

(Summary Published in The Morning Sun on October 26, 2018)

ORDINANCE NO. G-1288

AN ORDINANCE amending Section 1.7 of the Pittsburg City Code to increase the probation or parole monitoring fee to \$75.00, and assess an additional fee in the sum of \$50.00 in certain circumstances in the discretion of the judge of the municipal court.

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

Section 1. Section 1.7 of the Pittsburg City Code is amended to read as follows:

Sec. 1-7. - General penalties and fees; continuing violations.

- (a) In this Section the term "violation of this Code" means any of the following:
 - (1) Doing an act that is prohibited or made or declared unlawful, an offense, a violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.
 - (2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.
 - (3) Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense, a violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.
 - (4) Counseling, aiding or abetting a violation of this Code as set forth in subsections (a) (1)—(3) of this Section.
- (b) In this Section the term "violation of this Code" does not include the failure of a City officer or City employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this Section.
- (c) For the purpose of sentencing, unless otherwise specified in this Code, the following classes of violations of this Code and the punishment and terms of confinement authorized for each class are established:
 - (1) Class A violation, the sentence for which shall be a definite term of confinement in the county jail which shall be fixed by the court and shall not exceed one year;

- (2) Class B violation, the sentence for which shall be a definite term of confinement in the county jail which shall be fixed by the court and shall not exceed six months;
 - (3) Class C violation, the sentence for which shall be a definite term of confinement in the county jail which shall be fixed by the court and shall not exceed one month; and
 - (4) Unclassified violations, which shall include all offenses declared to be violations without specification as to class, the sentence for which shall be in accordance with the sentence specified in the Section that defines the offense; if no penalty is provided, the sentence shall be the same penalty as provided in this Section for a class C violation.
- (d) A person convicted of a violation of this Code may, in addition to, or instead of, the confinement authorized by law, be sentenced to pay a fine which shall be fixed by the court, unless otherwise specified in this Code, as follows:
 - (1) Class A violation, a sum not exceeding \$2,500.00.
 - (2) Class B violation, a sum not exceeding \$1,000.00.
 - (3) Class C violation, a sum not exceeding \$500.00.
 - (4) Unclassified violation, any sum authorized by the Section that defines the offense. If no penalty is provided for same, the fine shall not exceed the fine provided in this Section for a class C violation.
- (e) Except as otherwise provided by law or ordinance:
 - (1) With respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense.
 - (2) With respect to all other violations of this Code, each act constitutes a separate offense.
- (f) A person convicted of a violation of this Code, or who enters into a diversion agreement concerning a violation of this Code, shall be assessed, in addition to any state required costs and fees, municipal court costs in the amount of \$50.50, which costs shall be in addition to any fine imposed by the municipal court for such violation.

- (g) A person convicted of a violation of this Code, or who enters into a diversion agreement concerning a violation of this Code, may be assessed such additional court costs as follows:
 - (1) A probation or parole monitoring fee in the amount of \$75.00 per case;
 - (2) An additional probation or parole monitoring in the amount of \$50.00 per case in the event probation is revoked and subsequently reinstated, or a defendant requests an extension of probation extending the initial term of probation beyond one (1) year;
 - (3) A warrant fee in the amount of \$75.00 upon the issuance of a warrant by the judge of the municipal court;
 - (4) Court appointed counsel fee the minimum of which is \$150.00 and the maximum shall be \$300.00 per case; and
 - (5) A fingerprinting fee in the amount of \$25.00.
- (h) Subsections (f) and (g) of this Section do not apply to cases in which the only conviction is for any of the following:
 - (1) Parking within 15 feet of a fire hydrant;
 - (2) Parking in front of a public or private driveway; or
 - (3) Parking in a handicapped parking space.
- (i) The following fees and expense shall be applied in all municipal court proceedings:
 - (1) \$25.00 for each DVD or CD recording requested by a defendant or counsel, said fee to be paid in advance;
 - (2) \$115.00 for the filing of an expungement proceeding;
 - (3) \$25.00 fee for failure to appear or pay as scheduled;
 - (4) \$2.50 fee for a record search; and,
 - (5) \$5.00 fee for photocopies of records (up to 20 pages) then \$0.25 per page thereafter.

Additional court costs and fees may be assessed by the judge of municipal court as required by state statute for service or process, for transcripts and depositions, and for expenses incurred in serving a warrant.

- (j) The costs and fees shall be assessed as part of the court's judgment and shall be collected by the court clerk/court administrator of the municipal court.
- (k) The imposition of a penalty hereunder does not prevent suspension or revocation of a license or a permit, or other administrative sanctions.
- (l) Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief.

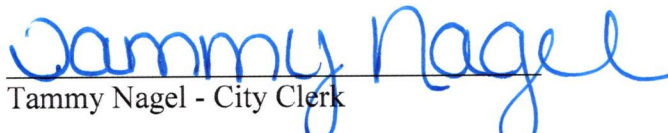
Section 2. This Ordinance shall take effect upon its passage and publication in the official city newspaper.

PASSED AND APPROVED this 23rd day of October, 2018.



Mayor-Jeremy Johnson

ATTEST:



Tammy Nagel - City Clerk

