

BILL NO. 17-014

ORDINANCE NO. 4752

FIRST READING 05-02-2017

SECOND READING 05-16-2017

AN ORDINANCE REVISING CERTAIN PROVISIONS OF THE CHARTER OF THE CITY OF HANNIBAL PURSUANT TO THE VOTE OF THE PEOPLE

WHEREAS, the City of Hannibal held a general election on Tuesday, April 4, 2017, and

WHEREAS, pursuant to Section 20.01 of the Charter of the City of Hannibal, there were placed on ballot for consideration by the voters two propositions, 2 and 3, with each proposition including a proposal to amend certain provisions of the charter of the City of Hannibal, and

WHEREAS, as required by the charter, a majority of the qualified electors voting thereon voted to approve the changes set out in said Propositions 2 and 3.

NOW THEREFORE, pursuant to the vote of the people, be it ordained by the City Council of the City of Hannibal:

SECTION ONE: Chapter 14, Section 14.02 of the Charter of the City of Hannibal is amended to read as follow:

Sec. 14.02. - Jurisdiction and powers.

(1) The municipal court shall have jurisdiction over all prosecutions for the violation of any provision of this Charter or of any ordinance of the city. It shall also have jurisdiction of proceedings for the abatement of acts or things declared to be nuisances by the ordinances of the city. It may exercise such other and further jurisdiction in cases arising under this Charter and the ordinances of the city and with respect to the revocation or suspension of licenses and permits granted by the city as may be provided by ordinance. It may exercise such other jurisdiction as may now or hereinafter be conferred by law upon municipal corporation courts in constitutional Charter cities or cities of the first, second, third, or fourth class.

(2) The regular judge of the municipal court and any special judge when lawfully acting as such shall possess all of the powers necessarily indigent to or appropriate for the exercise of the jurisdiction conferred by subparagraph (1) of this section which shall include but not be limited to the following powers:

a. To administer oaths and affirmations and take affidavits;

b. To compel the attendance and testimony of witnesses and the production in evidence of papers, documents, books, and other physical evidence not privileged under law and for that purpose to issue subpoenas and writs of attachment;

- c. *To punish contempts of court as determined by the Court, in accordance with state law;*
- d. To approve and take bail bonds or to admit persons to bail on the deposits of cash or securities, to pass upon the qualifications of sureties on bonds, to enter judgment of forfeiture thereon and to enforce the same in the same manner and to the same extent as such power is exercised by courts of record;
- e. To enforce all judgments of the court in the same manner and to the same extent as judgments of courts of record may be enforced, including but not limited to the commitment to jail of any person who has failed to pay a fine duly assessed by said court;
- f. To issue all necessary or appropriate writs and processes;
- g. To issue summonses, warrants for arrest, and to issue search warrants in such cases as may be provided by ordinance consistent with the limitations imposed by the Constitution of the United States and the Constitution of the State of Missouri.

SECTION TWO: Chapter 14, Section 14.06 of the Charter of the City of Hannibal is amended to read as follow:

Sec. 14.06. - Special judge.

Upon temporary disability of the municipal judge, because of sickness or otherwise, his disqualification upon his own motion or that of a party in interest, (including the city attorney), disqualification under change of judge procedure or during the temporary absence of such judge from the city, the *circuit judge* shall appoint a special judge who shall have the same qualifications of office, authority and jurisdiction as the municipal judge; such appointment shall not require the consent of the council; such special judge shall, before entering upon the duties of his office, take the same oath required of the regular judge; such special judge shall be compensated on a per them basis fixed by ordinance, provided however, the compensation of such special judge within a calendar month shall in no case exceed the monthly compensation fixed for the office of municipal judge. Only one (1) change of judge may be had as a matter of right on application of either side in any proceeding pending in the municipal court.

SECTION THREE: Chapter 14, Section 14.07 of the Charter of the City of Hannibal is amended to read as follow:

Sec. 14.07. - Jury trials.

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

SECTION FOUR: Chapter 14, Section 14.11 is amended to read as follow:

Sec. 14.11. - Costs.

(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. No fees taxed as costs in favor of any elective or appointive officer of the city shall be paid to or retained by such officer, and no such elective or appointive officer of the city shall be entitled to a fee as witness in any proceeding in the municipal court.

SECTION FIVE: Chapter 14, Section 14.12 of the Charter of the City of Hannibal is amended to read as follow:

Sec. 14.12. - Records and clerk.

There shall be appointed, in the manner provided by ordinance, a clerk of the municipal court, who shall, under the supervision of the municipal judge, keep a complete record of its proceedings. The clerk shall also keep a complete account of all monies paid into said court for fines, forfeitures, and costs and the chief of police shall pay over and account to the city treasury all monies so received. The judge or the clerk may certify to the correctness of any transcript or certified copy of the judgment and record of the court.

SECTION SIX: Chapter 14, Section 14.13 of the Charter of the City of Hannibal is amended to read as follow:

Sec. 14.13. - Suspended sentence and probation.

The municipal judge may in a proper case suspend the sentence or the execution of a sentence upon such terms as he may prescribe. The court may place upon judicial probation any person convicted in the municipal court upon plea of guilty, or on trial, upon such terms and conditions and under such supervision as said court may order. The court may, before passing sentence, require the city attorney or police department to furnish a pre-sentence report, including the past history and circumstances of the offender, the record of all former convictions, and such other information as said judge may require.

SECTION SEVEN: Chapter 14, Section 14.04 of the Charter of the City of Hannibal is amended to read as follow:

Sec. 14.04. - Regular judge; election, qualification and tenure.

The office of recorder of the City of Hannibal as heretofore existing is continued and designated as municipal judge. The municipal judge shall be at least twenty-seven (27) years of age, a citizen of the State of Missouri, a licensed attorney and a member of the Missouri Bar, a citizen of the United States and of this state and shall be a resident of the City of Hannibal for not less than one (1) year next preceding his election. He shall before taking office subscribe to an oath in the form prescribed for other city officers. The municipal judge shall be elected for a term of three (3) years and may be removed for cause by the same procedure provided in this Charter for the removal of other elective officers. Each person so elected shall serve for the term so designated and until his successor shall have been duly elected and qualified. If any municipal judge shall die, resign, or be removed from office or remove his residence from the City of Hannibal, the city manager shall declare the office vacant, and such vacancy in office shall be filled in like manner as in the case of a councilman. *The municipal judge shall continue to serve until his successor is duly elected and qualified, or until he reaches the mandatory retirement requirements of state statutes.*

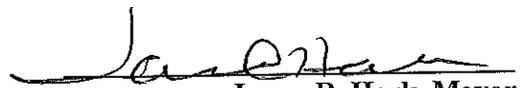
SECTION EIGHT: It hereby is declared to be the intention of the City Council that each and every part, portion and sub-portion of this Ordinance shall be separate and severable from each and every other part, portion or sub-portion hereof and that the City Council intends to adopt each said part, portion or sub-portion separately and independently of any other part, portion or sub-portion. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, portions and sub-portions shall be and remain in full force and effect.

SECTION NINE: All ordinances and parts of ordinances in conflict with this ordinance, in so far as they conflict, are hereby repealed.

SECTION TEN: That this Ordinance shall be in full force and effect from and after its passage and approval.

Adopted this 16th day of May, 2017.

Approved this 16th day of May, 2017.


James R. Hark, Mayor

ATTEST:

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