ORDINANCE 556

AN ORDINANCE CONFIRMING ESTABLISHMENT OF THE MUNICIPAL COURT OF THE CITY OF WOOD HEIGHTS, MISSOURI, AND ESTABLISHING TRAFFIC VIOLATIONS BUREAU WITHIN THE CITY OF WOOD HEIGHTS, MISSOURI; SETTING AN EFFECTIVE DATE FOR THIS ORDINANCE; AND REPEALING ALL ORDINANCES OR PARTS ORDINANCES IN CONFLICT HEREWITH.

SECTION 1: COURT ESTABLISHED
There is hereby established in this city a municipal court to be known as the *City of Wood Heights, Missouri Municipal Court, a Division of the Eighth Judicial Circuit Court of the State of Missouri.* This court is a continuation of the police court of the city as previously established, and is termed herein the municipal court.

SECTION 2: JURISDICTION
The jurisdiction of the municipal court shall extend to all cases involving alleged violations of this ordinance of the city.

SECTION 3: QUALIFICATIONS FOR OFFICE
The municipal judge shall possess the following qualifications before he shall take office:
A. He must be a licensed attorney, qualified to practice law within the State of Missouri, or within six months after selection satisfactorily complete the course of instruction for municipal judges prescribed by the supreme court.
B. He must be a resident of the State of Missouri and the city of Wood Heights, Missouri.
C. He must be between the ages of 21 and 75 years.
D. He may serve as municipal judge for any other municipality.
E. The municipal judge shall be considered holding a part-time position, and as such may accept other employment.

SECTION 4: SUPERINTENDING AUTHORITY
The municipal court of the city shall be subject to the rules of the circuit court of which it is a part, and to the rules of the state supreme court. The municipal court shall be subject to the general administrative authority of the presiding judge of the circuit court and the judge and court personnel of said court shall obey his directives.

SECTION 5: REPORT TO BOARD OF ALDERMEN
The municipal judge shall cause to be prepared within the first ten days of every month a report. The report shall be prepared under oath by the municipal court clerk or the municipal judge. This report will be filed with the city clerk, who shall thereafter forward the same to the board of aldermen of the city for examination at its first session thereafter. The municipal court shall, within the ten days after the first of the month, pay to the municipal treasurer the full amount of all fines collected during the preceding month, if they have not previously been paid.

SECTION 6: DOCKET AND COURT RECORDS
The municipal judge shall be a conservator of the peace. He shall keep a docket in which he shall enter every case commenced before him and the proceedings therein and he shall keep such other records as may be required. Such docket and records shall be records of the eighth judicial circuit. The municipal judge shall deliver the docket and records of the municipal court, and all books and papers pertaining to his office or to the presiding judge of the circuit upon demand.

SECTION 7: MUNICIPAL JUDGE; POWER AND DUTIES, GENERALLY
The municipal judge shall be and is hereby authorized to:
A. Establish a traffic violations bureau as provided for in the Missouri Rules of Practice and Procedure in Municipal Traffic Courts and Section 479.050 of the Revised Statutes of Missouri and cause to be posted a schedule of fines for offenses qualified to be handled under this section, plus court costs.
B. Administer oaths and enforce due obedience to all orders, rules and judgments made by him and may fine and imprison for contempt

committed before him while holding court, in the same manner and to the same extent as a circuit judge.

C. Commute the term of any sentence, stay execution of any fine or sentence, suspend any fine or sentence and to make such other orders as the municipal judge deems necessary relative to any matter that may be pending in the municipal court.

D. Make and adopt such rules of practice and procedure as are necessary to implement and carry out the provisions of this ordinance, and to make and adopt such rules of practice and procedure as are necessary to hear and decide matters pending before the municipal court and to implement and carry out the provisions of the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts. Any and all rules made or adopted hereunder may be annulled or amended by an ordinance limited to such purpose; provided that such ordinance does not violate or conflict with, the provisions of the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts or state statutes.

E. The municipal judge shall have such other powers, duties and privileges as are or may be prescribed by the laws of this state, this code or other ordinances of this city.

SECTION 8: ISSUANCE AND EXECUTION OF WARRANTS

All warrants issued by a municipal judge shall be directed to the chief of police or any other police officer of the municipality or to the sheriff of the county. The warrant shall be executed by the chief of police, any police officer or by the sheriff any place within the limits of Ray County and not elsewhere unless the warrants are endorsed in the manner provided for warrants in criminal cases, and when so endorsed, shall be served in other counties as provided for in warrants in criminal cases.

SECTION 9: ARRESTS WITHOUT WARRANTS

The chief of police or other police officer of the city may, without warrant make arrest of any person who commits an offense in his presence, but such officer shall before the trial file a written complaint with the judge hearing violations of municipal ordinances.

SECTION 10: SUMMONING OF WITNESSES

It shall be the duty of the municipal judge to summon all persons whose testimony may be deemed essential as witnesses at the trial, and to enforce their attendance by attachment, if necessary. The fees of witnesses shall be the same as those fixed for witnesses in trials before associate circuit judges and shall be taxed as other costs in the case. When a trial shall be continued by a municipal judge it shall not be necessary to summon any witnesses who may be present at the continuance; but the municipal judge shall orally notify such witnesses as either party may require to attend before him on the day set for trial to testify in the case, and enter the names of such witnesses on his docket, which oral notice shall be valid as a summons.

SECTION 11: TRANSFER OF COMPLAINT TO ASSOCIATE CIRCUIT JUDGE

If in the progress of any trial before a municipal judge, it shall appear to the judge that the accused ought to be put upon trial for an offense against the criminal laws of the state and not cognizable before him as municipal judge, he shall immediately stop all further proceedings before him as municipal judge and cause the complaint to be made before some associate circuit judge within the county.

SECTION 12: TRIAL BY JURY

Any person charged with the violation of an ordinance of the city of Wood Heights, Missouri, shall be entitled to a trial by jury, and whenever a defendant accused of a violation of a such ordinance demands trial by jury, the municipal judge shall certify the case for assignment, in the manner provided in Subsection 2 of Section 517.520, RSMo.

SECTION 13: JAILING OF DEFENDANTS

If in the opinion of the municipal judge the city has no suitable and safe place of confinement, the municipal judge may commit the defendant

to the county jail, and it shall be the duty of the sheriff, if space for the prisoner is available in the county jail, upon receipt of a warrant of commitment from the judge to receive and safely keep such prisoner until discharged by due process of law. The municipality shall pay the board of such prisoner at the same rate as may now or hereafter be allowed by law to such sheriff for the keeping of such prisoner in his custody. The same shall be taxed as cost.

SECTION 14: PAROLE AND PROBATION
Any judge hearing violations of municipal ordinances may, when in his judgment it may seem advisable, grant a parole or probation to any person who shall plead guilty or who shall be convicted after a trial before said judge.

SECTION 15: RIGHT OF APPEAL
The defendant shall have a right to a trial de novo except where there has been a plea of guilty before a municipal judge, or the case has been tried with a jury before a circuit judge or an associate circuit judge. Such application for a trial de novo shall be filed within ten days after the judgment and shall be in the form as provided by supreme court rules.

SECTION 16: APPEAL FROM JURY VERDICTS
In all cases in which a jury trial has been demanded, a record of the proceedings shall be made, and appeals may be had upon that record to the appropriate appellate court.

SECTION 17: BREACH OF RECOGNIZANCE, BOND FORFEITURES
In the case of a breach of any recognizance entered into before a municipal judge or an associate circuit judge hearing a municipal ordinance violation case, the same shall be deemed forfeited and the judge shall cause the same to be prosecuted against the principal and surety, or either of them, in the name of the municipality as plaintiff. Such action shall be prosecuted before a circuit judge or associate circuit judge, and in the event of cases caused to be prosecuted by a municipal judge, such shall be on the transcript of the proceedings before the municipal judge. All moneys recovered in such actions shall be paid over to the municipal treasury to the general revenue fund of the municipality.

SECTION 18: CLERK OF THE MUNICIPAL COURT
The duties of the clerk shall be as follows:
A. To collect such fines for violations of such offenses as may be prescribed, and the court costs thereof, and maintain such records as required.
B. To take oaths and affirmations.
C. To accept signed complaints, and allow the same to be signed and sworn to or affirmed before him.
D. Sign and issue subpoenas requiring the attendance of witnesses and sign and issue subpoenas duces tecum.
E. Accept the appearance, waiver of trial and plea of guilty and payment of fine and costs in traffic violations bureau cases or as directed by the municipal judge; generally, act as violation clerk of the traffic violations bureau.
F. Report to the Director of Revenue of the State of Missouri, the names, addresses and the drivers license number with the name of the state issuing same of all persons who have pleaded guilty to or have had a final judgment rendered on a moving traffic violation.
G. Perform all other duties as provided for by ordinance, by rules of practice and procedure adopted by the municipal judge and the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and by statute.
H. Maintain, properly certified by the city clerk, a complete copy of the ordinance of the city which shall constitute prima facie evidence of such ordinance before the court.

SECTION 19: 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 following:
A. Costs of court in the amount of seventeen dollars.

B. Other costs, such as for the issuance of a warrant, a commitment, or a summons, as provided before the associate circuit judge in criminal prosecutions.
C. Actual costs assessed against the city by the county sheriff for apprehension or confinement in the county jail.
D. Mileage in the same amount as provided to the sheriff in criminal violations, for each mile and fraction thereof the officer must travel (both directions) in order to serve any warrant or commitment or order of this court.

SECTION 20: SAME, ASSESS AGAINST PROSECUTING WITNESS
The costs of nay action may be assessed against the prosecuting witness and judgment be rendered against him that he pay the same and stand committed until paid in any case where it appears to the satisfaction of the municipal judge that the prosecution was commented without probable cause and from malicious motives.

SECTION 21: INSTALLMENT PAYMENT OF FINE
When a fine is assessed for violating an ordinance, it should be within the discretion of the judge assessing the fine to provide for the payment of a fine on an installment basis under such terms and conditions as he may deem appropriate.

SECTION 22: EFFECTIVE DATE
This ordinance shall be in effect from and after its date of passage and approval.

Read two times and passed on May 7, 1991.