

CERTIFICATION OF CLERK

I, Brenda K. Wolf, the duly appointed, qualified, and City Clerk of Manhattan, Kansas, do hereby certify that the foregoing Ordinance was duly adopted at a meeting of the City of Manhattan, Kansas, held on the 20th day of May, 2025, and that said Ordinance has been compared by me with the original thereof on file and of record in my office, is a true copy of the whole of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Manhattan, Kansas, 21st day of May, 2025.



Brenda K. Wolf

Brenda K. Wolf, CMC, City Clerk

ORDINANCE NO. 7750

AN ORDINANCE ADDING NEW SECTIONS 2-89, 2-90 AND 2-91, TO CHAPTER 2, ARTICLE V, DIVISION 2, OF THE CODE OF ORDINANCES OF THE CITY OF MANHATTAN, KANSAS, TO CODIFY THE AUTHORIZATION OF COSTS AND FEES IN CASES BEFORE THE MUNICIPAL COURT.

WHEREAS, the Municipal Court of the City of Manhattan, Kansas must pay Kansas-licensed attorneys to perform essential functions, including appointing a *pro tem* judge pursuant to K.S.A. 12-4107, and a conflict attorney for indigent defendants; and,

WHEREAS, the Municipal Court from time to time performs or otherwise administers services to Municipal Court defendants and respondents which warrant a fee, and,

WHEREAS, the City desires to establish a schedule of costs and fees for the administration of justice in the Municipal Court and certain presently established costs and fees are outdated, and no longer reflect a reasonable cost for the service, and,

WHEREAS, the governing body of the City of Manhattan, Kansas, desires to increase the fees that are reasonable and appropriate for Municipal Court functions; and,

WHEREAS, the governing body intends to rescind Resolution No. 050421-A and shall provide for the assessment of costs and fees in Municipal Court by ordinance to make amendment of the provisions herein more convenient.

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

SECTION 1. That the Code of Ordinances of the City of Manhattan, Kansas, is hereby amended by adding a section, to be numbered Section 2-89, which said section reads as follows:

Sec. 2-89. Court Costs and Fees.

- (a) Court Costs. Whenever a defendant, in a case before the municipal court is convicted of a violation of a municipal ordinance, or ordinances, or enters into a diversion agreement concerning a violation thereof, said defendant shall be assessed court costs in the following amounts, to-wit: For Class A violations, as designated by this Code, or by the ordinance establishing such violation, the sum of one hundred sixteen dollars and fifty cents (\$116.50). For all other violations, the sum of fifty-nine dollars and fifty cents (\$59.50). When a single case involves a Class A violation, as well as other violations, the court cost for Class A violations shall apply. Said sums shall be in addition to any fine that is imposed by the court for said violation.
- (b) Technology Fee. Whenever a defendant, in a case before the municipal court, is convicted of a violation of a municipal ordinance, or ordinances, or enters into a diversion agreement concerning a violation thereof, said defendant shall

be assessed a municipal court technology fee in the sum of fifteen dollars (\$15.00). A special account code within the General Fund shall be created for the revenue generated by the technology fee and for all expenditures made to maintain and enhance the technology in municipal court. All the revenues received from assessed technology fees, shall be credited to this special account code. Monies in this special account code shall supplement, not replace, funds provided to the municipal court through the annual City budget process. Nothing in this Section shall be deemed to restrict the City's ability to use and obtain other sources of funds for the same or similar purposes.

- (c) Supervision Fee. The municipal judge, in cases where a defendant is placed on probation or parole following conviction of an offense in municipal court, shall have the authority to impose upon such defendant a probation/parole supervision fee in a sum not to exceed one hundred fifty dollars (\$150.00). The City Attorney, or the city prosecutor, where a defendant enters into a diversion agreement that requires supervision of the Court Services Officer, shall have the authority to impose upon such defendant a diversion supervision fee in a sum not to exceed one hundred fifty dollars (\$150.00). The supervision fees provided for herein shall be in addition to any fines or costs otherwise imposed.
- (d) Exemptions. The provisions of subsections (a), (b), and (c) shall not apply to convictions for the violation of any ordinance prohibiting or restricting the parking of motor vehicles within the city.

SECTION 2. That the Code of Ordinances of the City of Manhattan, Kansas, is hereby amended by adding a section, to be numbered Section 2-90, which said section reads as follows:

Sec. 2-90. Statutory Assessments.

Whenever a defendant is assessed court costs pursuant to this Code, said sum shall not be deemed to include any assessments imposed by the state of Kansas, pursuant to K.S.A. 12-4116, K.S.A. 12-4117, or any other applicable statute, rule or regulation. Any such assessments shall be imposed by the court, pursuant to the applicable statute, rule or regulation, and shall be in addition to the court costs and fees assessed pursuant to this ordinance; and, the Court Services Officer shall remit the appropriate assessments received to the state treasurer, pursuant to law.

SECTION 3. That the Code of Ordinances of the City of Manhattan, Kansas, is hereby amended by adding a section, to be numbered Section 2-91, which said section reads as follows:

Sec. 2-91. Miscellaneous Fees.

- (a) Urinalysis Testing. Should the court order urinalysis testing, a fee of \$20.00 per test shall be assessed to the defendant as costs.
- (b) Warrant Fee. A fee of \$50.00 shall be assessed against each person for whom a municipal court bench warrant, show cause/probation violation warrant, or citation warrant is ordered by the court for either failure to appear or failure to

comply.

- (c) Expungement Fee. A fee of \$70.00 per case may be paid in full and submitted for expungement to be considered by the court.
- (d) Payment of Fees to Third Parties. The City of Manhattan shall pay the following fees for the services provided by third parties to the municipal court. The fee for Judge Pro Tempore shall be \$120.00 per hour. The fee for Conflict Appointed Counsel shall be \$120.00 per hour. The fee for an interpreter shall be \$50 per hour.
- (e) Subpoenaed Witnesses. All parties, including the City of Manhattan, in cases pending in the municipal court shall be entitled to the use of subpoenas to compel attendance of witnesses within the state of Kansas. The municipal judge, or designee, shall issue a subpoena which may be served by any law enforcement officer upon the named person. Disobedience may constitute contempt.

Fees and mileage of witnesses shall be ten dollars (\$10) per day or any part thereof for an appearance, and reimbursement per mile actually driven over ten miles. Said mileage reimbursement rate shall be consistent with the then-current Internal Revenue Service allowed rate at the time the mileage is incurred. The fees and mileage for the attendance of witnesses shall be borne by the party calling the witness, except that if an accused person is found not guilty, the City shall pay all such expenses. Provided, the municipal judge may direct that fees and mileage of witnesses subpoenaed by the accused person be charged against such person, if the judge finds that there has been an abuse of the use of subpoenas by the accused person.

SECTION 4. If permitted by law, the municipal judge may waive, reduce, grant time to pay, or suspend any portion of the fees established in this Article when the judge determines that the interest of justice so requires.

SECTION 5. This ordinance shall take effect and be in force after its adoption and approval by the Governing Body, and upon the effective date of Charter Ordinance No. 66.

**PASSED BY THE GOVERNING BODY OF THE CITY OF MANHATTAN, KANSAS,
THIS 20TH DAY OF MAY, 2025.**

Karen McCulloh
KAREN MCCULLOH, Mayor

ATTEST:

Brenda K. Wolf
BRENDA K. WOLF, CMC, City Clerk




(PUBLISHED IN *THE MANHATTAN MERCURY* ON MAY 24, 2025)

ORDINANCE NO. 7750 SUMMARY

On May 20, 2025, the City of Manhattan, Kansas, adopted the following ordinance:

AN ORDINANCE ADDING NEW SECTIONS 2-89, 2-90 AND 2-91, TO CHAPTER 2, ARTICLE V, DIVISION 2, OF THE CODE OF ORDINANCES OF THE CITY OF MANHATTAN, KANSAS, TO CODIFY THE AUTHORIZATION OF COSTS AND FEES IN CASES BEFORE THE MUNICIPAL COURT.

The Ordinance establishing a schedule of costs and fees for the administration of justice in the Municipal Court and increasing those costs and fees as is reasonable and appropriate for Municipal Court functions. This ordinance shall become effective on August 4, 2025. The complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, City Hall, 1101 Poyntz Ave., Manhattan, KS 66502, Monday – Thursday, 8 a.m. – 5 p.m., and Friday, 8 a.m. to noon, and is available for at least one week following the publication date of this summary at www.cityofmnhk.com. This Summary certified to be legally accurate and sufficient by City Attorney Katharine Jackson.



Katharine Jackson, City Attorney
Date certified: 5/20/25