

BILL NO. 23-33

ORDINANCE NO. 2256

**AN ORDINANCE OF THE CITY OF DARDENNE PRAIRIE,
MISSOURI, AMENDING VARIOUS PROVISIONS OF CHAPTER 125
OF THE MUNICIPAL CODE RELATED TO MUNICIPAL COURT
OPERATIONS**

**BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF
DARDENNE PRAIRIE, MISSOURI, AS FOLLOWS:**

SECTION 1. That Section 125.080 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and hereby is amended by deleting Section 125.080 in its entirety and enacting, in lieu thereof, a new Section 125.080 to read as follows:

Section 125.080. Report to Board of Aldermen.

The Municipal Judge shall cause the Court Clerk to prepare, on or before the fifteenth (15th) of every month, a report indicating the following:

A list of all cases heard or tried before the Judge during the preceding month, giving in each case a copy of the monthly case load summary required to be filed with the Office of State Courts Administrator pursuant to Court Operating Rule 4.28, the fine imposed if any, and the amount of costs, respectively. The Court Clerk or the Judge shall verify such lists and statements by affidavit and shall file the same with the City Clerk who shall lay the same before the Board of Aldermen of the City for examination at its first (1st) session thereafter. The Municipal Court shall, within the ten (10) days after the first (1st) of the month, pay to the Municipal Treasurer the full amount of all fines collected during the preceding month, if not previously paid to the Municipal Treasurer.

SECTION 2. That Section 125.145 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and hereby is amended by deleting Section 125.145 in its entirety and enacting, in lieu thereof, a new Section 125.145 to read as follows:

Section 125.145. Warrants.

Warrants shall be executed by arresting the person therein named and bringing him/her before the Municipal Judge if the arrest is made while the Court is in session or, if the Court is not then sitting, by taking and holding the person in custody, unless bail is given as provided in this Chapter, then such person shall be released. If a person is held in custody while the court is not in session and does not post bail, such person must be given an opportunity to be heard by the Municipal Judge in person, by telephone, or video conferencing as soon as practicable after their arrest and not later than forty-eight hours on minor traffic violations and not

later than seventy-two hours on other violations, and if not given that opportunity, shall be released. Upon the return of the warrant by the officer executing it, the Municipal Judge shall be fully possessed of the case and shall forthwith proceed to hear and determine the same, unless for good cause the trial is postponed to a time certain, and shall issue subpoenas or attachments for witnesses to compel their attendance.

For purposes of this Chapter, "minor traffic violation" shall be defined as, a municipal traffic ordinance violation prosecuted that does not involve an accident or injury, that does not involve the operation of a commercial motor vehicle, and for which no points are assessed by the department of revenue or the department of revenue is authorized to assess one to four points to a person's driving record upon conviction. Minor traffic violation shall include amended charges for any minor traffic violation. Minor traffic violation shall exclude a violation for exceeding the speed limit by more than nineteen miles per hour or a violation occurring within a construction zone or school zone.

SECTION 3. That Section 125.190 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and hereby is amended by deleting Section 125.190 in its entirety and enacting, in lieu thereof, a new Section 125.190 to read as follows:

Section 125.190. Jailing of Defendants.

If, in the opinion of the Municipal Judge, the City has no suitable and safe place of confinement, the Municipal Judge may commit the defendant to the St. Charles County Jail, and it shall be the duty of the St. Charles County Department of Corrections, if space for the prisoner is available in the County Jail, upon receipt of a warrant of commitment from the Judge, to receive and safely keep such prisoner until discharged by due process of law. The municipality shall pay the board of such prisoner at the same rate as may now or hereafter be allowed by law to the St. Charles County Department of Corrections for the keeping of other prisoners in its custody.

SECTION 4. That Section 125.250 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and hereby is amended by deleting Section 125.250 in its entirety and enacting, in lieu thereof, a new Section 125.250 to read as follows:

Section 125.250. Absence of Judge – Procedure.

A. If a Municipal Judge be absent, sick or disqualified from acting, the Mayor or the Board of Aldermen may request the Presiding Judge of the Circuit Court to designate a special Municipal Judge as provided in Subsection (B) of this Section or in cases of circumstances making it impossible to reach the Presiding Judge of the Circuit Court in a timely manner, the Mayor may designate some competent, eligible person to act as municipal judge until the Presiding Judge of the Circuit Court can designate a special Municipal Judge as provided in Subsection (B) of this Section.

B. The Presiding Judge of the Circuit Court may appoint any other Municipal Judge within the Circuit to act as a special interim Municipal Judge for a Municipal Judge of the Circuit who is absent, sick or disqualified from acting. The Presiding Judge shall act upon request of the Mayor of the Board of Aldermen for a special Municipal Judge or in accordance with the procedures described in Missouri Supreme Court Rule 37.53 regarding any change of judge application filed in the Municipal Court.

C. The Governing Body of the municipality shall provide by ordinance for the compensation of any person designated to act as Municipal Judge under the provisions of this Section.

SECTION 5. That Section 125.260 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and hereby is amended by deleting Section 125.260 in its entirety and enacting, in lieu thereof, a new Section 125.260 to read as follows:

Section 125.260. Failure to Appear in Municipal Court.

A. A person commits the offense of failure to appear in Municipal Court if:

1. He/she has been issued a summons for a violation of any ordinance of the City of Dardenne Prairie and fails to appear before the Judge of the Municipal Court at the time and on the date on which he/she was summoned, or at the time or on the date to which the case was continued;

2. He/she has been released upon recognition of bond and fails to appear before the Judge of the Municipal Court at the time and on the date on which he/she was summoned, or at the time or on the date to which the case was continued;

3. He/she has been placed on Court supervised probation and fails to appear before the Judge of the Municipal Court at the time specified by said Judge as a condition of the probation.

4. Nothing in this Section shall authorize the Municipal Court or Municipal Prosecutor to issue an additional charge for failure to appear for a minor traffic violation, as that term is defined in Section 125.145.

B. Nothing in this Section shall prevent the exercise of the Municipal Court of its power to punish for contempt.

C. Upon the Municipal Prosecuting Attorney filing a complaint with the Court alleging a violation of this Section, the Municipal Court, or a Clerk thereof, shall issue a violation notice to the person named in the complaint on a uniform citation by mailing said violation notice to the person's last known address by first class mail.

SECTION 6. That Subparagraph (4) of Subsection (A) of Section 125.300 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and hereby is amended by deleting

Subparagraph (4) of Subsection (A) of Section 125.300 in its entirety and enacting, in lieu thereof, a new Subparagraph (4) of Subsection (A) of Section 125.300 to read as follows:

Section 125.300. Duties of Municipal Court Clerk.

A. The duties of the Municipal Court Clerk shall be as follows:

...

4. To sign specific warrants at the Municipal Judge's direction.

SECTION 7. That Section 125.310 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and hereby is amended by deleting Section 125.310 in its entirety and enacting, in lieu thereof, a new Section 125.310 to read as follows:

Section 125.310. Bond.

Within fifteen (15) days after employment or appointment and before entering upon the discharge of the above-described duties, the Court Clerk shall give bond to the City in the sum of twenty-five thousand dollars (\$25,000.00) conditioned upon the faithful performance of said duties and the said Court Clerk will pay over all monies belonging to the City, as provided by law, that may come into the Municipal Court Clerk's hands.

No Municipal Court personnel shall be allowed to receive, deposit, disburse, or handle Municipal Court money in any manner prior to giving bond to the City in the sum of twenty-five thousand dollars (\$25,000.00) conditioned upon the faithful performance of said duties and that said personnel will pay over all monies belonging to the City, as provided by law, that may come into such individual's hands.

SECTION 8. That Section 125.330 of the Municipal Code of the City of Dardenne Prairie, Missouri, be and hereby is amended by deleting Section 125.330 in its entirety and enacting, in lieu thereof, a new Section 125.300 to read as follows:

Section 125.330. Court Costs.

A. In addition to any fine that may be imposed by the Municipal Judge in any case filed in the Dardenne Prairie Municipal Division of the 11th Judicial Circuit Court, and in addition to all other fees authorized or required by law, there shall be assessed as costs the following:

1. Costs of Court in the amount of twelve dollars (\$12.00).
2. Police Officer training fee.

a. A fee of three dollars (\$3.00) is hereby established and assessed as additional Court costs in each Court proceeding, except that no such fee shall be collected when the proceedings against the defendant have been dismissed.

b. Two dollars (\$2.00) of each such Court cost shall be transmitted monthly to the Treasurer of the City and used to pay for Police Officer training as provided by Sections 590.100 to 590.180, RSMo. The City shall not retain for training purposes more than one thousand five hundred dollars (\$1,500.00) of such funds for each certified Law Enforcement Officer or candidate for certification employed by the City. Any excess funds shall be transmitted quarterly to the City's General Fund.

c. One dollar (\$1.00) of each such Court cost shall be sent to the State Treasury to the credit of the Peace Officers Standards and Training Commission Fund created by Section 590.178, RSMo.

3. Crime Victims' Compensation Fund. An additional sum of seven dollars fifty cents (\$7.50) shall be assessed and added to the basic costs in Subsection (1) of this Section, provided that no such cost shall be collected in any proceeding when the proceeding or the defendant has been dismissed by the Court. All sums collected pursuant to this Subsection shall be paid at least monthly as follows:

a. Ninety-five percent (95%) of such fees shall be paid to the Director of Revenue of the State of Missouri for deposit as provided in Section 595.045.5, RSMo.

b. Five percent (5%) shall be paid to the City Treasury.

4. Reimbursement of certain costs of arrest.

a. Upon a plea or a finding of guilty of violating the provisions of Sections 360.020 or 360.030 of this Code or any ordinance of the City of Dardenne Prairie involving alcohol- or drug-related traffic offenses, the Court may, in addition to imposition of any penalties provided by law, order the convicted person to reimburse the Police Department for the costs associated with such arrest.

b. Such costs hereby authorized shall include the reasonable cost of making the arrest, including the cost of any chemical test made as authorized or required by law or ordinance to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking and holding such person in custody.

c. The Chief of Police may establish a schedule of such costs hereby authorized and shall submit the same to the Municipal Judge. However, the Court may order the costs reduced if it determines that the costs are excessive.

d. Upon receipt of such additional costs authorized by this Subsection, the City Treasurer shall retain such costs in a separate fund to be known as the "DWI/Drug Offense Cost Reimbursement Fund". Monies with such fund shall be appropriated by the Board of Aldermen to the Police Department in amounts equal to those costs so collected and shall be used by such department specifically to enhance and support the enforcement and prosecution of alcohol- and drug-related traffic laws within the City.

5. In the event there is an application for a trial de novo, there shall be an additional fee of thirty dollars (\$30.00) which shall be assessed as Court costs.

6. The Dardenne Prairie Municipal Court, a Division of the 11th Judicial Circuit Court of the State of Missouri, hereby establishes a Judicial Education Fund and an Appointed Counsel Fund.

a. One dollar (\$1.00) out of each twelve dollars (\$12.00) in Court costs collected pursuant to Section 125.330(1) of the City Code shall be retained by the Dardenne Prairie Municipal Court to fund the Judicial Education Fund and the Appointed Counsel Fund. The fees collected by the Municipal Court shall be allocated between the Judicial Education Fund and the Appointed Counsel Fund, as determined by the Municipal Court.

b. Judicial Education Fund.

(1) The Judicial Education Fund shall be used exclusively to pay for:

(a) The continuing education and certification required of the Municipal Judges by law or Supreme Court rule; and

(b) Judicial education and training for the Court Administrator and Clerks of the Municipal Court.

(2) The Dardenne Prairie Municipal Court shall not retain more than one thousand five hundred dollars (\$1,500.00) in the Judicial Education Fund for each Judge, Administrator or Clerk of the Municipal Court. Any fund balance in the Judicial Education Fund in excess of one thousand five hundred dollars (\$1,500.00) for a Judge, Administrator or Clerk of the Municipal Court shall be transmitted quarterly to the General Revenue Fund of the City of Dardenne Prairie Treasury.

(3) The Judicial Education Fund must be kept in a separate account from all other money and/or funds.

c. Appointed Counsel Fund.

(1) The Appointed Counsel Fund shall be used exclusively to pay for the reasonable fees approved by the Court for the appointment of an attorney to represent any defendant found by the Judge to be indigent and unable to pay for legal representation, and where the rules of the Supreme Court of Missouri or the law prescribes such appointment.

(2) The Dardenne Prairie Municipal Court shall not retain more than five thousand dollars (\$5,000.00) in the Appointed Counsel Fund. Any fund balance in the Appointed Counsel Fund in excess of five thousand dollars (\$5,000.00) shall be transmitted quarterly to the General Revenue Fund of the City of Dardenne Prairie Treasury.

(3) The Appointed Counsel Fund must be kept in a separate account from all other money and/or funds.

7. In addition to the other costs authorized in this Section, there shall be assessed a statewide court automation fund fee in the amount of seven dollars (\$7.00) in all cases in which court costs are taxed. Said fee shall be collected by the Municipal Court and transmitted monthly to the Missouri Director of Revenue to the credit of the Missouri Statewide Automation Fund, as provided in Section 488.012.3(5) RSMo and Section 488.027.2 RSMo.

SECTION 9. Effective Date: This Ordinance shall take effect and be in force from and after its passage and approval.

SECTION 10. Savings Clause: Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

SECTION 11. Severability Clause: If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

[The remainder of this page is intentionally left blank]

Read two (2) times, passed, and approved this 21 day of June, 2023.

John W. Botwin
As Presiding Officer and as Mayor

Attest:

Kim Clark
City Clerk

Approved this 21st day of June, 2023.

John W. Botwin
Mayor

Attest:

Kim Clark
City Clerk