

CHARTER ORDINANCE NO. 22

A CHARTER ORDINANCE AMENDING CHARTER ORDINANCE NO. 12, EXEMPTING THE CITY OF MERRIAM, KANSAS FROM K.S.A. 12-4112, ENTITLED "COSTS," RELATING TO MUNICIPAL COURT COSTS AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT.

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

SECTION 1. Section II of Charter Ordinance No. 12 is hereby amended to read as follows:

“SECTION II. 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 or her, they shall be and remain a judgement against him or her 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.

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.

Costs per case shall be as established by City ordinance. Mileage, subpoena and witness costs shall be as authorized by statute.”

SECTION 2. Publication. This Charter Ordinance shall be published once each week for two (2) consecutive weeks in the official City newspaper.

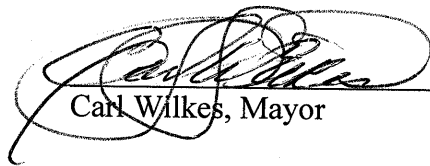
SECTION 3. Take Effect. This Charter Ordinance shall take effect sixty-one (61) days after its final publication unless a sufficient petition for a referendum is filed as provided in Article 12, Section 5, subsection (c)(3) of the Constitution of the State of

Kansas, in which case the Ordinance shall become effective upon approval by a majority of electors voting at an election held on the Ordinance.

PASSED BY THE GOVERNING BODY, NOT LESS THAN TWO-THIRDS OF THE MEMBERS ELECT VOTING IN FAVOR THEREOF, THE 26 DAY OF June, 2006.

APPROVED AND SIGNED BY THE MAYOR THE 26 DAY OF June, 2006.

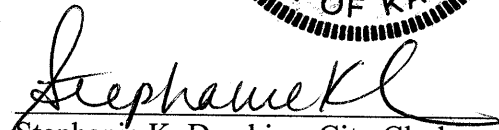




Carl Wilkes, Mayor


(SEAL)

ATTEST:



Stephanie K. Dawkins, City Clerk

APPROVED AS TO FORM:



Michelle D. Daise, City Attorney

I hereby certify that the foregoing charter ordinance was published in the official City newspaper on the 27 day of June, 2006, and again on the 4 day of July, 2006.



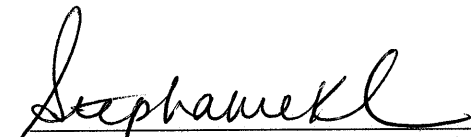
Stephanie K. Dawkins, City Clerk

No petition demanding that such ordinance be submitted to a vote of the electors was filed with the City Clerk within sixty-one (61) days of the final publication of said ordinance.


Stephanie K. Dawkins, City Clerk

The undersigned, City Clerk of the City of Merriam, Kansas, does hereby certify that the above and foregoing is a true copy of Charter Ordinance No. 22 of the City of Merriam, Kansas, and of the statement of the manner of adoption thereof.

Dated this 5 day of September, 2006.


Stephanie K. Dawkins, City Clerk