



Issue: COUNCIL BILL 2021-092. AN ORDINANCE AMENDING SECTION 1-10 OF THE NIXA CITY CODE TO CODIFY THE COURT COSTS APPLICABLE TO MUNICIPAL ORDINANCE VIOLATIONS.

Date: September 21, 2021

Submitted By: Nick Woodman, City Attorney

Background

At the September 13, 2021, City Council meeting, the Council approved Ordinance #2224. This Ordinance started the process of consolidating the Nixa Municipal Court Division with the Associate Division of the Christian County Court.

City staff has been in contact with the Office of State Courts Administrator (OSCA) regarding the consolidation process. One step in this process is for the City to provide the Ordinances justifying the Court costs authorized by the City Council for municipal ordinance violations.

It appears that the City Council has adopted the various applicable Court costs for municipal ordinance violations by separate ordinances. Additionally, it appears that these separate ordinances were codified at one time. During the 2012 recodification of the City Code, these Court costs were removed from the Code.

Additionally, as part of the transfer, the City is required to raise its base Court costs from \$12.00 to \$15.00.

Analysis

If approved, Council Bill 2012-092 would recodify the City's authorized Court costs and place them within Section 1-10 of the City Code. This action would ensure that the applicable and authorized Court costs can be referenced in one specific section of the City Code.

The Bill would also increase the base Court cost amount from \$12.00 to \$15.00.

If approved, the City will transmit one Ordinance to OSCA as part of the consolidation process. Additionally, and more importantly, the City's authorized Court costs will be located in one section of the Code. This is more convenient for staff and the public to reference. Further, placing the applicable Court costs in the Code places the enforcement of these costs on a firmer legal foundation.

Recommendation



A draft version of this Bill was provided to OSCA for review and recommendation. The version of the Bill presented to Council includes recommendations made by OSCA.

Staff recommends approval of the Bill.



Issue: COUNCIL BILL 2021-092. Supplemental Memorandum.

Date: October 4, 2021

Submitted By: Nick Woodman, City Attorney

Background

City Council held its first reading of Council Bill 2021-092 during the September 27, 2021, meeting. During the discussion of this Bill, a question was asked concerning what court costs the City retains with the transfer of the municipal division to the associate court.

Analysis

After reviewing the various statutes authorizing the court costs contemplated by Council Bill 2021-092, it appears that the City is authorized to retain the following amounts from any court costs imposed for municipal ordinance violations:

- Section 488.5336 RSMo appears to authorize the City to retain \$2 for the Police Officer Training fund.
- Section 595.045 RSMo appears to authorize the City to retain 5% of the \$7.50 charge for the Crime Victims' Compensation Fund.
- Section 488.607 RSMo appears to authorize the City to retain \$4 to provide funding for shelters for battered persons.
- Section 488.5026 RSMo appears to authorize the City to retain \$2 for the Inmate Prisoner Detainee Security Fund.

The court costs contemplated by Council Bill 2021-092 are subject to the various statutes which authorize their imposition.

Further, the City would retain any fines imposed by the Court as part of the sentence of any Nixa municipal ordinance violation.

Additionally, a typo has been corrected since this Bill's last presentation to the Council. The word "dollars" has now been added at line 39, after the word "three".

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING SECTION 1-10 OF THE NIXA CITY CODE TO CODIFY THE COURT COSTS APPLICABLE TO MUNICIPAL ORDINANCE VIOLATIONS.

WHEREAS as part of the requirements to transfer the Nixa Municipal Division to Christian County, the Office of State Courts Administrator requires the City provide documentation of the City’s established Court costs and fees; and

WHEREAS the City of Nixa has adopted Court costs and fees by ordinance from time to time; and

WHEREAS to consolidate the various costs and fees for ease of reference, the City Council desires to amend Section 1-10 of the Nixa City Code to reference the Court costs and fees authorized by the Council for municipal ordinance violations.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NIXA, AS FOLLOWS, THAT:

SECTION 1: Chapter 1 of the Nixa City Code is hereby amended by repealing Section 1-10 in its entirety and adopting in lieu thereof a new Section 1-10, which said section shall read as follows:

(Note: Language to be added is indicated by being underlined. Language to be removed is indicated by being ~~stricken~~.)

Sec. 1-10 – Court Costs.

~~In addition to any fine that may be imposed by the municipal judge there shall be assessed as costs in all cases the amounts fixed by ordinance. In addition to any fine which may be imposed by a Judge in any case regarding a Nixa ordinance violation filed in the 38th Circuit Court, and in addition to any other fees authorized or required by law, there shall be assessed as costs the following:~~

(a) Costs of Court in the amount of fifteen dollars (\$15.00) are hereby established and assessed for each such Court proceeding, in addition to any other court costs as may be required by law.

(b) Police Officer training fee. A fee of three dollars (\$3.00) is hereby established and assessed as additional Court costs in each Court proceeding.

(1) Two dollars (\$2.00) of each such Court cost shall be transmitted monthly to the City and used to pay for Police Officer training as provided by Section 488.5336 RSMo. The City shall not retain for training purposes more than one thousand five hundred dollars (\$1,500.00) of such funds for each certified Law

46 Enforcement Officer or candidate for certification employed by the City. Any
47 excess funds shall be transmitted quarterly to the City's General Fund.

48
49 (2) One dollar (\$1.00) of each such Court cost shall be sent to the State Treasury
50 to the credit of the Peace Officers Standards and Training Commission Fund
51 as provided by Section 488.5336 RSMo.

52
53 (c) Crime Victims' Compensation Fund. An additional sum of seven dollars fifty cents
54 (\$7.50) is hereby established and assessed as additional Court costs in each Court
55 proceeding as authorized by Section 595.045 RSMo.

56
57 (d) An additional sum of four dollars (\$4.00) is hereby established and assessed as
58 additional Court costs in each Court proceeding to provide operating expenses for
59 shelters for battered persons as authorized by Section 488.607 RSMo.

60
61 (e) An additional sum of two dollars (\$2.00) is hereby established and assessed as an
62 additional Court cost in each Court proceeding to establish the inmate Prisoner
63 Detainee Security Fund as authorized by Section 488.5026 RSMo.

64
65 (f) An additional sum of seven dollars (\$7.00) is hereby established and assessed as
66 additional Court costs in each Court proceeding as a surcharge for the Statewide
67 Court Automation Fund.

68
69 (g) Any other lawful and reasonable cost as may be assessed by the Court as
70 additional costs of Court.

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72 **SECTION 2:** It is the intent of City Council that the Court costs referenced in
73 Section 1-10 of the Nixa City Code, as amended by this Ordinance, shall, after adoption
74 of this Ordinance, supersede any prior Ordinances establishing or authorizing such court
75 costs for Nixa ordinance violations. Any Court costs which are not referenced in Section
76 1-10 shall be of no force and effect upon the adoption of this Ordinance.

77
78 **SECTION 3:** The City Attorney, when codifying the provisions of this Ordinance, is
79 authorized to provide for different section numbers, subsection numbers, and different
80 internal citation references than those provided herein when such section numbers,
81 subsection numbers, or internal citation references are in error or are contrary to the intent
82 of this Ordinance.

83
84 **SECTION 4:** Savings Clause. Nothing in this Ordinance shall be construed to
85 affect any suit or proceeding now pending in any court or any rights acquired, or liability
86 incurred nor any cause or causes of action occurred or existing, under any act or
87 ordinance repealed hereby.

88
89 **SECTION 5:** Severability Clause. If any section, subsection, sentence, clause, or
90 phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect
91 the validity of the remaining portions of this Ordinance. The Council hereby declares that

92 it would have adopted the Ordinance and each section, subsection, sentence, clause, or
93 phrase thereof, irrespective of the fact that any one or more sections, subsections,
94 sentences, clause, or phrases be declared invalid.

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96 **SECTION 6:** This Ordinance shall be in full force and effect from and after its final
97 passage by the City Council and after its approval by the Mayor, subject to the provisions
98 of section 3.11(g) of the City Charter.

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101 **ADOPTED BY THE CITY COUNCIL THIS 12TH DAY OF OCTOBER 2021.**

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103
104 ATTEST:

105
106 _____
107 CITY CLERK

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106 _____
107 PRESIDING OFFICER

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110 **APPROVED BY THE MAYOR THIS _____ DAY OF _____ 2021.**

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113 ATTEST:

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115 _____
116 CITY CLERK

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115 _____
116 MAYOR

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119 APPROVED AS TO FORM:

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121 _____
122 CITY ATTORNEY