

EMERGENCY READING: 01.17.2017

**AN ORDINANCE PROVIDING FOR A MUNICIPAL ELECTION TO BE HELD  
ON TUESDAY, APRIL 4, 2017, TO ALLOW HANNIBAL VOTERS TO  
CONSIDER AN AMENDMENT TO THE CHARTER OF THE CITY OF  
HANNIBAL FOR PROVISIONS RELATING TO THE  
MUNICIPAL COURT TO BE CONSISTENT WITH STATE LAW –  
PROPOSITION 2**

WHEREAS, in accordance with the provisions of the Home Rule Charter of the City of Hannibal, there may be held a Municipal Election at times concurrent with state election, and,

WHEREAS, a proposal for the amendment of the Charter of the City of Hannibal have been presented by the City Council;

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HANNIBAL, MISSOURI:**

**SECTION ONE:** That a Municipal Election for a certain ballot proposal shall be held on Tuesday, the 4th day of April, 2017. Said election shall be held at such place in each ward and precinct as the election authority may direct and as contained in the Election notice made a part of this ordinance.

The City Clerk shall cause to be given ten (10) day's notice of said Election by publication in the newspaper doing the official printing of the City of Hannibal, said notice to be signed by the Mayor and attested by the City Clerk, said notice to be printed in substantively the following form, to-wit:

**NOTICE OF MUNICIPAL ELECTION  
CITY OF HANNIBAL, MISSOURI**

Notice is hereby given that there will be a Municipal Election to be held in the City of Hannibal, Missouri, on:

**Tuesday, the 4th day of April, 2017**

**Proposition 2**

*Shall Chapter 14 of the Charter of the City of Hannibal be amended to modify the following provisions so that the Charter provisions will be consistent with state law, with "Chapter 14" of the Charter of the City of Hannibal, to be amended with Section 14.02, 14.06, 14.07, 14.11, 14.12, and 14.13 of the Charter of the City of Hannibal to be amended to make said sections consistent with state law as follows:*

*State law does not limit how a judge punishes for contempt. In Section 14.02 (2)c of the Charter, shall the entire subsection, which provides limits on punishment for contempt be replaced with the following: "To punish contempts of court as determined by the Court, in accordance with state law."*

*State law provides for the presiding judge to appoint special judges. In Section 14.06 shall the term "city manager" be replaced with the term "presiding judge, or as provided by state law".*

*State law requires that jury trials on municipal cases be tried in the circuit court. In Section 14.07 shall the entire section be replaced with the following: "Whenever a defendant has a right to a trial by jury and demands such trial by jury, the municipal judge shall certify the case for assignment."*

*State law and Supreme Court Rules specify costs that are allowed in Municipal court. In Section 14.11 shall the provisions from the beginning of the section through the first sentence of subsection 2 be replaced with the following: "(1) The council by ordinance may provide a uniform schedule of costs to be taxed in all cases in the municipal court which shall be consistent with costs as allowed by Supreme Court rule. (2) All costs so collected shall be paid into the general fund of the city in the manner provided by state law."*

*Supreme Court Minimum Operating Standards for Municipal Courts require municipal courts to operate as a separate and independent branch of government. In Section 14.12 shall the following language in the first sentence be removed: "who may be a member or employee of the police department,"*

*State law specifies how probation and parole in municipal courts is to be administered. In Section 14.13 shall the following language be removed from the section: "for not more than sixty (60) days" and "not to exceed one (1) year"*

*[ ] Yes [ ] No*

**SECTION TWO: JUDGES.** The Election shall be conducted by several judges appointed to serve at the Election.

**SECTION THREE: POLLING PLACES.** The said polling places shall be open on the day of the General Election at the hour of six o'clock a.m. and shall remain open until the hour of seven o'clock p.m. on said date. That said General Election shall be held and conducted and the results thereof shall be certified, canvassed and declared in all respects in conformity with the Constitution and laws of the State of Missouri governing elections in the City of Hannibal and in accordance with the Home Rule Charter of the City of Hannibal.

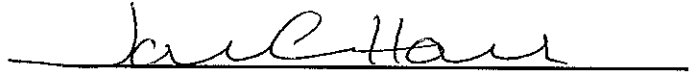
**SECTION FOUR:** The County Clerk is hereby authorized and directed to furnish the judges and clerks of said General Election with all poll books, tally sheets, ballots, ballot boxes, and other supplies necessary for the conduct of said General Election.

**SECTION FIVE:** That the City Clerk shall be, and is, hereby directed to transmit a certified copy of this ordinance to the Registrars of the City of Hannibal and that said Registrars are hereby requested to take such action as may be required of them by law in the premises.

**SECTION SIX:** That this ordinance shall be in full force and effect from and after its adoption and publication.

**ADOPTED** this 17<sup>th</sup> day of January, 2017

**APPROVED** this 17<sup>th</sup> day of January, 2017



**James R. Hark, Mayor**

**ATTEST:**



**Angelica N. Zerbonia, MRCC - City Clerk**