

BILL NO. _____

ORDINANCE NO. 23-43

AN ORDINANCE ELECTING TO HAVE VIOLATIONS OF THE CITY'S MUNICIPAL ORDINANCES CITED TO THE CITY OF FREDERICKTOWN MUNICIPAL COURT TO BE HEARD AND DETERMINED BY THE MADISON COUNTY CIRCUIT COURT ASSOCIATE DIVISION.

WHEREAS, section 479.040, RSMo. (2016) authorizes any municipality with a population less than four hundred thousand to elect to have the violations of its municipal ordinances heard and determined by an associate circuit judge of the circuit in which the municipality is located; and

WHEREAS, if such election is made, all violations of that municipality's ordinances shall be heard and determined before an associate circuit judge; and

WHEREAS, after a municipality elects to have the violations of its municipal ordinances heard and determined by an associate circuit judge, the associate circuit judge shall commence hearing and determining such violations six months after the municipality notifies the presiding judge of the circuit of its election; and

WHEREAS, with the consent of the presiding judge, the associate circuit judge may commence hearing such violations at an earlier date; and

WHEREAS, the City of Fredericktown, Missouri (the "City") has previously established a municipal court but now elects to have all violations of its municipal ordinances heard and determined by an Associate Circuit Judge of the Twenty-fourth Judicial Circuit being the circuit in which the City is located; and

WHEREAS, the City seeks consent of the Presiding Judge of the Twenty-fourth Judicial Circuit for an Associate Circuit Judge of said circuit to begin hearing and determining all violations of its municipality ordinances on or before May 28, 2024.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF FREDERICKTOWN, MISSOURI, AS FOLLOWS:

Section 1. From and after May 28, 2024 all violations of the municipal ordinances of the City of Fredericktown, Missouri shall be heard and determined by Associate Circuit Judges of the 24th Judicial Circuit, unless the Presiding Judge of the 24th Circuit gives notice of a date to the Mayor of her consent to have an Associate Circuit Judge of the 24th Judicial Circuit to begin hearing and determining municipal ordinance violations prior to May 28, 2024.

Section 2. It is hereby requested by the Fredericktown Board of Aldermen, upon approval of the Presiding Judge of the 24th Judicial Circuit, there shall be established a Violation Bureau. The Violation Bureau shall operate under the supervision of the Circuit Court and the Associate Circuit Judge(s) hearing and determining violations of the ordinances of the City. The Violation Bureau shall be operated in accordance with the rules of the Circuit Court and Supreme Court. The City requests that provision be made by circuit court rule for the traffic violation bureau to be operated by the staff available to the Associate Circuit Judge(s). Court costs for all cases handled and processed through the Violation Bureau shall be distributed and assessed at the maximum amount set forth in Chapter 479, RSMo, as now in existence or as hereinafter amended.

Section 3. The Associate Circuit Judge(s) may hear and determine municipal ordinance violations of the City in a courtroom provided by Madison County.

Section 4. The Mayor, and other appropriate City officials, are hereby authorized to take any and all actions necessary, desirable, convenient or prudent in order to carry out the intent of this legislation.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. This Ordinance shall take effect and be in force from and after its passage by the Board of Aldermen and approval according to law.

THIS ORDINANCE having been read by title only this 27th day of November, 2023, the Board of Aldermen voted as follows:


Long	<u>aye</u>	Brown	<u>aye</u>
Polete	<u>aye</u>	Miller	<u>aye</u>
Jones	<u>aye</u>	Shankle	<u>aye</u>

THIS ORDINANCE having been read by title only the second time on this 27th day of November, 2023, the Board of Aldermen voted as follows:

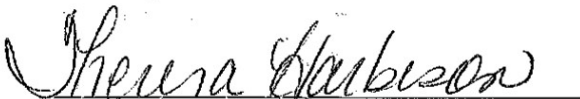
Long	<u>aye</u>	Brown	<u>aye</u>
Polete	<u>aye</u>	Miller	<u>aye</u>
Jones	<u>aye</u>	Shankle	<u>aye</u>

PASSED AND APPROVED this 27th day of November, by 6 ayes, 0 nays, 0 abstentions and 0 absentees.

CITY OF FREDERICKTOWN, MISSOURI

By: 
Travis Parker, Mayor

ATTEST:


Theresa Harbison, City Clerk