

**AN ORDINANCE AMENDING SECTIONS 300.010, 100.220 AND 135.260 OF THE MUNICIPAL CODE OF THE CITY OF WARRENTON, MISSOURI RELATING TO MUNICIPAL COURT PENALTIES, MINOR TRAFFIC VIOLATIONS AND FAILURE TO APPEAR IN COURT.**

**WHEREAS**, newly enacted Section 479.353 of the Revised Statutes of Missouri, requires certain changes to the Municipal Code of the City of Warrenton, Missouri (“Municipal Code”), specifically relating to the definition of “Minor Traffic Violation,” and the City’s general penalty provision; and

**WHEREAS**, newly enacted Section 479.360 of the Revised Statutes of Missouri, requires certain changes to the Municipal Code, specifically relating to the charge of failure to appear, and the City’s general penalty provision; and

**WHEREAS**, the Board of Aldermen finds it in the best interest of the public to amend the Municipal Code to clarify the definition of Minor Traffic Violation and to clarify its penalties and court procedures relating thereto.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WARRENTON, MISSOURI, AS FOLLOWS:**

**Section 1.** Section 300.010, entitled “Definitions” is hereby amended by adding an additional definition, “Minor Traffic Violation,” to read as follows:

**MINOR TRAFFIC VIOLATION**

A Municipal Code violation prosecuted that does not involve an accident or injury, that does not involve the operation of a commercial motor vehicle, and for which the Missouri Department of Revenue is authorized to assess no more than four (4) points to a person's driving record upon conviction. Minor traffic violation shall exclude a violation for exceeding the speed limit by more than nineteen (19) miles per hour or a violation occurring within a construction zone or school zone.

**Section 2.** Section 100.220, entitled “General Penalty” is hereby amended by inserting a new Subsection D to read as follows:

D. *Minor Traffic Violations.* Notwithstanding anything to the contrary herein, no punishment for a Minor Traffic Violation as defined by Section 300.010 of this Municipal Code shall:

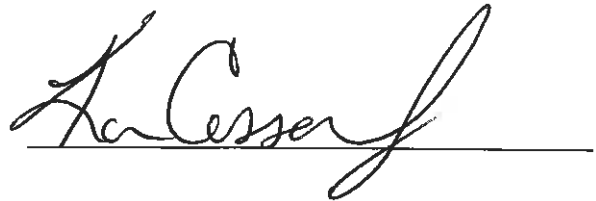
1. Impose a fine, when combined with the amount of court costs, that exceeds three hundred dollars (\$300.00);
2. Be punishable by imprisonment, unless the violation involved:
  - a. Alcohol or controlled substances,
  - b. Endangered the health and welfare of others, or
  - c. Involved eluding or giving 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 nonpayment violates the terms of the person's probation;
4. Assess Court Costs where 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 3.** Section 135.260, entitled "Failure to Appear Before the Court" is hereby amended by adding a new sentence, shown underlined below, as follows:

It shall be unlawful for any person to fail to appear at the proper time and plea or answer a charge against him/her in the Municipal Court upon being first duly summoned. A Defendant charged with an underlying offense that is a "Minor Traffic Violation," as defined by Section 300.010 of the Municipal Code, shall not be subject to prosecution for the offense of "Failure to Appear" on said charge.


**Section 4.** This ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED this 1<sup>st</sup> day of December, 2015.



---

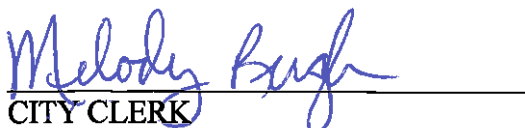
APPROVED this 1<sup>st</sup> day of December, 2015.



---

MAYOR

ATTEST:



---

CITY CLERK