

AN ORDINANCE ESTABLISHING GENERAL PENALTIES FOR VIOLATIONS OF THE MUNICIPAL ORDINANCES OF THE VILLAGE OF INNSBROOK, MISSOURI

WHEREAS, the Village of Innsbrook, Missouri (the "Village") established a municipal court for the prosecution of Village ordinance violation via Ordinance 141; and,

WHEREAS, the Village desires to specify and establish the range of penalties associated with the violation of its ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF INNSBROOK, AS FOLLOWS:

SECTION 1. The Board of Trustees of the Village of Innsbrook hereby establishes an ordinance dictating the range of penalties for the violation of its municipal ordinances, as follows:

PENALTIES FOR ORDINANCE VIOLATIONS

A. Whenever in any ordinance of the Village, or in any rule, regulation, notice or order promulgated by any officer or agency of the Village under authority duly vested in him/her or it, any act is prohibited or is declared to be unlawful or an offense, misdemeanor or ordinance violation or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor or ordinance violation, and no specific penalty is provided for the violation thereof, upon conviction of a violation of any such provision of any such ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in the Warren County Jail not exceeding ninety (90) days, or by both such fine and imprisonment; provided, that in any case wherein the penalty for an offense is fixed by a Statute of the State, the statutory penalty, and no other, shall be imposed for such offense, except that imprisonments may be in the Village prison or workhouse instead of the County Jail.

B. Every day any violation of this Code or any other ordinance or any such rule, regulation, notice or order shall continue shall constitute a separate offense.

C. Whenever any act is prohibited by any ordinance, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act. Whenever any act is prohibited by any ordinance, an attempt to do the act is likewise prohibited.

D. Minor Traffic Violations. Notwithstanding anything to the contrary herein, no punishment for a minor traffic violation as defined by Section 479.350 RSMo, which is incorporated herein by this reference, of any ordinance of the Village shall:

1. Impose a fine, when combined with the amount of Court costs, that exceeds two hundred twenty-five dollars (\$225.00);
2. Be punishable by imprisonment, unless the violation involved:
 - a. Alcohol or controlled substances,
 - b. Endangered the health and welfare of others, or
 - c. Involved eluding or giving false information to a Law Enforcement Officer.
3. Place a person convicted of a minor traffic violation in confinement for failure to pay a fine unless such non-payment violates the terms of the person's probation or unless the due process procedures mandated by Missouri Supreme Court Rule 37.65 or its successor rule are strictly followed by the Court;
4. Assess Court costs where a defendant has been found to be indigent under Subsection (5) or if a case has been dismissed;
5. Assess Court costs against a defendant who the Municipal Court finds to be indigent based on standards set by the Presiding Judge of the 12th Judicial Circuit Court of the State of Missouri; or
6. Issue an additional charge for the failure to appear on a minor traffic violation.

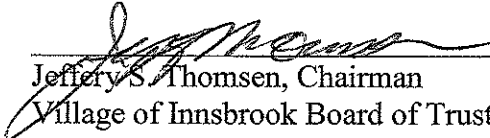
E. Municipal Ordinance Violations. Notwithstanding anything to the contrary herein, no punishment for a municipal ordinance violation as defined by Section 479.350, RSMo., which is incorporated herein by this reference, shall impose a fine, when combined with the amount of Court costs, that exceeds:

1. For municipal ordinance violations committed within a twelve-month period beginning with the first violation:
 - a. Two hundred dollars (\$200.00) for the first municipal ordinance violation,
 - b. Two hundred seventy-five dollars (\$275.00) for the second municipal ordinance violation.
 - c. Three hundred fifty dollars (\$350.00) for the third municipal ordinance violation, and
 - d. Four hundred fifty dollars (\$450.00) for the fourth and any subsequent municipal ordinance violations;
2. Be punishable by imprisonment, unless the violation involved:
 - a. Alcohol or controlled substances,
 - b. Endangered the health and welfare of others, or
 - c. Involved eluding or giving false information to a Law Enforcement Officer.
3. Place a person convicted of a municipal ordinance violation in confinement for failure to pay a fine unless such non-payment violates the terms of the person's probation or unless the due process procedures mandated by Missouri Supreme Court Rule 37.65 or its successor rule are strictly followed by the Court;
4. Assess Court costs where a defendant has been found to be indigent under Subsection (5) or if a case has been dismissed; or
5. Assess Court costs against a defendant who the Municipal Court finds to be indigent based on standards set by the Presiding Judge of the 12th Judicial Circuit Court of the State of Missouri.

SECTION 2: This Ordinance shall be in full force and effect from and after its passage and approval by the Chairman.

SECTION 3: If any portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion is to be deemed severed from the ordinance defining public nuisance and in no way affects the validity of the remainder of the ordinance.

This Bill was passed and approved this 12th day of June, 2018, by the Board of Trustees of the Village of Innsbrook after having been read by title or in full two times prior to passage.


Jeffery S. Thomsen, Chairman
Village of Innsbrook Board of Trustees

ATTEST:


Carla Ayala, Village Administrator/Clerk

