

AN ORDINANCE REMOVING MAXIMUM OR MINIMUM FINES AND IMPOSING, IN LIEU THEREOF, A FINE OF UP TO \$500.00 OR BY PUNISHMENT BY UP TO 90 DAYS IN JAIL OR BY BOTH FINE AND PUNISHMENT.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ST. MARY, MISSOURI, AS FOLLOWS:

SECTION ONE: The penalty provisions of the following ordinances are hereby repealed:

- Ordinance #175 - City Stickers
- Ordinance #217 - Drinking in Public
- Ordinance #221 - Highest Degree of Care
- Ordinance #252 - Skating on Sidewalk
- Ordinance #285 - Fireworks/Firearms
- Ordinance #312 - Operation of Motor Vehicles
- Ordinance #328 - Offenses Against City
- Ordinance #352 - Junk Yards
- Ordinance #357 - Dogs
- Ordinance #382 - 2 Hour Parking
- Ordinance #398 - Curfew
- Ordinance #399 - Livestock in City
- Ordinance #402 - Litter
- Ordinance #412 - Speed of Trains
- Ordinance #426 - Liquor Sales
- Ordinance #432 - Animals and Fowl
- Ordinance #433 - No Parking 3rd Street E.
- Ordinance #436 - Lewd Dancing
- Ordinance #438 - Weeds
- Ordinance #439 - Curfew for City Park
- Ordinance #444 - Number of Liquor Licenses
- Ordinance #447A - Dish Antennas
- Ordinance #448 - Rate for Sunday Sales License
- Ordinance #451 - Requirements for City Stickers
- Ordinance #473 - ATV's
- Ordinance #484 - Junk Cars
- Ordinance #490 - Traffic Ordinance CH 300
- Ordinance #495 - Registration of Motor Vehicle
- Ordinance #496 - Operator/Chauffeur License

SECTION TWO: In lieu thereof, all ordinances of the City of St. Mary, Missouri, shall be enforced pursuant to Section Three of this ordinance.

SECTION THREE: GENERAL PENALTY; CONTINUING VIOLATIONS

(a) Wherever in this Code or in any ordinance of the City, or rule or regulation or order promulgated by any officer or agency of the city under authority duly vested in him or it, any act is prohibited or is declared to be unlawful or an offense or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense, and no specific penalty is provided for the violation thereof, upon conviction of a violation

of any such provisions of this Code or of any such ordinance, rule, regulation or order, the violator shall be punished by a fine not exceeding five hundred dollars (\$500.00) and costs or by imprisonment in the city or county jail not exceeding ninety (90) days, or by both such fine and imprisonment; provided, that in any case wherein the penalty for an offense is fixed by any statute of the state, the statutory penalty and no other, shall be imposed for the punishment of the offense, except that imprisonments may be in the city prison or workhouse instead of the county jail.

(b) Each day any violation of this Code or any such ordinance, rule, regulation or order shall constitute, except where otherwise provided, a separate offense.

(c) In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code and the ordinances of the city shall be deemed a public nuisance and may be abated by the city as provided by law, and each day that such offensive condition continues shall be regarded as a new and separate offense.

SECTION FOUR: IMPRISONMENT FOR FAILURE TO PAY FINE OR COSTS COSTS OF PROSECUTION

When a sentence for violation of any provision of this Code or other ordinance of the city, or for violation of any rule, regulation or order promulgated or given pursuant thereto, includes a fine and such fine is not paid, or if the costs of prosecution adjudged against an offender are not paid, the person under sentence shall be imprisoned on (1) day for every ten dollars (\$10.00) of any such unpaid fine or costs, or both the fine and costs, not to exceed a total of three (3) months.

SECTION FIVE: IMPRISONMENT TO INCLUDE WORK; DUTY OF CHIEF OF POLICE

(a) Any person sentenced to imprisonment for violation of any provisions of this Code or of any other ordinance of this city, or of any rule, regulation or order promulgated pursuant thereto, and any person who fails to pay a fine imposed for any such violation, or the costs of prosecution, may be put to work and perform labor on the public streets or other public works or buildings of the city for such purposes as the city may deem necessary. For every ten dollars (\$10.00) of an assessed or unpaid fine, a prisoner shall work one day.

(b) The City Marshall shall cause all such prisoners, as may be directed by the mayor, to work out the full number of days for which they have been sentenced by performing labor upon the public streets or other public works or buildings of the city as may be designated by the mayor.

SECTION SIX: CITY JAIL ESTABLISHED; ASSESSMENT OF COSTS OF CONFINEMENT

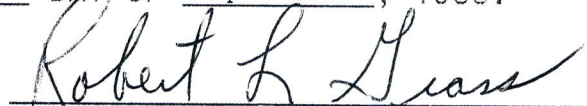
(a) The Ste. Genevieve county jail is hereby made the city jail, and all Code sections or ordinances prescribing a place of confinement for violation of any Code section or ordinance shall be paid by such person to be recovered by execution; provided, however, that the county jailor shall be paid his fees for such services quarterly out of the city revenue.

SECTION SEVEN: This Ordinance shall be in full force and effect from and after its passage.


SECTION EIGHT: All Ordinances and parts thereof in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION NINE: The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

READ TWO TIMES AND PASSED THIS 17th DAY OF September, 1988.


MAYOR

ATTEST:


CITY CLERK

<u>ALDERMEN</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Francis Bader	X			
Henry Coffman	X			
Robert Schultz	X			
Stephen Schwent	X			

I, JoAnn E. Donze, Clerk of the City of St. Mary, Missouri, do hereby certify that the foregoing ordinance was duly passed and adopted by the Board of Aldermen of the City of St. Mary, Missouri at a regular meeting thereof assembled this the 17th day of September, 1988.


CITY CLERK