

Chapter 14

MUNICIPAL COURT

Section 14-1. Court Established. [Ord. No. 548, §2]

There is hereby established in the city a municipal court, to be known as the "Eureka Municipal Court, a Division of the 21st 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 14-1.1. Divisions. [Ord. No. 656, §1]

There shall be two divisions of the municipal court, with concurrent authority, and a municipal judge, as hereinafter provided for, shall preside in and over each division.

Section 14-2. Jurisdiction. [Ord. No. 548, §2]

The jurisdiction of the municipal court shall extend to all cases involving alleged violations of this Code and any other ordinances of the city.

Section 14-3. Appointment of Judges. [Ord. No. 548, §2; Ord. No. 656, §2]

The judge of each of the two divisions of the city municipal court shall be known as a municipal judge of the 21st Judicial Circuit Court and, as such municipal judge, shall be appointed to his position by the mayor, subject to the confirmation of the board of aldermen, for a term as specified in section 14-4.

Section 14-4. Term of Office. [Ord. No. 548, §2]

The municipal judge shall hold his office for a period of two years. If for any reason a municipal judge vacates his office, his successor shall complete that term of office even if the same be for less than two years.

Section 14-5. Vacation of Office. [Ord. No. 548, §2]

The municipal judge shall vacate his office under the following circumstances:

- (a) Upon removal from office by the state commissioner on the retirement, removal and discipline of judges, as provided in Missouri Supreme Court Rule 12;
- (b) Upon attaining his seventy-fifth birthday; or
- (c) If he should lose his license to practice law within the state.

Section 14-6. Qualifications for Office. [Ord. No. 548, §2]

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.
- (b) He need not reside within the city.
- (c) He must be a resident of the state.
- (d) He must be between the ages of twenty-one and seventy-five years.
- (e) He may serve as municipal judge for any other municipality.
- (f) He may not hold any other office within the city government.
- (g) The municipal judge shall be considered holding a part-time position, and as such may accept within the requirements of the Code of Judicial Conduct, Missouri Supreme Court Rule 2, other employment.

Section 14-7. Superintending Authority. [Ord. No. 548, §2]

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 such court shall obey his directives.

Section 14-8. Report to Board of Aldermen. [Ord. No. 548, §2; Ord. No. 658, §§1, 2]

The municipal judges shall cause to be prepared in the first ten days of every month a report indicating a statistical list of all cases tried and heard before the court during the preceding month, giving in each case the disposition of such case, the fine imposed, if any, the amount of costs and the cases in which there was an application for trial de novo, respectively. The same 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 14-9. Docket and Court Records. [Ord. No. 548, §2]

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 circuit court of the county. The municipal judge shall deliver the docket and records of the municipal court, and all books and papers pertaining to his office, to his successor in office or to the preceding judge of the circuit court.

Section 14-10. Municipal Judge; Powers and Duties Generally. [Ord. No. 548, §2]

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 and Traffic Courts and section 479.050 of the Revised Statutes of Missouri.
- (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 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 procedures as are necessary to implement and carry out the provisions of this chapter, 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 this Code and any other ordinance of the city limited to such purpose; provided, that the same 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 the state, this Code or other ordinances of the city.

Section 14-11. Traffic Violations Bureau. [Ord. No. 548, §2]

Should the municipal judge determine that there shall be a traffic violations bureau, the city shall provide all expenses incident to the operation of the same, subject to the approval of the board of aldermen. The police clerk is hereby designated as the traffic violations clerk for such bureau, if established.

Section 14-12. Issuance and Execution of Warrants. [Ord. No. 548, §2]

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

Section 14-13. Arrests Without Warrants. [Ord. No. 548, §2; Ord. No. 694, §1 & 2]

The city marshal, the chief of police or any other police officer of the city may arrest on view, and without a warrant, any person he sees violating or who he has reasonable grounds to believe has violated any law of the state, including a misdemeanor, or has violated any ordinance of the city, but such officer shall, before trail, file a written

complaint with the judge hearing violations of this Code and any other ordinance of the city.

Section 14-14. Jury Trials. [Ord. No. 548, §2]

Any person charged with a violation of this Code and any other ordinance of the city shall be entitled to a trial by jury, as in prosecutions for misdemeanors before an associate circuit judge. Whenever a defendant accused of a violation of this Code and any other ordinance of the city demands trial by jury, the municipal court shall certify the case to the presiding judge of the circuit court for reassignment, as provided in section 517.520 (2) of the Revised Statutes of Missouri.

Section 14-15. Duties of the City's Prosecuting Attorney. [Ord. No. 548, §2]

It shall be the duty of an attorney designated by the municipality to prosecute the violations of this Code and any other ordinance of the city before the municipal judge or before any circuit judge hearing violations of the same. The salary or fees of the attorney and his necessary expenses incurred in such prosecutions shall be paid by the city. The compensation of such attorney shall not be contingent upon the result in any case.

Section 14-16. Summoning of Witnesses. [Ord. No. 548, §2]

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; however, 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 summons.

Section 14-17. Transfer of Complaint to Associate Circuit Judge. [Ord. No. 548, §2]

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 cause the complaint to be made before some associate circuit judge within the county.

Section 14-18. Jailing of Defendants. [Ord. No. 548, §2]

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 to such sheriff for the keeping of such prisoner in his custody. The same shall be taxed as cost.

Section 14-19. Parole and Probation. [Ord. No. 548, §2]

Any judge hearing violations of this code and any other ordinance of the city may, when in his judgement 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 such judge.

Section 14-20. Right of Appeal. [Ord. No. 548, §2]

In all cases tried before the municipal court, except where there has been a plea of guilty or where the case has been tried with a jury, the defendant shall have a right of trial de novo before a circuit judge or on assignment before an associate circuit judge. An application for a trial de novo shall be filed within ten days after judgment and shall be filed in such form and perfected in such manner as provided by the Supreme Court Rules.

Section 14-21. Appeal From Jury Verdicts. [Ord. No. 548, §2]

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 appellent court.

Section 14-22. Breach of Recognizance. [Ord. No. 548, §2]

In the case of a breach of any recognizance entered into before a municipal judge or an associate circuit judge hearing a violation of this Code and any other ordinance of the city, 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 monies recovered in such actions shall be paid over to the municipal treasury to the general revenue fund of the municipality.

Section 14-23. Disqualification of Municipal Judge From Hearing Particular Case. [Ord. No. 548, §2]

A municipal judge shall be disqualified to hear any case in which he is in anywise interested, or, if before the trial is commenced, the defendant or the prosecutor files an affidavit that the defendant or the municipality, as the case may be, cannot have a fair and impartial trial by reason of the interest or prejudice of the judge. Neither the defendant nor the municipality shall be entitled to file more than one affidavit or disqualification in the same case.

Section 14-24. Temporary Municipal Judge. [Ord. No. 548, §2]

If a municipal judge be absent, sick or disqualified from acting, the mayor may designate some competent, eligible person to act as municipal judge until such absence or disqualification shall cease. The board of aldermen shall provide by ordinance for the compensation of any person designated to act as municipal judge under the provisions of this section.

Section 14-25. Clerk of Municipal Court. [Ord. No. 548, §2]

The police clerk is hereby designated as the clerk of the municipal court. The duties of such clerk shall be as follows:

- (a) To collect such fines for violations of such offenses as may be described, and the court costs thereof;
- (b) To take oaths and affirmations;
- (c) To accept signed complaints and allow the same to be signed and sworn to or affirmed before such clerk;
- (d) To sign and issue subpoenas requiring the attendance of witnesses and sign and issue subpoenas duces tecum;
- (e) To 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 and generally act as violation clerk of the traffic violations bureau;
- (f) To perform all other duties as provided for by this Code and any other ordinance of the city by rules of practice and procedure adopted by the municipal judge and by the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and by statute; and
- (g) To maintain, properly certified by the city clerk, a complete copy of this Code and any other ordinance of the city which shall constitute prima facie evidence of the same before the court. Further, to maintain a similar certified copy on file with the clerk serving the circuit court of the county.

Section 14-26. Court Costs — Generally. [Ord. No. 548 §2; Ord. No. 1121 §§1-2, 9-6-1994; Ord. No. 1166 §3, 5-16-1995; Ord. No. 1212 §3, 2-6-1996; Ord. No. 1262 §§1-2, 11-5-1996; Ord. No. 1568 §§1 — 2, 11-6-2001; Ord. No. 1905 §1, 4-18-2006]

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 twelve dollars.
- (b) In all cases except those for nonmoving traffic violations, costs for the training of police officers in the amount of two dollars.
- (c) Other costs, such as for the issuance of a warrant, a commitment or summons, as provided before the associate circuit judge in criminal prosecutions. The fee assessed for the issuance of a warrant shall be fifty dollars (\$50.00).
- (d) Actual costs assessed against the city by the county sheriff for apprehension or confinement in the county jail.
- (e) Mileage, in the same amount as provided to the sheriff in criminal violations, for each mile and fraction thereof the officer must travel in both directions in order to serve any warrant or commitment or order of the court.

- (f) *Additional costs.*
- (1) A five dollar (\$5.00) additional fee shall hereby be assessed in connection with any and all drug-related offense and alcohol-related traffic violation offenses within the City of Eureka.
 - (2) Said fee shall be collected by the Eureka Court Clerk and paid at least monthly to the Director of Revenue, and placed to the credit of the Independent Living Center Fund created by Section 178.653, RSMo.
- (g) In all cases except non-moving traffic violations, costs for Crime Victims' Compensation, in the amount of seven dollars fifty cents (\$7.50).
- (h) In the case of all moving violations involving alcohol or drug violations, costs for Drug/Alcohol Related Traffic Violations (D/ARTV), in the amount of five dollars (\$5.00).
- (i) *Court costs to be used in the training of police officers.* The Municipal Court of the City of Eureka may assess as court costs up to three dollars (\$3.00) for each violation of the general criminal laws of the State, including infractions or violations of the ordinances of the City of Eureka, provided that no such fee shall be collected for non-moving traffic violations, and no such fee shall be collected for violations in fish or game regulations, and no such fee shall be collected in any proceeding in any court when the proceeding or defendant has been dismissed by the court. Two dollars (\$2.00) of such fees collected shall be transmitted monthly to the Treasurer of the City of Eureka, to be used locally for training Law Enforcement Officers. One dollar (\$1.00) of such fees collected shall be deposited into the Peace Officers Standards and Training Commission Fund, to be used Statewide for training Law Enforcement Officers.
- (j) In the case of intoxication-related offenses as defined by Section 577.023, RSMo., an additional fee in the amount of twenty-five dollars (\$25.00) shall be assessed. Such fee shall be dedicated to a Spinal Cord Injury Fund.
- (k) A two dollar (\$2.00) surcharge shall be imposed in conjunction with all criminal cases involving an infraction or violation of an ordinance, which shall be deposited into an Inmate Security Fund to be utilized for maintenance costs associated with biometric verification systems.

Section 14-27. Same — Assess Against Prosecuting Witness. [Ord. No. 548, §2]

The costs of any action may be assessed against the prosecuting witness and judgement 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 commenced without probable cause and from malicious motives.

Section 14-28. Installment Payment of Fine. [Ord. No. 548, §2]

When a fine is assessed for violating this Code and any other ordinance of the city, 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 14-29. When Sessions of Court Held. [Ord. No. 548, §2]

A formal session of the municipal court shall be convened at least one day in each month; however, the municipal court shall be opened every day in the week except Saturday, Sunday and legal holidays for the transaction of such other business as may come before it.

Section 14-30. Use of City Jail. [Ord. No. 688, §§1-3]

The jail facility owned and operated by the city shall be used primarily for housing persons charged with and/or convicted of violations of ordinances of the city and for other purposes for the benefit of the city.

When the city is holding a prisoner while waiting for other governmental entities to pick him up on warrants after the city is ready to release such prisoner, the governmental entity to pick up such prisoner shall be charged a fee.

A reasonable fee shall be charged for the use of the jail facility by other governmental entities, the amount of which fee shall be one hundred twenty five dollars per day, and may be changed from time to time by the board of aldermen, to the end that the costs of operating and maintaining the jail facility may be fairly borne by the governmental entities making use of it. This fee shall be in addition to the assessment of charges for damages to the jail facility caused by any prisoner, which charges shall be assessed to and be payable by the governmental entity responsible for the holding of such prisoner in the jail facility.