

AN ORDINANCE TO ESTABLISH THE PENALTIES AND COURT PROCEDURES FOR ORDINANCE VIOLATIONS.

Whereas the Board of Trustees of the Village of Oakwood, Clay County, Missouri, has deemed it necessary to set forth the penalties and court procedures for a violation of the ordinances, except for certain ordinances which contain their own penalties and procedures, to clarify the penalty for all other ordinance violations.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF OAKWOOD AS FOLLOWS:

SECTION 1:

- 1.1 **PENALTIES.** Unless otherwise specified in a particular provision or Section of any provision of the Ordinances of the Village of Oakwood, any person who violates any provision of these Ordinances shall, upon conviction, be deemed guilty of an ordinance violation and fined a sum not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00).
- 1.2 **EACH DAY A SEPARATE OFFENSE.** Each day in which any violation of these Ordinances shall occur or be allowed to continue to occur shall constitute a complete and separate offense.

SECTION 2:

VIOLATIONS BUREAU. The Judge sitting as the Municipal Judge for the Village of Oakwood, pursuant to Rule 37.49 of the Missouri Supreme Court Rules and the local rules of the 7th Judicial Circuit, may establish by court order a violation bureau, which shall be subject to the supervision of the circuit court.

- 2.1 The Judge shall designate a clerk, who shall perform the duties designated by the court, including accepting appearance, waiver of trial, plea of guilty and payment of fine and costs for the designated violations, entering the plead on the record and transmitting the violation record as required by law.
- 2.2 The violations with the authority of the bureau shall be designated by order of the judge. Such designated violations may be amended from time to time. The judge by order prominently posted at the place where the fines are to be paid, shall specify by schedule the amount of fines and costs to be imposed for each violation.
- 2.3 Within the time fixed by the judge and subject to the judge's order, any person charged with an ordinance violation, except violations requiring

court appearance, may deliver by mail the specified amount of the fine and costs to the bureau. This delivery constitutes a guilty plea and waiver of trial.

SECTION 3.

- 3.1. SCOPE: The provisions of this ordinance shall cover the procedures, notices, hearings, fines, court costs, for violations of Ordinances unless otherwise specified in an ordinance with its own penalty and/or procedure.
- 3.2. ISSUANCE OF NOTICE OF VIOLATION: The City Clerk, upon information from a complaint filed with the Board of Trustees, shall issue a notice of an ordinance violation. Said violation notice shall be in accordance with the provisions of Rule 37.33 through 37.41 of the Missouri Supreme Court Rules. If said Penalty is not paid within thirty (30) days, the Court Clerk will issue a Summons in accordance with the provisions of Rule 37.42 through 37.44 of the Missouri Supreme Court Rules.
- 3.3. RESPONSIBILITY AND RIGHTS: Upon receipt of a notice of an ordinance violation from the City Clerk, the person may pay the penalty in accordance with the fines and costs set forth in the Violations Bureau Order. Upon failure to act as provided in subsection 3.2, the person will be mailed a Summons (notice for a court appearance for an appearance in the municipal division of the Clay County Circuit Court).
- 3.4. MUNICIPAL COURT. All Summonses will be served upon said person to appear at the hearing set before the municipal division of the Clay County Circuit Court at the time and place provided in the summons. Failure to appear will result in a finding of failure to appear and the Court shall issue a warrant for the arrest of said person.

Section 4. DUTY OF COURT CLERK.

- 4.1. Accept, collect and record fines, fees, costs, monetary penalties and bond forfeitures ordered and imposed by the Court;
- 4.2. Accept, collect and record appearance bonds from persons charged with violating a City ordinance;
- 4.3. Prepare monies for timely deposit in the appropriate accounts;
- 4.4. Record and maintain a docket of every case filed in the Court, including the proceedings and disposition of each case;
- 4.5. Record and maintain current docket reflecting all cases and matters pending before the Court for disposition;

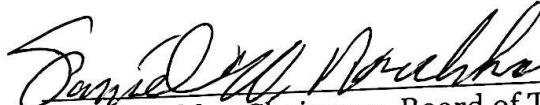
4.6. Accept and record written motions and written entries of appearance, pleas of guilty in Violation Bureau cases;

4.7. Promptly process and forward all appeals to the Presiding Judge of Clay County Circuit Court;

4.8. Certify Court records and reports records of conviction to the appropriate State Agency;

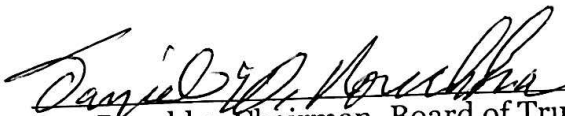
4.9. Perform all other duties as may be required by municipal ordinance, State Statute and the Rules of Practices and Procedure, adopted by the Municipal Judge, the Presiding Judge and the Supreme Court of Missouri and State Statute.

Passed this 17 day of AUGUST, 20 17.



Dan Rouchka, Chairman, Board of Trustees,
Village of Oakwood, Clay County, Missouri

Approved this 17 day of AUGUST, 20 17



Dan Rouchka, Chairman, Board of Trustees,
Village of Oakwood, Clay County, Missouri



Elizabeth Rouchka, Village Clerk