

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A MUNICIPAL COURT FOR THE PROSECUTION OF VIOLATIONS OF CITY ORDINANCES; PROCEDURE FOR TRIAL THEREIN; CREATION OF A TRAFFIC VIOLATIONS BUREAU; REPEALING PRIOR ORDINANCES PERTAINING THERETO.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, AS FOLLOWS:

Section 1: MUNICIPAL COURT, JURISDICTION--The Municipal Court of the City of Portage des Sioux, Missouri, shall have original jurisdiction to hear and determine all offenses against the ordinance of the City of Portage des Sioux. Court shall be held by the Judge of the Municipal Judge on the _____, of each and every month unless such date falls on a legal holiday. Court shall convene at 7:30 p.m. and thereafter until adjourned by the Court. Additional court dates may be designated by the Court when necessary.

Section 2: JUDGE OF THE MUNICIPAL COURT--The Judge of the Municipal Court shall be appointed by the Mayor, with approval of the Board of Aldermen, and said appointment shall be for an at will appointment, terminated only a three-fourth (3/4) vote of the elected members of the Board of Aldermen.

Section 3: MUNICIPAL JUDGE, QUALIFICATIONS--The Municipal Judge must be a person at least twenty-one (21) years of age and an attorney licensed to practice in the State of Missouri. The Municipal Judge need not be a resident of the City of Portage des Sioux.

Section 4: PROSECUTIONS FOR VIOLATIONS OF ORDINANCES--All prosecutions for the violations of the municipal ordinances of the City of Portage des Sioux shall be entitled "City of Portage des Sioux vs. _____" (naming the person or persons charged), and the Municipal Judge shall state in the docket the name of the complainant, the nature and character of the offense, the date of the trial, the names of all witnesses sworn and examined, the finding of the Court or jury, the judgment of fine and costs, the date of payment, every other fact necessary to show full proceedings in each case. The complaint shall be reduced to writing and sworn to by the person or officer making the complaint. The complaints and charges filed before the Municipal Judge in the Municipal Court may be amended without prejudice during the proceedings in accordance with the laws of Missouri pertinent thereto.

Section 5: UNIFORM TRAFFIC TICKETS--The City of Portage des Sioux recognizes and approves the use of uniform traffic tickets for traffic violations which contain summons, complaint and informations.

Section 6: WARRANTS, NOW SERVED--All warrants issued by the Municipal Judge shall be directed to the City Police Chief, the Sheriff of any County where the defendant might reside, and such warrant shall be executed by such police officer at any place within the limits of the jurisdiction of that officer.

Section 7: ATTENDANCE OF WITNESSES--The Municipal Judge shall have the power to summons all persons whose testimony may be deemed essential as witnesses at a trial, and to enforce their attendance by attachment, if necessary. The fees of witnesses and the jurors, if any, shall be the same as are allowed in a criminal trial in the Associate Circuit Court of St. Charles

County.

Section 8: PUNISHMENT ASSESSED--If the defendant pleads guilty, or is found guilty of a violation of any ordinance of the City of Portage des Sioux, the Municipal Judge shall assess the punishments prescribed by ordinance according to his finding or the verdict of the jury, and render judgment accordingly, and also for court costs; and it shall be part of said judgment that the defendant and his bond, if any, stand committed until judgment is fully complied with.

Section 9: APPEALS, HOW TAKEN--Appeals from a verdict or judgment in the Municipal Court in the City of Portage des Sioux shall be as provided by Chapter 479 and other pertinent statutes of the State of Missouri.

Section 10: COSTS ALLOWED--It shall be the duty of the Municipal Judge of the Municipal Court of the City of Portage des Sioux to assess the authorized statutory costs against each defendant who is found guilty or pleads guilty in said Court.

Section 11: The Traffic Violations Bureau for the City of Portage des Sioux shall be authorized to accept fines for certain violations of city ordinances. The _____ shall be charged with the responsibility of operating the Traffic Violations Bureau, and shall have the title Violations Clerk. It shall be the function of the Violations Clerk to accept appearance, waiver of trial, plea of guilty, and payment of fine and costs in traffic offenses set forth in Section 12 below. The fines and costs for such violations can be paid to the Violations Clerk within seven (7) days of receipt of summons, notice of ticket or within the time designated by the Municipal Court Judge.

Section 12: The following schedule shall be the only violations which may be satisfied at the traffic violation bureau, together with the fines and penalties for first and second offenses:

SCHEDULE OF VIOLATIONS AND PENALTIES
FOR TRAFFIC VIOLATIONS

	1st Offense	2nd Offense
Blocking traffic	\$ 5.00	\$10.00
Disregarding Officer's signal	5.00	10.00
Defective brakes	5.00	10.00
Driving over closed streets	5.00	10.00
Failure to stop at stop signal or stop sign	10.00	20.00
Failure to signal before turning	5.00	10.00
Failure to stop, school, playgrounds	10.00	20.00
Making prohibited turn	5.00	10.00
Defective muffler	5.00	10.00
Obstructed, dirty or swinging license plate	5.00	10.00
Driving or parking on sidewalk	5.00	10.00
Unnecessary vehicle noise	5.00	10.00
Wrong direction, one-way street	5.00	10.00
Failure to dim lights	5.00	10.00
Driving, no headlights or taillights	5.00	10.00
Driving, one headlight or taillight	5.00	10.00
Speeding, per mile over posted limit	1.00	2.00

Section 13: That the Violations Clerk shall keep an easily accessible record of all violations of which each person has been guilty, whether such guilt was established in Court or in the

traffic violations bureau. The bureau shall keep records and submit summarized annual reports to the Municipal Court, and the Board of Aldermen of all notices issued and arrests made for violations of this Ordinance and of all the fines collected by the traffic violations bureau. These reports shall be public records. All fines and forfeitures of bail of any person charged with a violation of any of the provisions of this Ordinance shall be paid into the City of Portage des Sioux and deposited in the General Fund and be expendable for municipal purposes.

Section 14: That the Municipal Judge may suspend the imposition or stay the execution of all or part of the fine, costs or jail sentence imposed for ordinance violations, for a period of up to one year; and that the terms of suspension may include driving or alcohol school; and that the sentence may be imposed for any violation of the terms of probation or for any subsequent ordinance violation.

Section 15: If any section, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, such decisions shall not affect the validity of the remaining portions of this Ordinance. The Board of Aldermen hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, even if it had known that any one or more sections, subsections, sentences, clauses or phrases would be declared unconstitutional.

Section 16: Court costs shall be assessed on each charge at the rate of \$12.00 for each non-moving violation, and \$14.00 for each moving violation; said costs shall be paid into the general fund of the City of Portage des Sioux on a timely basis by the Police Chief and the Traffic Violations Bureau Clerk.

Section 17: If for any reason the Municipal Judge is disqualified from hearing a case, the Mayor, with approval of the Board of Aldermen, shall appoint an alternate Judge for the case.

Section 18: REPEAL OF INCONSISTENT ORDINANCES-- Any other ordinance or parts of ordinances inconsistent with or contrary to the provisions of this ordinance, are hereby repealed.

Section 19: Due to the emergency nature of the situation, requiring enforcement of police and traffic regulations, this ordinance shall be in full force and effect from and after its passage and approval.

READ FIRST, SECOND AND THIRD TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE DES SIOUX, MISSOURI, THIS ____ DAY OF _____, 1985.

MAYOR

ATTEST:

CITY CLERK

APPROVED BY THE MAYOR OF THE CITY OF PORTAGE DES SIOUX THIS ____ DAY OF _____, 1985.

MAYOR

ATTEST:

CITY CLERK