

**INTRODUCED BY:**

**ALDERMAN PLUFKA**

**ALDERWOMAN PARKER TICE**

**ALDERMAN WEGGE**

**ALDERWOMAN SIMS**

**ALDERMAN LOCHMOELLER**

**ALDERMAN GOULD**

**ALDERWOMAN HARTER**

**ALDERMAN ERGER**

**AN ORDINANCE AMENDING SECTION 125.230 OF THE BRENTWOOD CITY CODE RELATING TO THE FAILURE TO APPEAR IN MUNICIPAL COURT**

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**WHEREAS**, recent changes in state law require that the City Code provision hereinafter referenced be updated to comply with statutory mandates and Missouri Supreme Court Rules;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRENTWOOD, MISSOURI, as follows:**

**SECTION 1.** Section 125.230 of Article II of Chapter 125 of the Municipal Code of the City of Brentwood, Missouri, is hereby repealed and a new Section 125.230 is hereby enacted in lieu thereof to read as follows:

**Chapter 125. Municipal Court**

**Article II. Municipal Judge**

**Section 125.230. 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 Brentwood 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.
- B. Subsection A of this Section shall not apply to violations classified as Minor Traffic Violations as defined in Section 479.350, RSMo., to wit: a municipal traffic ordinance violation 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.

- C. Nothing in this Section shall prevent the Municipal Judge from issuing warrants pursuant to Missouri Supreme Court Rule 37, or from exercising the Court's authority to impose punishment for contempt of court when and as permitted by law.

**Section 2.** It is hereby declared to be the intention of the Board of Aldermen that the sections, paragraphs, sentences, clauses, phrases and words of this ordinance are severable, and if any section, paragraph, sentence, clause, phrase or word(s) of this ordinance shall be declared unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, phrases and words or this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid portion of the ordinance.

**Section 3.** The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered by the codification company servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

**Section 4.** This Ordinance shall be in full force and take effect from and after the date of its final passage by the Board of Aldermen and approval by the Mayor.

**PASSED BY THE BOARD OF ALDERMEN THIS 4th DAY OF MARCH 2024.**

  
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David A. Dimmitt, Presiding Officer

ATTEST:

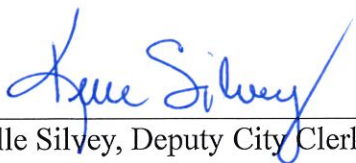
  
\_\_\_\_\_  
Kelle Silvey, Deputy City Clerk

**APPROVED BY THE MAYOR THIS 4<sup>th</sup> DAY OF MARCH 2024.**



David A, Dimmitt, Mayor

ATTEST:



Kelle Silvey, Deputy City Clerk

1st Reading: March 4, 2024  
2nd Reading: March 4, 2024

