

## CHAPTER 20

### MUNICIPAL JUDGE, COURT, ETC.<sup>1</sup>

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**Sec. 20-1. Municipal judge generally.**

A. There is hereby established the office of municipal judge.

B. The municipal judge of the city's municipal division shall be known as a municipal judge of the Nineteenth Judicial Circuit Court, and shall be elected to his position by the qualified voters of this city, for a term as specified herein. The municipal judge shall hold his office for a period of two (2) years and shall take office biannually on the third Tuesday in April or as otherwise determined by law. 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 (2) years.

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

1. Upon removal from office by the state commission on the retirement, removal, and discipline of judges, as provided in Missouri Supreme Court Rule 12; or
2. Upon attaining his seventy-fifth (75) birthday; or
3. If he should lose his license to practice law within the state.

(Ord. No. 9210, § 2(13-1, 13-4 - 13-6), 12-18-78)

**Cross references** - Elected officials generally, § 2-139 et seq.; elections, Ch. 12; authority of municipal judge to administer oaths, § 2-111.

**State law reference** - Municipal judges generally, RSMo. § 479.020.  
Charter of the City of Jefferson, Missouri, § 6.7 - Municipal Court.

### **Sec. 20-10.1. Administrative Search Warrants.**

When application is made pursuant to this article for a certificate of compliance with respect to any business, building, license, house, dwelling or unit, the municipal judge of the county circuit court shall have authority to issue search warrants for searches or inspections of such business, building, house, dwelling or unit to determine the existence of violations of chapters 3A(8), 13, 15, 17, 25, and 28 of this Code. Warrants and searches or inspections made pursuant thereto shall conform to and be governed by the following provisions:

- 1) The city counselor may make application for the issuance of a search warrant.
- (2) The application shall:
  - a. Be in writing;
  - b. State the time and date of the making of the application;
  - c. Identify the property or places to be searched in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
  - d. State facts sufficient to show probable cause for the issuance of a search warrant to search for violations of chapters 3A(8), 13, 15, 17, 25, and 28 of this Code;
  - e. Be verified by the oath or affirmation of the applicant; and
  - f. Be filed in the municipal division of the county circuit court.
- (3) The application shall be supplemented by written affidavits verified by oath or affirmation. Such affidavits shall be considered in determining whether there is probable cause for the issuance of a search warrant and in filling out any deficiencies in the description of the property or places to be searched. Oral testimony shall not be considered.
- (4) The judge shall hold a nonadversary hearing to determine whether sufficient facts have been stated to justify the issuance of a search warrant. If it appears from the application and any supporting affidavits that there is probable cause to inspect or search for violations of chapters 3A(8), 13, 15, 17, 25, and 28 of this Code, a search warrant shall immediately be issued to search for such violations. The warrant shall be issued in the

form of an original and two (2) copies.

- (5) The application and any supporting affidavits and a copy of the warrant shall be retained in the records of the municipal judge.
- (6) Search warrants issued under this section shall:
  - a. Be in writing and in the name of the issuing authority;
  - b. Be directed to any police officer or deputy in the city;
  - c. State the time and date the warrant is issued;
  - d. Identify the property or places to be searched in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
  - e. Be limited to a search or inspection for violations of chapters 3A(8), 13, 15, 17, 25, and 28 of this Code;
  - f. Command that the described property or places be searched and that any photographs of violations found thereof or therein be brought, within ten (10) days after filing of the application, to the judge who issued the warrant, to be dealt with according to law; and
  - g. Be signed by the municipal judge, with his title of office indicated.
- (7) A search warrant issued under this section may be executed only by a police officer or deputy of the city. The warrant shall be executed by conducting the search commanded.
- (8) A search warrant shall be executed as soon as practicable and shall expire if it is not executed and the return made within ten (10) days after the date of the making of the application.
- (9) After execution of the search warrant, the warrant with a return thereon, signed by the officer making the search, shall be delivered to the judge who issued the warrant. The return shall show the date and manner of execution and the name of the possessor and of the owner of the property or places searched, when he is not the same person, if known.
- (10) A search warrant shall be deemed invalid:
  - a. If it was not issued by a judge of the municipal division of the Cole County, Missouri, Circuit Court;
  - b. If it was issued without a written application having been filed and verified;
  - c. If it was issued without probable cause;
  - d. If it was not issued with respect to property or places within the city;
  - e. If it does not describe the property or places to be searched with sufficient certainty;
  - f. If it is not signed by the judge who issued it; or
  - g. If it was not executed within the time prescribed by subsection (8) of this section.

- (11) Failure to comply with a search warrant issued under this section shall be a code violation and upon conviction in municipal court, the court shall fine violators of this section not less than two hundred fifty dollars (\$250.00)

**Sec. 20-2. Qualifications for office.**

The municipal judge shall possess the following qualifications before he shall take office:

- A. He shall be a licensed attorney qualified to practice law within the state.
- B. He shall reside within the city.
- C. He shall be a resident of the state.
- D. He shall be between the ages of twenty-four (24) and seventy-five (75) years.
- E. He may serve as municipal judge for any other municipality.
- F. He shall not hold any other office within the city.

The municipal judge shall be considered holding a part-time position, and as such may accept (within the Code of Judicial Conduct, Missouri Supreme Court Rule 2) other employment.

(Ord. No. 9210, § 2(2-7), 12-18-78)

**State law reference** - Qualifications of municipal judge, RSMo. § 479.020.

**Sec. 20-3. Jurisdiction.**

The jurisdiction of the municipal division shall extend to all cases involving alleged violations of the ordinances of the city.

(Ord. No. 9210, § 2(13-3), 12-18-78)

**State law reference** - Similar provisions, RSMo. § 479.010.

**Sec. 20-4. Temporary judge.**

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; provided, however, that should a vacancy occur in the office of an elected municipal judge, the Mayor, with the advice and consent of the council, shall appoint a person to fill the vacancy. The successor shall serve until the next municipal general election. The compensation of any person designated to act as municipal judge under the provisions of this section shall be the same salary, pro rata, as the regular municipal judge.

(Ord. No. 9210, § 2, 12-18-78; Charter § 6.7(b)(3) 2-4-86; Ord. No. 13400, §2, 7-1-2002)

**State law reference** - Similar provisions, RSMo. § 479.230.

**Sec. 20-5. Superintending authority.**

The municipal division 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 division shall be subject to the general administrative authority of the presiding judge of the circuit court, and the municipal judge and court personnel of the municipal division shall obey his directives.

(Ord. No. 9210, § 2(13-8), 12-18-78)

**Sec. 20-6. Report to city council.**

If the city council shall request it, the municipal judge shall cause to be prepared a list of all cases heard and tried before the court during the preceding month, giving in each case the name of the defendant, the fine imposed if any, the amount of cost, the names of the defendants committed and the cases where there was an application for trial de novo, respectively. The same shall be prepared under oath by the municipal division clerk, who shall thereafter forward the same to the city council for examination at its first session thereafter. The municipal division clerk shall, within the ten (10) days after the first of the month, pay to the municipal treasurer the full amount of all fines collected during the preceding months, if they have not previously been paid.

(Ord. No. 9210, § 2(13-9), 12-18-78)

**Sec. 20-7. 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 of the Circuit Court of the Nineteenth Judicial Circuit. The municipal judge shall deliver the docket and records of the municipal division, and all books and papers pertaining to his office, to his successor in office or to the presiding judge of the circuit.

(Ord. No. 9210, § 2(13-10), 12-18-78)

**State law reference** - Similar provisions, RSMo. § 479.070.

**Sec. 20-8. Municipal judge; powers and duties generally.**

The municipal judge is hereby authorized to:

- A. Establish a traffic violations bureau.
- 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 orders as the municipal judge deems necessary relative to any matter that may be pending in the municipal division.
- D. Make and adopt such rules of practice and procedure 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 bear

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.

(Ord. No. 9210, § 2(13-11), 12-18-78)

**State law reference** - General powers of municipal judges, RSMo. §§ 479.050, 479.070.

#### **Sec. 20-9. Traffic violations bureau.**

The city shall provide all expenses incident to the operation of the traffic violations bureau. The municipal division clerk is hereby designated as the traffic violations clerk for the bureau.

(Ord. No. 9210, § 2(13-12), 12-18-78)

**State law reference** - Traffic violations bureau generally, RSMo. § 479.050.

#### **Sec. 20-10. 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 city or to the sheriff of the county. The warrant shall be executed by the 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 warrants in criminal cases, and, when so endorsed, shall be served in other counties, as provided for in warrants in criminal cases.

(Ord. No. 9210, § 2(13-13), 12-18-78)

**State law reference** - Similar provisions, RSMo. § 479.100.

#### **Sec. 20-11. Arrests without warrants.**

The chief of police, or other police officer of the city, may, without a 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.

(Ord. No. 9210, § 2(13-14), 12-18-78)

**State law reference** - Similar provisions, RSMo. § 479.110.

#### **Sec. 20-12. Jury trials.**

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

(Ord. No. 9210, § 2(13-15), 12-18-78)

**State law reference** - Similar provisions, RSMo. §§ 479.130, 479.150.

#### **Sec. 20-13. Duties of the city's prosecuting attorney.**

It shall be the duty of the city prosecuting attorney to prosecute the violations of the city's ordinances before the municipal judge or before any circuit judge hearing violations of the city's ordinances. The salary or fees of the prosecuting 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.

(Ord. No. 9210, § 2(13-16), 12-18-78)

**State law reference** - Similar provisions, RSMo. § 479.120.

#### **Sec. 20-14. 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 summons.

(Ord. No. 9210, § 2(13-17), 12-18-78)

**State law reference** - Similar provisions, RSMo. § 479.160.

#### **Sec. 20-15. 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.

(Ord. No. 9210, § 2(13-18), 12-18-78)

**State law reference** - Similar provisions, RSMo. § 479.170.

#### **Sec. 20-16. 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 city shall pay the board of such a prisoner at the same rate as may now or hereafter be allowed to the sheriff for the keeping of such prisoner in custody. The same shall be taxed as costs.

(Ord. No. 9210, § 2(13-19), 12-18-78)

**State law reference** - Similar provisions, RSMo. § 479.180.

#### **Sec. 20-17. 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.

(Ord. No. 9210, § 2(13-20), 12-18-78)

**State law reference** - Similar provisions, RSMo. § 479.190.

#### **Sec. 20-18. Appeals.**

A. In all cases tried before the municipal judge, 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 shall be filed within ten (10) days after judgment and shall be filed in such form and perfected in such manner as provided by supreme court rule.

B. 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 appellant court.

(Ord. No. 9210, § 2(13-21), 12-18-78)

**State law reference** - Similar provisions, RSMo. § 479.200.

**Sec. 20-19. Breach of recognizance.**

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 city 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 city.

(Ord. No. 9210, § 2(13-23), 12-18-78)

**State law reference** - Similar provisions, RSMo. § 479.210.

**Sec. 20-20. Disqualification of municipal judge from hearing particular case.**

A municipal judge shall be disqualified to hear any case in which he is in any wise interested, or, if before the trial is commenced, the defendant or the prosecutor files an affidavit that the defendant or the city, 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 city shall be entitled to file more than one affidavit or disqualification in the same case.

(Ord. No. 9210, § 2(13-24), 12-18-78)

**State law reference** - Similar provisions, RSMo. § 479.220.

**Sec. 20-21. Clerk of municipal division: Generally.**

A. The office of clerk of the municipal division is hereby created.

B. The clerk of the municipal division shall be appointed by the mayor with the consent and approval of the majority of the elected members of the city council. The clerk shall serve for a period of one year from and after his appointment, or until his successor is appointed and shall have qualified. In the event of the death, resignation, removal from office, or disability of the person so appointed, the mayor, by and with the consent and approval of the majority of the members elected to the city council, may make an interim appointment, and such appointee shall serve the balance of the term of his predecessor in office.

C. The clerk of the municipal division shall post a bond in at least the sum of five thousand dollars (\$5,000.00); such bond shall be conditioned upon the faithful performance of the clerk's duties. Such bond shall be approved by the City Counselor and shall meet all other requirements of the provisions of this Code or other city ordinances as to bonds of city employees.

(Ord. No. 9210, § 2(13-26) - (13-28), 12-18-78)

**Cross reference** - Official bonds, §§ 2-111, 2-160.

**State law reference** - Clerk generally, RSMo. § 479.060.

**Sec. 20-22. Clerk of municipal division: Duties.**

A. The clerk of the municipal division shall:

1. Collect such fines for violations of such offenses as may be described, and the court costs thereof.
2. Take oaths and affirmations.
3. Accept signed complaints, and allow the same to be signed and sworn to or affirmed before him.
4. Sign and issue subpoenas requiring the attendance of witnesses and sign and issue subpoenas ducas tecum.
5. Accept the appearance, waiver of trial and plea of guilty and payment of fine and costs in traffic violation bureau cases or as directed by the municipal judge and generally act as violation clerk of the traffic violation bureau.
6. Perform all other duties as provided for by ordinance, 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.
7. Maintain, properly certified by the city clerk, a complete copy of the ordinances of the city which shall constitute prima facie evidence of such ordinance before the court, and maintain a similar certified copy on file with the clerk serving the circuit court of this county.

- B. In addition to those duties set forth in subsection (a), the clerk shall obtain and acquire from all police officers issuing traffic tickets or arrest slips to law violators one copy of the original ticket or arrest slip. Each day the clerk shall collect all fines and costs that may be adjudged against any law violator, together with the other two (2) copies of the traffic ticket or arrest slip issued by the arresting officer. Each day, the clerk of the municipal division shall list on a suitable form in detail the amount of the fines collected, the date of payment, the name of the payer of the fine and the violation for which such fine was assessed. The money paid over to and collected by the clerk shall be deposited daily in the city depository to the credit of the city treasurer. The clerk of the municipal division shall receive from such depository a deposit slip, which, together with a copy of the form containing the aforementioned data and the two (2) copies of the traffic ticket or two (2) copies of the arrest slip, shall be turned over to the city clerk. The clerk of the municipal division shall receive all money paid by the law violators for fines assessed by the municipal judge. Such clerk shall be in the office of the municipal division between the hours of 9:00 a.m. and 12:00 noon and between the hours of 1:00 p.m. and 4:30 p.m., legal holidays excepted. The clerk of the municipal division shall make a report each month to the city council relating to the traffic tickets or arrest slips issued by police officers, the action upon and disposition of such traffic tickets or arrest slips, the amount of such fines and money collected by the municipal division clerk and the disposition of those monies collected into the various funds of the city treasury.

(Ord. No. 9210, § 2(13-26, 13-29), 12-18-78)

**Sec. 20-23. Deputy municipal division clerks.**

Deputy municipal division clerks shall be appointed as necessary for the operation of the municipal division of the circuit court and municipal traffic violation bureau, by the mayor, after receiving the recommendation of the city administrator, with the advice and consent of a majority of the elected members of the city council. Such persons shall hold their office at the pleasure of the mayor or until removed by the city council in accordance with the provisions of this Code or other ordinances of the city. Deputy municipal division clerks shall assist the municipal division clerk in his duties. They shall be at least twenty-one (21) years of age and shall have completed high school.

(Ord. No. 9210, § 2(13-30), 12-18-78)

**Sec. 20-24. Commencement of action.**

All city code and ordinance violations shall be instituted by information and may be based upon a complaint. All informations shall be filed in the municipal division of the Nineteenth Judicial Circuit.

(Ord. No. 9210, § 2(13-33), 12-18-78)

**State law reference** - Similar provisions, RSMo. § 479.090.

**Sec. 20-25. Filing of information.**

The city prosecuting attorney shall be promptly informed of any complaint filed. After an investigation, if the city attorney is satisfied that there are reasonable grounds to believe that an offense has been committed and that a case against the accused can be made, he shall file an information with the judge or court, founded upon or accompanied by such complaint.

(Ord. No. 9210, § 2(13-38), 12-18-78)

**Sec. 20-26. Notice to person charged.**

A. The city prosecuting attorney may issue a notice to the person charged requesting his appearance before him to determine whether or not an information should be filed or a complaint be prosecuted.

B. The form of such notice to persons charged shall be as follows:

" \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ "

"You are hereby notified that on the \_\_\_\_ day of \_\_\_\_\_, 1978, a complaint was filed against you by \_\_\_\_\_, charging you with violating section \_\_\_\_\_ of the Code of the City of Jefferson, Missouri, on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_, by

-----  
-----  
-----."

"I request that you voluntarily appear on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_, at the Municipal Division Court, City Hall Building, Jefferson City, Missouri, in order that I may be advised of the facts to determine if said complaint should be prosecuted."

(Ord. No. 9210, § 2(13-34), 12-18-78)

**Sec. 20-27. 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.

(Ord. No. 9210, § 2(13-32), 12-18-78)

**State law reference** - Similar provisions, RSMo. § 479.240.

**Sec. 20-28. Court costs.**

- A. In addition to any fine that may be imposed by the municipal judge, there shall be assessed as costs in all cases the following:
  - 1. Costs of court in the amount of twelve dollars (\$12.00).
  - 2. In all cases except for those of nonmoving traffic violations, costs for the training of police officers in the amount of two dollars (\$2.00).
  - 3. Actual costs assessed against the city by the county sheriff for apprehension or confinement in the county jail.
  - 4. 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.
- B. Whenever it shall become necessary, as incident to the making of an arrest within the city, to remove the automobile of the person arrested from the streets of the city, the fee therefore shall be reported by the police to the municipal judge, which amount shall be taxed as costs in the case and paid as other costs in the case.
- C. In no event shall the city be liable for the payment of any costs, fees for board excepted, which may have been incurred in the municipal division by virtue of prosecutions instituted for violating this Code or any ordinances of the city.

D. Additional court costs for shelters for battered persons.

1. In addition to any other fine imposed and costs assessed pursuant to law, costs of Two Dollars (\$2.00) shall be assessed as costs in each Municipal Court proceeding in the City for violation of any municipal ordinance. The judge may waive assessment of the cost in those cases where the defendant is found by the judge to be indigent and unable to pay the cost. (Ord. No. 13300, §1, 11-5-2001)
2. The costs collected pursuant to this section shall be collected by the clerk and transmitted at least monthly to the City Treasurer for deposit in a fund for the provision of operating expenses for shelters for battered persons, pursuant to Section 479.261, RSMo (1992). Said funds shall stand appropriated upon receipt for use in furtherance of the purposes of this ordinance.
3. Distribution shall be made to qualifying shelters on a calendar quarter basis. To qualify for receipt of city administered funds a shelter must request funds and meet all statutory requirements. Funds shall be distributed to qualified shelters on a pro rata basis utilizing client days as the criteria.

E. Additional Law Enforcement Training Fund Fee

1. In addition to any other fine imposed and costs assessed pursuant to law, a cost of one dollar (\$1.00) shall be assessed as cost in each municipal court proceeding for each violation of the general criminal laws of the state, including infractions, or violations of the ordinances of the City, provided that no such fee shall be collected for non-moving traffic violations, and no such fee shall be collected for violations of fish and game regulations, and no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the Court.
2. The cost collected pursuant to this section shall be collected by the Clerk and transmitted for deposit into the Peace Office Standards and Training Commission Fund, to be used statewide for training law enforcement officers. All costs collected hereunder shall be sent to the state treasury to the attention of the Budget Director, Department of Public Safety, Post Office Box 749, Jefferson City, Missouri 65102-0749.

F. Missouri Statewide Court Automation Program Surcharge.

In addition to any cost which may be assessed by the municipal division pursuant to statute, ordinance or court rule, in every proceeding filed in the municipal division for violation of an ordinance a surcharge of \$7.00 shall be assessed. Such surcharge shall also be assessed in cases in which pleas of guilty are processed in the traffic violations bureau or general violations bureau. No such surcharge shall be collected when the proceeding or defendant has been dismissed by the court, when costs are waived, or when costs are to be paid by the city. Such surcharge shall be collected by the court administrator and transmitted monthly to the city treasurer. Funds collected under this subsection shall be used by the city only to pay to the Missouri director of revenue to the credit of the Missouri statewide court automation fund as provided by section 488.012.3(5) and section 488.027.2, RSMo. (Ord. 14182, §1, 4-16-2007)

G. Biometric Verification System Surcharge.

In addition to any cost which may be assessed by the municipal division pursuant to statute, ordinance, or court rule, in every proceeding filed in the municipal division for violation of an ordinance a surcharge of \$2.00 shall be assessed. Such surcharge shall also be assessed in cases in which pleas of guilty are processed in the traffic violations bureau or general violations bureau. No such surcharge shall be collected when the proceeding or defendant has been dismissed by the court, when costs are waived, or when costs are to be paid by the city. Such surcharge shall be collected by the court administrator and transmitted monthly to the city treasurer. Funds collected under this subsection shall be placed by the city into the "inmate Security Fund." Funds deposited shall be utilized to develop biometric verification systems to ensure that inmates can be properly identified and tracked within the local jail system. Upon the installation of the biometric verification system, funds in the inmate security fund may be used for the maintenance of the biometric verification system and to pay for any expenses related to custody and housing of other expenses for prisoners.

(Ord. No. 9210, § 2(13-31, 13-36, 13-37), 12-18-78; Ord. No. 9524, § 1, 10-20-80; Ord. No. 11824, § 1, 11-18-92; Ord. 12031, § 1, 2-21-94; Ord. 12156, § 1, 9-19-94; Ord. 14346, §1, 4-21-2008)

**State law reference** - Court costs, RSMo. §§ 479.260, 590.140.

**Sec. 20-29. City prosecuting attorney may require security for costs.**

In any complaint made before the municipal judge, the city attorney may, if in his judgment the interest of the city demands it, require the complainant, or party at whose instance the complaint is made, to give security for costs, to be approved by the municipal judge, before proceeding further with such cause.

(Ord. No. 9210, § 2(13-35), 12-18-78)

**Sec. 20-30. Appeals from bond forfeiture judgments.**

After the entry of a bond forfeiture judgment, the obligors thereon may appeal from such bond forfeiture judgment to the court having jurisdiction of appeals, within the time, in the same manner and with like effect as prescribed by law for appeals in other cases.

(Ord. No. 9210, § 2(13-39), 12-18-78)

**Sec. 20-31. Judicial notice of ordinances.**

In the trial of municipal ordinance violation cases, a copy of the municipal ordinance certified by the city clerk shall constitute prima facie evidence of such ordinance. If such certified copy is on file with the clerk serving the judge hearing the case and readily available for inspection by the parties, the judge may take judicial notice of such ordinance without further proof.

(Ord. No. 9210, § 2(13-40), 12-18-78)

**State law reference** - Similar provisions, RSMo. § 479.250.

**1.** Cross references - Definitions and rules of construction generally, § 1-2; power of mayor to remit fines, grant pardons, etc., § 2-157.