

First publication \_\_\_\_\_  
Second publication \_\_\_\_\_

CHARTER ORDINANCE NO. 35

**A CHARTER ORDINANCE AUTHORIZING THE GOVERNING BODY TO ESTABLISH A SCHEDULE OF FEES AND COSTS TO BE IMPOSED IN CONNECTION WITH PROCEEDINGS IN THE DERBY MUNICIPAL COURT; AND REPEALING ORIGINAL CHARTER ORDINANCES NO. 15, 18, 20 AND 28 OF THE CITY OF DERBY, KANSAS, PERTAINING TO THE SAME SUBJECT, AS THE SAME HAVE FROM TIME TO TIME BEEN AMENDED.**

**WHEREAS**, the Governing Body of the City of Derby, Kansas, has by adoption of its charter ordinance no. 15 elected to exempt the City from the provisions of K.S.A. 12-4112 and K.S.A. 12-4411, said statutes being not uniformly applicable to all cities within the State, and has substituted therefor certain provisions pertaining to imposition and disposition of court costs by the Municipal Court of the City; and

**WHEREAS**, the Governing Body of the City subsequently amended charter ordinance no. 15 in certain particulars by adoption of charter ordinances no. 18, 20 and 28; and

**WHEREAS**, the Governing Body of the City now finds it necessary to further modify such substitute provisions pertaining to imposition, collection and disposition of court fees and costs by the Municipal Court of the City;

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DERBY, KANSAS:**

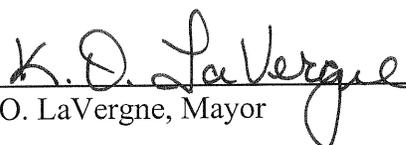
**Section 1.** The City of Derby, Kansas, a city of the second class, by virtue of the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to and does exempt itself from and make inapplicable to it the provisions of K.S.A. 12-4112 and K.S.A. 12-4411, which statutes are enactments or portions of enactments not uniformly applicable to all cities within the State.

**Section 2.** The Governing Body of the City is hereby authorized to adopt by resolution a schedule of fees and costs to be imposed by the Municipal Court, and to provide in the same manner for collection and disposition of the fees and costs collected pursuant to any such resolution.

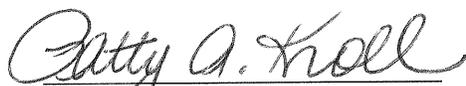
**Section 3.** Charter ordinances no. 15, 18, 20 and 28 of the City of Derby, Kansas, are hereby repealed; provided, that this repealer shall be effective from and after adoption of a resolution pursuant to section 2 hereof, fixing fees and costs to be imposed by the Municipal Court and providing for the collection and disposition thereof.

**Section 4.** This charter ordinance shall take effect and be in force on the sixty-first day following its final publication after adoption, unless a sufficient petition for referendum is filed as provided in Article 12, Section 5 of the Constitution of the State of Kansas, in which case this Charter Ordinance shall become effective upon approval thereof by a majority of the electors voting at an election held on such ordinance.

**PASSED AND ADOPTED** by the Governing Body of the City of Derby, Kansas, by a vote of not less than two-thirds of the members elect thereof, this 5<sup>th</sup> day of May, 1998.

  
K.O. LaVergne, Mayor

ATTEST:

  
Patty A. Kroll, City Clerk