; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO THE ASSESSMENT OF COURT COSTS.

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

SECTION 1: That the City of Galena, Kansas, under the authority of Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it the provisions of certain requirements of K.S.A. 1974 Supp. 12-4112 relating to the assessment of Court Costs. Such statutory provisions are applicable to the City but are not applicable uniformly to all Cities.

SECTION 2. Costs relating to witness fees and mileage shall continue to be assessed pursuant to K.S.A. 12-4411.

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 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 cost 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.

SECTION 3. K.S.A. 1974 Supp. 12-4112 is hereby repealed.

SECTION 4. This is a Charter Ordinance and shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section 5, Subdivision (c) (3) of the Constitution of Kansas, in which case the ordinance shall become effective if approved by the majority of the electors voting thereof.

PASSED BY THE GOVERNING BODY, not less than two thirds of the members elect voting in favor thereof, this 2nd day of November, 1976.

ATTEST:

  
Jack LaTurner, City Clerk

  
Jack N. Murray, Mayor