



Department Source: Law

To: City Council

From: City Manager & Staff

Council Meeting Date: January 6, 2020

Re: Amending Chapter 14 of the City Code relating to Parking Violations; Amending Chapter 15 to Repeal and Re-enact a New Section 15-19 relating to Municipal Court Costs

Executive Summary

The proposed ordinance updates the City Code provisions related to the court costs assessed in Municipal Court and modifies the penalty sections of the City Code related to parking violations.

Discussion

Parking Violations Fine Structure

The Missouri Supreme Court has issued updated court rules which establish a set fine for standard parking violations at \$15.50 per charge and violations for parking in a disabled permit space without a permit at \$100.50. In order to allow a defendant to pay the fine without a personal appearance in the courtroom, a municipality is required to use the fine amount established by the Supreme Court. The City of Columbia has four sections where a fine has been established in the City Code which conflicts with the standard parking violation fines established by the Supreme Court.

The first two instances are Sections 14-396 and 14-426, which relate to standard parking violations in off-street parking facilities and parking meters, respectively. The current fine structure is \$15.00 if paid within fifteen days and \$30.00 if paid more than fifteen days after the violation.

The third instance relates to standard parking violations within any "Special Residential Parking Districts" established in Section 14-313(j) of the city code. Currently there is only one special residential parking district established in the "North Village Parking District." The current fine structure in this district is \$25.00 if paid within fifteen days and \$50.00 if paid more than fifteen days after the violation.

The fourth instance relates to standard parking violations in designated parking tow-away zones, which include snow routes. Section 14-304(c) currently provides for a minimum fine of \$100.00 in a no parking tow-away zone. This fine is in addition to any costs incurred by the individual for towing of the vehicle, which is an added cost to the vehicle owner.

Staff recommends changing all four of these penalty sections to reference the general penalty section of the City Code, which allows judicial discretion in the establishment of the fine. This would permit the municipal judge to use the uniform fine schedule approved by the Missouri Supreme Court so that individuals may continue to pay their parking tickets without appearing in Court on a scheduled court date. In egregious cases, the city prosecutor would retain prosecutorial discretion to file a charge which would require the defendant to appear in court.



City of Columbia

701 East Broadway, Columbia, Missouri 65201

There is one other parking-related violation contained in the City Code which does not need to be addressed at this time because the Supreme Court uniform fine schedule falls within the range already established by Council. Section 14-443(f) related to disabled parking currently provides for a minimum of \$50.00 and maximum of \$200.00 fine for violations related to parking in a disabled parking space without a valid permit. The Missouri Supreme Court has established a uniform fine of \$100.50 for this type of violation, which carries a separate charge code than the previously described parking violations. Because the \$100.50 is within the penalty range, the municipal judge is allowed to establish a rate at which a person may pay the fine and costs without an in-person court appearance.

Court Costs in Municipal Court

The current City Code sections relating to court costs were last revised in 1996. Since that time, the state laws have changed and there are erroneous statutory reference contained within the existing Code. It is a best practice to have all of the costs and surcharges enumerated in a single location within the City Code for clarity. In addition, the existing City Code does not expressly allow the municipal judge to waive court costs and the municipal judge believes there is no judicial authority to waive court costs unless an individual appears in person in court to make the request or there is an express ordinance eliminating costs for a particular classification of tickets. Accordingly, the assessment of court costs in the amount of \$21.50 on a parking ticket needs to be addressed if the Council desires to retain a standard parking ticket fine near the existing \$15.00 range and allow a person to pay a parking ticket without a personal court appearance.

Accordingly, City staff recommends clarifying the powers of the municipal judge as it relates to the imposition of court costs and to remove the authority to charge court costs on standard parking tickets if the individual pays the parking ticket prior to the court date shown on the original summons. These actions will generally maintain the status quo as it relates to parking ticket processing within the city. If the court costs are prohibited as set forth in the draft legislation, the violator will pay \$15.50 if the parking ticket is paid prior to the court date and will pay a minimum of \$37.00 after the stated court date.

Section 15-19 of the City Code has been rewritten to include all of the existing court costs and surcharges in the Columbia Municipal Court in addition to adding a prohibition on assessment of costs on parking tickets paid before the original court date and adding judicial discretion related to imposition of court costs in all other cases.

Current court costs:

- General Court Fees (479.260 RSMo; 488.012 RSMo) - \$12.00 (City – General Fund)
- Crime Victims Compensation (488.5339 RSMo; 595.045 RSMo) - \$7.50 (95% or \$7.13 to State; 5% or \$.37 to City General Fund)
- Peace Officer Standards and Training Fund (488.5336 RSMo) - \$1.00 (State) *not assessed on non-moving violations
- Law Enforcement Training Fund (488.5336 RSMo) - \$2.00 (City – General Fund) *not assessed on non-moving violations



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701 East Broadway, Columbia, Missouri 65201

- Inmate Prisoner Detainee Security (488.5026 RSMo) - \$2.00 (City - Funds are limited to use to acquire and develop biometric verification systems and information sharing to ensure that detainees in a detention facility may be properly identified upon booking and tracked within the local law enforcement administration system. Funds may also be used to pay for any expenses related to detention, custody, and housing and other expenses for inmates.
- Alcohol and Drug Related Traffic Offense Cost Recoupment (488.5334 RSMo) – Discretionary assessment of reasonable costs associated with arrest of alcohol or drug related traffic offenses as determined by the municipal judge (City – General Fund)
- Incarceration Costs (221.070 RSMo) – Discretionary assessment in amount to be determined by Court. (This cost is rarely, if ever, utilized in Columbia's Municipal Court.)
- Probation Services Fees (559.604 RSMo; 559.607 RSMo) – Discretionary assessment in amount to be determined by Court; however, not less than \$30.00 or more than \$50.00.
- Witness Fees – Discretionary assessment in an amount to be determined by Court. Witnesses (other than city employees and law enforcement) are entitled to \$25.00 per day plus mileage.

The total of court costs and fines for municipal minor traffic violations may not exceed \$225.00.

Fiscal Impact

Short-Term Impact: Revenue neutral.

Long-Term Impact: Revenue neutral.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Operational Excellence, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Not Applicable, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

Legislative History

Date	Action
	None.

Suggested Council Action

Passage of the ordinance.