

ORDINANCE NO. 245

AN ORDINANCE AUTHORIZING AND PROVIDING FOR NOTICE TO APPEAR AND APPEARANCE BONDS FOR CERTAIN TRAFFIC OFFENSES.

BE IT ORDIANED BY THE GOVERNING BODY OF THE CITY OF WATHENA:

SECTION 1. Whenever a person is arrested without a warrant for the violation, in the presence of the arresting officer, of any Ordinance regulating traffic, for which a notice to appear is provided by KSA 8-5129a as amended and such person is not giver an immediate hearing before the Police Judge, the arresting officer shall prepare in duplicat  a written notice to appear in Court containing the name and address of such person, the license number of his vehicle, the offense charges, and the time and place when such person shall appear in Police Court. Such notice shall contain a written promise so to appear, to be signed by the person arrested. The time specified in said notice to appear must be at least five (5) days after such arrest unless the person arrested shall demand an earlier hearing. The arrested person, in order to secure release as provided in this Ordinance, must give his written promise so to appear in Court by signing in duplicate the written notice prepared by the arresting officer. The original of said notice shall be retianed by said officer and the copy thereof delivered to the person arrested. Thereupon, if no bond is required as hereinafter provided, said officer shall forthwith release the person arrested from custody.

SECTION 2. Whenever a person is arrested for the violation of any Ordinance regulating traffic for which an appearance bond is authorized by KSA 8-5129a as amended, and the amount of which is hereinafter authorized and prescribed, and such person is not given an immediate hearing before the Police Judge, the arresting officer may, in addition to the requirements of Section 1 of this Ordinance, require the person so arrested to give bond in the amount specified in Section 4 of this Ordinance for the offense or offenses for which arrested. Such bond shall be a cash bond and shall be taken in the following manner: The arresting officer shall furnish the person arrested a stamped envelop addressed to the Police Judge and the person arrested shall place in such envelop the amount of the bond, and in the presence of the arresting officer shall deposit the same in the United States mail.

SECTION 3. Appearance bonds given under the provisions of this Ordinance shall be subject to forfeiture if the person arrested does not appear for trial at the time specified in the written notice provided. In the event of such forfeiture, then Five Dollars (\$5.00) of said forfeited bond shall be regarded as Court costs. If the person arrested appears for trial, the Police Judge shall enter such fact on his docket and shall refund the amount of any cash bond posted by the defendant.

SECTION 4. Appearance bonds are hereby authorized and provided and may be required in Section 2 of this Ordinance for the following designated offenses and the amounts thereof are hereby authorized and prescribed as follows:

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| Speeding | \$ | 15.00 |
| Reckless Driving | | 50.00 |
| Driving of Wrong Side of Roadways or in Improper Lane | | 15.00 |
| Illegal Passing | | 15.00 |
| Failure to Yield Right of Way | | 15.00 |
| Failure to Stop at Stop Sign | | 15.00 |
| Illegal Turning of Failure to Signal Turn | | 15.00 |
| Following Too Closely | | 15.00 |
| Illegal Parking on Street | | 15.00 |
| Defective Brakes | | 15.00 |

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| Illegal Loads | \$ | 15.00 |
| Spilling Loads on Street | | 15.00 |
| Defective Lighting Equipment | | 10.00 |
| Failure to Dim Lights | | 10.00 |
| Improper Equipment (Horn, Muffler, Rear Vision Mirror, Windshield Wipers, Safety Devices and Equip- ment | | 10.00 |

SECTION 5. Whenever any person is arrested and shall have given his written promise to appear as required by Section 1 of this Ordinance and in the presence of the arresting officer has deposited in the United States mail any bond required by such office under authority of this Ordinance, said officer shall forthwith release the person arrested from custody.

SECTION 6. The Police Judge shall keep a record of all appearance bonds received and the disposition thereof. All appearance bonds declared forfeited shall by the Police Judge be paid to the City Treasurer who shall give a receipt and credit the same to the general fund of the City. The Police Judge shall file all such receipts in the appearance bond record in his office.

SECTION 7. This Ordinanch shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council and Approved by the Mayor this 5th day of April, 1966.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)