

BILL NO. 0116-01
ORDINANCE NO. 34.02.1

AN ORDINANCE AMENDING SECTION 34.02 CODE OF HAWK POINT
REGARDING ASSESSMENT AND PAYMENT OF COURT COSTS

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF HAWK
POINT, MISSOURI, AS FOLLOWS:

FINES AND COSTS

1. In all cases where a conviction is had which is brought before the Judge of the Municipal Court for violation of any of the ordinances of the city the following costs shall be taxed:
 - (A) Court costs for all traffic offenses and municipal violations: \$15.00;
 - (B) In all cases where a conviction is had before the Municipal Court, cost for the training of police officers: \$2.00;
 - (C) Court costs for training law enforcement officers, statewide for all ordinance violations except non-moving traffic violations, to be deposited with the treasury of the state, the Peace Officers Standards and Training Commission Fund: \$1.00;
 - (D) Crime Victims Compensation Fund: \$7.50;
 - (E) Witness fees for witnesses residing outside of the city limits, as certified by the prosecuting attorney or the Police Department: \$3.00 per day plus \$0.555 cents per mile traveled;
 - (F) Transportation fees for transporting defendant as a result of arrest, warrant or extradition, as certified by the the Police Department: \$3.00 per day plus \$0.555 cents per mile traveled;
 - (G) Alcohol or drug related traffic offenses. The Court may, in addition to imposition of any penalties provided by law, order the person to reimburse the Police Department for the costs associated with such arrest; such costs shall include the reasonable costs of making arrest, and including the costs of any chemical tests to determine the alcohol or blood content of the person's blood, and the costs of processing, charging, booking and holding such person in custody. The Police Department may establish a schedule of such costs, however, the Court may order the costs reduced if it determines the costs are excessive;
 - (H) If the city incurs costs as a result of utilizing equipment owned and operated by the Sheriff's Department of the county, such as a Breathalyzer, and the defendant is found guilty as charged, then the Court may assess against the defendant the costs incurred by the city;
 - (I) If the defendant is found guilty as charged, and the city has incurred or will incur incarceration fees from the Sheriff of the county, or any other law enforcement agency or jail facility, then such fees or costs shall be assessed against the defendant and shall be paid by the defendant according to the order of the Municipal Judge;
 - (J) If a defendant is required to receive hospital treatment for any reason in connection with the defendant's arrest and there are costs connected therewith, the defendant shall be responsible and pay such costs as ordered by the Court;
 - (K) If the defendant is charged and found guilty of an offense where a victim has incurred medical expenses or property damage as a result of the acts of the defendant, then the Court may order the defendant to make restitution to the victim or victims in an amount as specified by the Court;

(L) In all cases where a conviction is had, an additional cost of \$2.00 per case for each municipal ordinance violation shall be assessed for the purpose of providing operating expenses for shelters of battered persons. Sums collected under this section shall be forwarded to the County Treasurer at least monthly. The judge may waive assessment of the cost in those cases where the defendant is found by the judge to be indigent and unable to pay the costs;

(M) For sheriff's retirement system as required pursuant to RSMo. § 57.955: \$3.00;

(N) For Inmate Security Fund pursuant to RSMo. § 488.5026: \$2.00;

(O) For Court Automation Fund: \$7.00.

2. Waiver

The judge may waive assessment of the costs in those cases where the defendant is found by the judge to be indigent and unable to pay the costs.

3. Payment of Fine and Costs on Installment Basis

When a fine is assessed for violation of any Ordinance, it shall be within the discretion of the Judge assessing the fine and costs to provide for the payment of the fine and costs on an installment basis under such terms and conditions he or she may deem appropriate.

4. Driving School

The Municipal Court may, in connection with the disposition of any offense which is a "point offense" resulting in the assessment of up to 4 points by the State Director of Revenue under the provisions of Section 302.302 (1), (2), or (4), RSMO., order the staying of the assessment of points upon satisfactory completion of a driver improvement program approved by the State by the State Director of the Department of Public Safety, as provided by Section 302.302.4, RSMo.

5. Policeman or Other Officer as Witness

In prosecution before the Municipal Judge for violations arising under Ordinances of the City, any Policeman or other executive officer shall be a competent witness in the case; but no such Policeman or executive officer shall be entitled to any witness fee in such case. Officers shall attend upon as witnesses against persons whom they have caused to be arrested, without being summoned to do so; and, upon their failure to appear at the time of trial, may be attached and punished for contempt as witnesses summoned.

Savings Clause.

Except as expressly set forth herein, nothing contained in this ordinance 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.

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

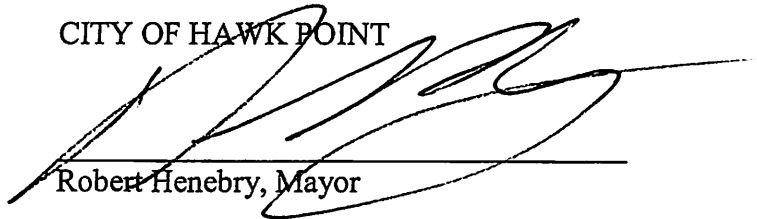
effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provisions which had been held invalid is no longer invalid, said provisions shall thereupon return to full force and effect without further action by the city and shall thereafter be binding.

Effective Date.

This ordinance shall be in full force and effect from and after the date of its passage and approval.

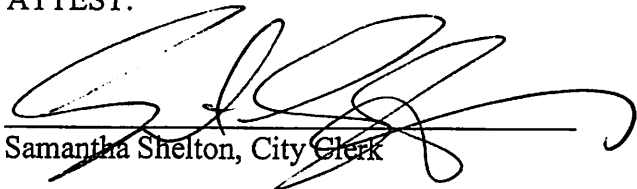
Passed and approved by the Board of Aldermen of the City of Hawk Point, Missouri, on this 7th day of March, 2016.

CITY OF HAWK POINT



Robert Henebry, Mayor

ATTEST:



Samantha Shelton, City Clerk