

BILL NO. 22-033

ORDINANCE NO. 4918

FIRST READING 12-6-2022

SECOND READING 12-20-2022

AN ORDINANCE AMENDING THE CODE OF THE CITY OF HANNIBAL TO ENSURE THAT THE MUNICIPAL COURT IS IN COMPLIANCE WITH THE APPLICABLE RULES OF THE MISSOURI SUPREME COURT

Be it Ordained by the City Council of the City of Hannibal:

WHEREAS, the City Council has determined that due to changes in the Rules of the Missouri Supreme Court regarding Municipal Courts, that certain ordinances of the City of Hannibal relating to same are not in accord with said rules;

AND WHEREAS, the City Council wishes to be in compliance with the Statutes of Missouri and the Rules of the Missouri Supreme Court, therefore have determined that certain changes and amendments to the Revised Ordinances of the City of Hannibal are necessary.

NOW THEREFORE, the City Council finds as follows:

Section 1. THAT Ordinance 16-237 of the Revised ordinances of the City of Hannibal, is hereby revoked.

Section 2. THAT Ordinance 18-4 of the Revised ordinances of the City of Hannibal, is hereby revoked and a new Ordinance 18-4 is hereby enacted in its place:

Sec. 18-4. - Installment payment of fines.

- (a) The city hereby provides that upon a plea and proof that a person is unable to pay any fine imposed by this Code, the municipal court may order its payment in equal monthly installments as the municipal judge may deem appropriate, to the court clerk.
- (b) Upon default by the defendant of any such monthly installments, the entire balance of the fine shall immediately be due and payable by the defendant. The court, upon receipt of a report of such default from the court clerk, shall set a date and place of hearing with proper notice to the defendant ordering the defendant to appear and show cause why he should not be held in contempt of court. Such notice shall be made either by personal service or by registered mail to the defendant at the last known address, at least five days prior to the date set for the hearing.

- (c) After hearing thereon, if the court determines that the failure to pay is without just cause and in contempt of the court's order, the court may impose such penalty as they deem appropriate within the authority of the municipal court.

Section 3. THAT Ordinance 18-6 of the Revised ordinances of the City of Hannibal, is hereby revoked.

Section 4. THAT Ordinance 18-34 of the Revised ordinances of the City of Hannibal, is hereby revoked and a new Ordinance 18-34 is hereby enacted in its place:

Sec. 18-34. - Prisoners liable for cost of imprisonment.

Every person who shall be committed to jail by the municipal court of the city for any offense or misdemeanor, upon a plea of guilty or a finding of guilt for such offense, shall bear the expense of carrying them to said jail, and also their support while in jail. In the event that the City is required to bear such expense, then the City is hereby authorized to seek reimbursement from the prisoner and to collect such reimbursement by the use of any permissible civil remedy, including the use of a collection agent and/or filing a civil collection suit.

(Code 1988, § 18-35; Ord. No. 4387, § 1, 10-17-2006)

Section 5. THAT Ordinance 18-35 of the Revised ordinances of the City of Hannibal, is hereby revoked and a new Ordinance 18-35 is hereby enacted in its place:

Sec. 18-35. - Defender fund.

- (a) The Council shall maintain a defender fund which is to be used to supplement the appointed counsel fund to pay reasonable fees approved by the court for the appointment of attorneys to represent defendants. Such funds shall be paid to appointed counsel upon the order of the City Judge.
- (b) The council shall direct necessary and appropriate amounts to the defender fund as a part of its annual budget.

(Ord. No. 4717, § 1, 6-21-2016)

Section 6. THAT Article III, Traffic Violations Bureau, Sections 18-63, 18-64, 18-65 and 18-67 of the Revised Ordinances of the City of Hannibal, are hereby revoked.

Section 7. THAT Ordinance 18-68 of the Revised Ordinances of the City of Hannibal, is hereby revoked, but that a new Ordinance 18-6 is hereby enacted.

Sec. 18-6. - Right to counsel in municipal court.

All persons appearing before the municipal court, unless the city attorney shall announce in the case that the only punishment to be sought shall be a fine, shall have the following rights with respect to counsel:

- (1) The offender shall retain counsel of his choice;
- (2) The offender shall waive counsel in writing; or
- (3) The offender may request appointment of counsel, which appointed counsel shall be paid by the city using the appointed counsel fund, the defender fund or such other funds as shall be appropriate.

(Code 1963, § 70.280; Code 1988, § 18-56; Ord. No. 3291, § 1, 12-21-1982; Ord. No. 4716, § 1, 6-21-2016)

Section 8. That Ordinance 18-32 is hereby revoked and a new section 18-32 is amended to read as follows:

Chapter 18, Municipal court.

Sec. 18-32. Amount of Costs.

1. Whenever any person is convicted or pleads guilty of violating any ordinance of the City, such person shall be adjudged to pay the following costs:
 - (a) In every case where there is a conviction or a plea of guilty, the clerk fee shall be the sum of eleven dollars (\$11.00)
 - (b) Seven dollars (\$7.00) shall be assessed for the funding of the City of Hannibal's participation in the statewide court automation system as established by Section 476.056 RSMo.
 - (c) Two dollars (\$2.00) shall be assessed for the funding of local police training.
 - (d) One Dollar (\$1.00) shall be assessed for the funding of municipal court clerk training.
 - (d) the Court shall impose an additional cost of two dollars (\$4.00) in each case, which sum shall be collected and disbursed for the purpose of providing for the operating expenses for shelters for battered persons as defined in Sections 455.200 — 455.230, RSMo.
 - (e) One dollar (\$1.00) shall be assessed for the peace officer training fund fee as established by Section 488.5336 RSMo.
 - (f) Seven dollars and fifty cents (\$7.50) shall be assessed for the crime victims' unit compensation fund as established by Section 488.5339 and 595.045 RSMo.

Section 9. 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 10. All ordinances and parts of ordinances in conflict with this ordinance, in so far as they conflict, are hereby repealed.

Section 11. That this Ordinance shall be in full force and effect from and after its passage and approval.

Adopted 12-20-2022

Approved 12-20-2022


JAMES HARK, Mayor

(Seal)

Attest: 
_____, City Clerk