

**ORDINANCE #1046**

**AN ORDINANCE OF THE CITY OF AVA, MISSOURI, TRANSFERRING THE AVA CITY MUNICIPAL COURT AND TRANSFERRING THE MUNICIPAL DIVISION CASES TO THE DOUGLAS COUNTY CIRCUIT COURT ASSOCIATE DIVISION, AND REPEALING CITY ORDINANCE CHAPTER 34 ARTICLE II. MUNICIPAL COURT BY AMENDING CHAPTER 34 ARTICLE II. MUNICIPAL COURT.**

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

SECTION 1. As soon as practicable after March 15, 2019, Municipal Court Docket, but no later than six months from the effective date of this Ordinance, the Ava Municipal Court shall be transferred to the Douglas County Circuit Court and Ava Municipal Division Cases shall be heard in the Douglas County Circuit Court Associate Division.

SECTION 2. The Mayor is authorized to take all actions necessary to transfer the Ava Municipal Court to the Douglas County Circuit Court and effectuate the transfer of Ava Municipal Division Cases to be heard in the Douglas County Associate Circuit Court.

SECTION 3. City of Ava, Missouri Code of Ordinance Chapter 34 Article II. Municipal Court shall be amended to read as follows:

**Sec. 34-31. Violations- To Be Heard By Associate Circuit Judge**

The City of Ava hereby elects to have all violations of its municipal ordinances heard and determined by an Associate Circuit Judge of the Circuit Court of Douglas County, Missouri, the county in which the City of Ava is located.

**Sec. 34-32. Municipal Division- Circuit Court**

The Division of the Circuit Court of Douglas County, Missouri, which hears and determines Violations of the ordinances of the City of Ava shall be known as the 'Municipal Division of the Circuit Court of Douglas County, Missouri'.

**Sec. 34-33. Fines and Court Cost**

A. Installation of Payment of Fine. When a fine is assessed for violation of an ordinance, it shall be within the discretion of the Judge assessing the fine to provide for the payment of the fine on an installment basis under such terms and conditions as he/she may deem appropriate.

B. Court Costs. In addition to any fine that may be imposed by the Municipal Judge in any case filed in the Ava Municipal Division of the 44<sup>th</sup> 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 fifteen dollars (\$15.00).
2. *Police officer training fee*. 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.
  - a. 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 certification employed by the City. Any excess funds shall be transmitted quarterly to the City's General Fund.
  - b. 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 Victim's Compensation Fund*. An additional sum of seven dollars and 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. In addition to all other court costs described in this section, additional costs of seven dollars (\$7.00) shall be assessed as the Court Automation Fund Fee as costs in all cases filed in Municipal court created by Section 488.027, RSMo.
5. Other costs, such as the issuance of a warrant, a commitment or a summons, as provided before The Associate Circuit Judge in criminal prosecutions.

Issuance of warrants or summons	\$35.00
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This fee may be assessed at the discretion of the Municipal Judge.
6. Actual costs assessed against the City by the County Sheriff for apprehension or confinement in the County Jail or cost assessed against the City by any other detention



facility.

7. Mileage, in the same amount as provided to the Sheriff in criminal violations, for each mile and fraction thereof the officer must travel (both directions) in order to serve any warrant or commitment or order of this Court.
8. Any other reasonable cost as may be otherwise provided by ordinance including, but not limited to, costs of confinement, including any necessary transportation related thereto, medical costs incurred by the City while a defendant is in City custody, and costs related to the arrest and testing of any person for any intoxication-related traffic offense as set out in Section 9.
9. *Reimbursement of certain costs of arrest.*
  - a. Upon a plea or a finding of guilty of violating the provisions of sections 577.010 or 577.012, RSMo., of this Code or any ordinance of the City of Ava 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 expensive.
10. *Sheriffs' Retirement Fund.*
  - a. Pursuant to the authority granted in, and subject to the provisions contained in, 57.955, RSMo., the Municipal Court of the City shall be authorized to, and shall assess and collect a surcharge of three dollars (\$3.00) as costs in each such case, except as provided in Subsection (B)(10)(b) of this Subsection.
  - b. Notwithstanding the provisions of Subsection (A)(10)(a) hereof, no such surcharge shall be collected in any proceeding when the proceeding or defendant has been dismissed by the Court or when costs are to be paid by the City.
  - c. The Clerk of the Municipal Court shall remit all costs collected pursuant to the provision of this Subsection (A) (10) to the Missouri Sheriffs' Retirement Fund, in the manner provided by Section 57.955, RSMo.

**Sec. 34-34. Rules Governing Procedure and Practice in The Municipal Court.**

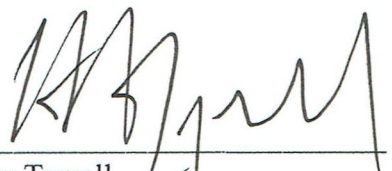
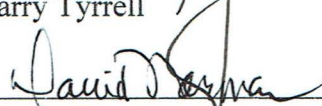
The rules governing the procedure and practice in the Municipal Court shall be those established and promulgated by the Supreme Court of Missouri on July 1, 1959, and such subsequent rules as the Supreme Court shall from time to time establish and promulgate; and any provision in these ordinances which shall be in conflict with such rules is hereby repealed.

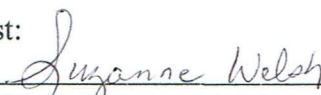
**Sec. 34-35-34-71. Reserved.**

SECTION 4. This ordinance shall take effect and be in force from and after its passage and approved by The Board of Aldermen of the City of Ava, Missouri. All ordinances or parts of ordinances in conflict with the terms hereof are void and of no effect.

Passed and approved on February 12, , 2019.

Reviewed and approved as to form by City Attorney:

  
Larry Tyrrell  
  
Mayor David Norman

Attest:   
City Clerk Suzanne Welsh

