

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, SETTING COSTS FOR THE OSAGE BEACH MUNICIPAL DIVISION IN ACCORDANCE WITH SHOW ME COURTS AUTOMATION PLAN BY REPEALING SECTION 138.280 OF THE OSAGE BEACH MUNICIPAL CODE AND ADOPTING A NEW SECTION 138.280 IN LIEU THEREOF

**WHEREAS**, the City's participation in the Show Me Courts automation plan required by the Missouri Supreme Court to automate the municipal courts requires the assessment of a new court fee incorporated in the existing court costs, said automation fee in the amount of Seven Dollars (\$7.00) to defray the expenses of that program, and,

**WHEREAS**, the court cost of \$3.00 added to municipal division cases for the Sheriff's Retirement Fund was found unconstitutional and barred by the Missouri Supreme Court in the matter of Fowler v. Missouri Sheriffs' Retirement System, 623 S.W.3d 578 (2021): and,

**WHEREAS**, the Board of Aldermen hereby finds and concludes that it is in the best interest of the citizens of Osage Beach to participate in the Show Me Courts automation plan as required by the Missouri Courts Automation plans:

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

Section 1. Section 130.280 is hereby repealed in its entirety.

Section 2. There is hereby enacted a new Section 130.280 to read as follows:

A. In all cases before the Traffic Violations Bureau and the Municipal Court where the defendant pleads guilty or is convicted, there shall be collected from such defendant, in addition to the fine or other punishment imposed the following court costs:

1. the sum of twelve dollars (\$12.00) as Court costs.
2. a fee of two dollars (\$2.00) shall be assessed and collected and set aside in a separate fund by the City Treasurer to be used solely for the training of Police Officers.
3. A fee of one dollar (\$1.00) shall be assessed and collected and set aside to be used statewide for training Law Enforcement Officers to be deposited into the Peace Officer Standards and Training Commission Fund.
4. A fee of seven dollars fifty cents (\$7.50) shall be assessed and ninety-five percent (95%) of this fee shall be deposited in the Crime Victims' Compensation Fund and five percent (5%) of this fee shall be deposited in the General Fund.
5. A fee of two dollars (\$2.00) for the purpose of providing operating expenses for shelters for battered Persons as set out in section 488.607 R.S.Mo..
6. A fee of seven dollars (\$7.00) shall be assessed, collected, and set aside for the Statewide Court Automation Fund, with all such amounts collected transmitted

monthly to the Missouri Director of Revenue to the credit of the Missouri Statewide Court Automation Fund.

B. In addition to the costs set forth in Section A above the court may also order the collection of the following additional costs where such costs have been incurred:

1. Other costs, such as for the issuance of a warrant, a commitment, or a summons, as provided before the Associate Circuit Judge in criminal prosecutions.
2. Actual costs assessed against the City by the County Sheriff for apprehension or confinement in the County Jail.
3. 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) to serve any warrant or commitment or order of this Court.
4. 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 Subsection (B 5) hereof.
5. Reimbursement of certain costs of arrest.
  - a. Upon a plea or a finding of guilty for a first (1st) offense of violating the provisions of an ordinance of the City of Osage Beach, 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 shall 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 excessive.
  - d. Upon receipt of such additional costs authorized by this Subsection, the City Treasurer shall retain such costs in a separate fund to be known as the "DWI/Drug Offense Cost Reimbursement Fund". Monies with such fund shall be appropriated by the Board of Aldermen to the Police Department in amounts equal to those costs so collected and shall be used by such Department specifically to enhance and support the enforcement and prosecution of alcohol- and drug-related traffic laws within the City.

## Section 2. Severability

The chapters, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or degree of any Court of any competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of 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 phrase, clause, sentence, paragraph or section.

Section 3. Repeal of Ordinances not to affect liabilities, etc.

Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under this ordinance previous to its repeal shall not be affected, released or discharged but may be prosecuted, enjoined and recovered as fully as if this ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

Section 4. That this Ordinance shall be in full force and effect on December 1, 2021, after passage by the Board of Aldermen and approval of the Mayor.

READ FIRST TIME: August 19, 2021      READ SECOND TIME: September 2, 2021

I hereby certify that Ordinance No.20.60 was duly passed on September 2, 2021 by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: 5      Nays: 0      Abstentions: 0      Absent: 0

This Ordinance is hereby transmitted to the Mayor for his signature.

9/2/2021  
Date

Tara Berreth  
Tara Berreth, City Clerk

Approved as to form:

Edward B. Rucker  
Edward B. Rucker, City Attorney

I hereby approve Ordinance No.20.60.

John Olivarri  
John Olivarri, Mayor

9/2/2021  
Date

Tara Berreth  
Tara Berreth, City Clerk