

Chapter 72 -- Municipal Court

(Ordinance 956 passed on 11/16/2010, effective 1/1/2011)

Article I. General Provisions

Section 72.010. Violations – to be heard by Associate Circuit Judge.

The City of Sarcoxie hereby elects to have violations of its municipal ordinances heard and determined by an Associate Circuit Judge of the Circuit Court of Jasper County, Missouri, the county in which the City of Sarcoxie is located, as designated by the presiding Judge of the Jasper County Circuit Court.

Section 72.010. Municipal Division – Circuit Court.

The Division of the Circuit Court of Jasper County, Missouri, which hears and determines violations of the ordinances of the City of Sarcoxie, shall be known as the “Municipal Division of the Circuit Court of Jasper County, Missouri”.

Section 72.025. Rules governing procedure and practice in the Municipal Division.

The rules governing the procedure and practice in the Municipal Division shall be those established and promulgated by the Supreme Court of Missouri and such subsequent rules as the Supreme Court shall from time to time establish and promulgate, under the authority of the presiding Judge of the Jasper County Circuit Court; and any provision in these ordinances which shall be in conflict with such rules is hereby repealed.

Section 72.030. Fine Collection Center.

The Associate Circuit Judge may order certain matters be determined utilizing Fine Collection Center pursuant to V.A.M.S. §476.385, as amended, in accordance with the rules of the Supreme Court. The Fine Collection Center shall accept pleas of guilty to certain violations of ordinances designated by the Associate Circuit Judge and shall accept payment of fines established by the Associate Circuit Judge and courts costs assessed on said pleas of guilty.

Section 72.040. Prosecutions – on information.

All prosecutions for the violation of City ordinances shall be instituted by information and may be based upon a complaint. Proceedings shall be in accordance with the Supreme Court Rule 37.

Section 72.050. Ordinances – evidence – judicial notice of.

In the trial of violations of the ordinances of the City, a copy of a City ordinance which is certified by the Clerk of the City shall constitute prima facie evidence of such ordinance. If such certified copy is on file with the Clerk of the Municipal Division and readily available for inspection by the parties, the Judge may take judicial notice of such ordinance without further proof.

Article II. Fines and Court Costs

Section 72.060. Installment payment of fine.

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

Section 72.070. Court costs.

In addition to any fine that may be imposed by the Municipal Division, court costs shall be assessed as determined by law and in addition, there shall be assessed as costs the following:

1. ***Police officer training fee.*** A fee of Three and No/100 (\$3.00) dollars is hereby established and assesses as addition court costs in each proceeding, except that no such fee shall be collected when the proceedings against the defendant have been dismissed.
 - a. Two and No/100 (\$2.00) Dollars of each such court cost shall be transmitted monthly to the treasurer of the City and used to pay for police officer training as provided by Sections 590.100 to 590.180 RSMo. The City shall not retain for training purposes more than One Thousand Five Hundred and No/100 (\$1,500.00) dollars of such funds for each certified law enforcement officer or candidate for certification employed by the City. Any excess funds shall be transmitted quarterly to the City's General Fund.
 - b. One and No/100 (\$1.00) dollar of each such court costs shall be sent to the State Treasury to the credit of the Peace Officers Standards and Training Commission Fund created by Section 590.178 RSMo.

2. ***Crime Victim's Compensation Fund.*** An additional sum of Seven and Fifty/100 (\$7.50) dollars shall be assessed and added to the basic costs in Subsection 1 of this Section provided that no such costs shall be collected in any proceeding when the proceeding or the defendant has been dismissed by the court. All sums collected pursuant to this Subsection shall be paid at least monthly as follows:
 - a. Ninety-five (95%) percent of such fees shall be paid to the Director of Revenue of the State of Missouri for deposit as provided in Section 595.045.5 RSMo.
 - b. Five (5%) percent shall be paid to the City treasury.
3. There shall be assessed a Seven and No/100 (\$7.00) dollar costs per case for each criminal case.
4. 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.
5. Actual costs assessed against the City by the County Sheriff for apprehension or confinement in the county jail or costs assessed against the City by any other detention facility.
6. 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) in order to serve any warrant or commitment or order of this court.
7. Any other reasonable costs 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.
8. ***Reimbursement of certain costs of arrest.***
 - a. Upon a plea or a finding of guilty of violating the provisions of any ordinance of the City 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 may establish a schedule of such costs hereby authorized and shall submit the same to the Judge. However, the court may order the costs reduced if it determines that the costs are excessive”.

Section 72.100. Administrative Search Warrants – Procedures.
(Ordinance 1026 passed on 08/01/2017, effective 08/01/2017)

- A. The Municipal Judge shall have authority to issue search warrants for searches or inspections to determine the existence of nuisance, weed, or building condition violations of the Sarcoxie City Code. The Municipal Judge shall also have authority to issue warrants for entry onto property to seize property, abate nuisance, or otherwise enforce any provisions of the Code of Ordinances.
- B. Warrants, searches, abatements, or inspections made pursuant thereto shall conform to and be governed by the following provisions:
 1. The Prosecuting Attorney of the City or his/her designee may make application to the Municipal Court for the issuance of a warrant.
 2. The application shall:
 - a. Be in writing;
 - b. State the name and date of the making of the application;
 - c. Identify the property or places to be entered and searched in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
 - d. State facts sufficient to show probable cause for the issuance of a search warrant to search for violations of the Sarcoxie City Code;
 - e. Be verified by the oath or affirmation of the applicant; and
 - f. Be filed in the Municipal Division of the Jasper County, Missouri Circuit Court.

3. The application shall be supplemented by written affidavits verified by oath or affirmation. Such affidavits shall be considered in determining whether there is probable cause for the issuance of the warrant and in filling out any deficiencies give the description of the property or places to be entered or searched. Oral testimony shall be considered.
4. The Judge shall hold a non-adversary hearing to determine whether sufficient facts have been stated to justify the issuance of a warrant. If it appears from the application and any supporting affidavits that there is probable cause to inspect or search for violations of this code, a warrant shall be issued to search for such violations, or to abate nuisances, demolish buildings, or mow weeds as allowed by this Code. The warrant shall be issued in the form of an original and two (2) copies.
5. The application and any supporting affidavits and a copy of the warrant shall be retained in the records of the Municipal Judge.
6. The warrant shall:
 - a. Be in writing;
 - b. The name of the issuing authority;
 - c. Be directed to any Police Officer or deputy of the City;
 - d. State the name and date the warrant is issued;
 - e. Identify the property or places to be searched or entered in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
 - f. Be limited to a search or inspection for violations of the provisions of the Sarcoxie Municipal Code;
 - g. Command that the described property or places be searched and that any photographs of violations found thereof or therein be brought within ten (10) days after the filing of the application to the Judge who issued the warrant to be dealt with according to the law; and
 - h. Be signed by the Municipal Judge with his/her title of office indicated.

7. A warrant issued under this Section may be executed only by a Police Officer or deputy of the City. The warrant shall be executed by conducting a search or entry commanded in accordance with the directions of the Court.
8. A warrant shall be executed as soon as practicable and shall expire if it is not executed and return is made within ten (10) days after the date of making the application.
9. After execution, the warrant with the return thereon signed by the officer making the search shall be delivered to the Judge who issued the warrant. The return shall show the date and manner of execution in the name of the possessor and of the owner of the property when he/she is not the same person, if known.
10. The intent of this Section is to effectuate compliance with the provisions of this Code regarding property maintenance. It shall be utilized in conjunction with, and not in lieu of, any procedures for notification of owners or possession of land.