

BILL NO. 19- 191

AN ORDINANCE AMENDING CHAPTER 1, GENERAL PROVISIONS, SECTION 1-13 OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI, TO UPDATE PENALTY PROVISIONS IN ACCORDANCE WITH MISSOURI LAW.

WHEREAS, Section 1-13, "Penalties for Code, Ordinance Violations" of the City of Lee's Summit ("City") Code of Ordinances ("Code") sets forth penalties for violating the City Code or a City ordinance; and,

WHEREAS, State law places limits on the penalties a City can impose for violations of certain provisions in the City Code; and,

WHEREAS, the City Council desires to amend provisions of the City's Code regarding violations of the City Code or City ordinances to incorporate the limits imposed by State law.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. Chapter 1, General Provisions, Section 1-13, is hereby amended to add the underlined language and delete the struck-through and bolded language:

Sec. 1-13. - Penalties for Code, Ordinance Violations.

A. Whenever in this Code or in any ordinance of the City any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and where no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance shall be punished by a fine of not ~~more than~~ to exceed five hundred dollars (\$500.00), or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment, except as provided in Subsection B. and C. of this Section. Each day any violation of this Code or of any ordinance continues shall constitute a separate offense.

~~**B. Whenever in this Code or in any ordinance of the City a specific penalty is provided by reference to this subsection, punishment shall be by a fine of not more than three hundred dollars (\$300.00) or by imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment.**~~

B. Any "minor traffic violation", as defined by Section 479.350, RSMo., as amended, shall be punishable by a fine not to exceed two hundred twenty-five dollars (\$225.00) including court costs, but only when State law requires court costs to be included in such total fine.

~~**C. Whenever in this Code or in any ordinance of the City a specific penalty is provided by reference to this subsection, punishment shall be by a fine of not more than two hundred dollars (\$200.00).**~~

C. Any "Municipal ordinance violation", as defined by Section 479.350, RSMo., as amended, committed within a twelve-month period, beginning with the first

BILL NO. 19- 191

violation, shall be punishable by a fine, including any court costs, not to exceed: two hundred dollars (\$200.00) for the first offense; two-hundred seventy-five dollars (\$275.00) for the second offense; three-hundred fifty dollars (\$350.00) for the third municipal ordinance violation; and four-hundred fifty dollars (\$450.00) for the fourth and any subsequent violation.

SECTION 2. It is the City Council's intention and is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, and the sections of this Ordinance may be renumbered as appropriate to accomplish such intention.

SECTION 3. Should any section, sentence or clause of this Ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences, or clauses.

SECTION 4. This Ordinance shall be in full force and effect from and after the date of its adoption, passage, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2019.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said City this _____ day of _____, 2019.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*