

AN ORDINANCE AMENDING ORDINANCE NO. 4788, THE MUNICIPAL CODE OF THE CITY OF RICHMOND HEIGHTS, MISSOURI, TO COMPLY WITH MISSOURI SENATE BILL NO. 5; RELATING TO PENALTIES, COURT PROCEDURES, AND SPEEDING VIOLATIONS.

WHEREAS, Senate Bill No. 5, effective August 28, 2015, was enacted and signed into law as a municipal court reform measure, and it requires certain changes to the City of Richmond Heights, Municipal Code of Ordinances, specifically relating to penalties, the charge of failure to appear, and the definition of “minor traffic violation”; and

WHEREAS, the City Council of Richmond Heights, Missouri desires to implement these changes to correspond with Senate Bill No. 5.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHMOND HEIGHTS, ST. LOUIS COUNTY, MISSOURI, as follows:

SECTION 1. CHAPTER 100: GENERAL PROVISIONS, ARTICLE IV: VIOLATION AND PENALTY, SECTION 100.150: GENERAL PENALTY–APPLICABILITY (A.) is hereby amended by adding language, to read as follows:

SECTION 100.150: General Penalty-Applicability

- A. Unless another penalty for an offense is fixed by Statute or is expressly provided by this Code by any particular Subsection, Section, Article or Chapter, any person violating any provision of this Code, or any rule or regulation adopted or issued in pursuance thereof, shall, upon conviction, be subject to a fine of not more than one thousand dollars (\$1,000.00), or to imprisonment for not more than three (3) months or both, and may be adjudged to pay the costs of prosecution. In any case wherein the penalty for an offense is fixed by Statute or is specifically set forth in the ordinance creating the offense, the penalty shall be the same as fixed in such Statute or ordinance.

All other subsections remain the same.

SECTION 2. CHAPTER 140 MUNICIPAL COURT: Section 140.020: Appearance Required When Summoned. is hereby replaced and to read as follows:

Section 140.020. Failure to Appear.

Any person who willfully fails to appear in the City’s municipal court in connection with a summons or notice issued to him/her by the municipal court to appear in the

municipal court on a specified date shall be guilty of Failure to Appear. This Section shall not apply to any “minor traffic violation”, as defined by Section 300.010 in the Richmond Heights Municipal Code of Ordinances.

SECTION 3. TITLE III: TRAFFIC CODE; CHAPTER 300, GENERAL PROVISIONS, ARTICLE I: Section 300.010 DEFINITIONS hereby amended by adding a new definition of “minor traffic violation”, to read as follows:

MINOR TRAFFIC VIOLATION] – Any violations of a municipal ordinance: (a) for which the Missouri Department of Revenue is authorized to assess no more than four points to a person’s driving record upon conviction and (b) that does not involve (i) an accident or injury, (ii) the operation of a commercial vehicle, (iii) exceeding a speed limit by more than 19 miles an hour, or (iv) a violation occurring within a construction zone or a school zone.

SECTION 4. It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

SECTION 5. This ordinance shall be in full force and effect on the 31st day after its passage as provided by law.

PASSED and APPROVED this 2nd day of November, 2015.

JAMES J. BECK
MAYOR

ATTEST:

PATRICIA S. VILLMER
DEPUTY CITY CLERK

APPROVED AS TO FORM:

KENNETH J. HEINZ
CITY ATTORNEY

First reading: October 19, 2015
Second reading: November 2, 2015