

---

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 135 MUNICIPAL COURT OF THE CITY OF HERCULANEUM RELATING TO REPORTS TO BOARD OF ALDERMEN, COURT COSTS, APPOINT A MUNICIPAL JUDGE AND FAILURE TO APPEAR TO COMPLY WITH STATE LAW AND COURT OPERATING RULE CHANGES AND ENTERING AN EFFECTIVE DATE THEREFORE**

---

WHEREAS, changes have been made to Missouri Supreme Court Rules, State statutes and Court Operating Rules that require the City's code to be updated to remain in compliance.

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

SECTION 1. Section 135.040 Report to Board of Aldermen shall be amended to read as follows:

Section 135.040      Report to Board of Aldermen (amend to comply with rule)

The Municipal Judge shall cause to be prepared within the first ten (10) days of every month a copy of the monthly case load summary report for the preceding month required by Missouri Court Operating Rule 4.28. This reporting requirement shall supersede and replace the reporting requirement established by section 479.080.3, RSMo.

The same shall be prepared under oath by the Municipal Court Clerk of the Municipal Judge. This report will be filed with the City Clerk, who shall thereafter forward the same to the Board of Aldermen of the City for examination at its first session thereafter. The Municipal Court shall, within ten (10) days after the first of the month, pay to the Municipal Treasurer the full amount of all fines collected during the preceding month, if they have not been previously paid.

SECTION 2. Section 135.140 Jailing of Defendants shall be amended to remove the taxing of jail as costs to hereinafter reads as follows:

Section 135.140      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 municipality shall pay the board of such prisoner at the same rate as may or hereafter be allowed by such Sheriff for the keeping of such prisoner in his custody and the same shall be taxed pursuant to Section 221.070, RSMo.

SECTION 3. That Section 135.200.A Temporary Municipal Judge shall be amended to read as follows:

Section 135.200      Temporary Municipal Judge

A. If a Municipal Judge be absent, sick, or disqualified from acting, the Mayor may designate a competent, eligible person to act as a Provisional Municipal Judge until such absence or disqualification shall cease; provided however, that should a vacancy occur in the office of an elected Municipal Judge more than six (6) months before a general municipal election, then special election shall be held to fill such vacancy; and in case of vacancy in the office of an elected Municipal Judge within less than six (6) months of a general municipal election, the office may be filled by a competent, eligible person designated by the Mayor with the advice and consent of the Board of Aldermen to serve as the Provisional Municipal Judge. A person shall be considered a competent, eligible person to act as Municipal Judge if the following provisions are complied with: Section 479.230, RSMo., Supreme Court Rule 37.53(d) and Jefferson County Circuit Court Local Court Rule 69. In the event of the unavailability of both the primary and Provisional Municipal Judges, the Presiding Judge of the Jefferson County Circuit Court shall appoint a temporary Judge for the City.

...

SECTION 4. Section 135.230 Court Costs shall be amended to remove the prior sections 3, 4 and 9 and renumber the remaining sections to read as follows:

Section 135.230      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. Cost of Court in the amount of twelve dollars (\$12.00).

a. An additional one dollar (\$1.00) of the aforesaid Court costs shall be segregated and withheld for the training of the Municipal Court Judge and Court Clerk.

b. The funds set forth in Subsection (A)(1) above for the aforesaid training of the Judge and Clerk shall be segregated from the remaining Court costs and shall be kept in a separate account for the aforesaid purpose.

2. Peace Officers Training.

a. In all cases, including infractions and non-moving traffic violations, additional costs for the training of Police Officers in the amount of two dollars (\$2.00) shall be transmitted monthly to the Treasurer of the City of Herculaneum, Missouri, to be placed in a segregated account and used for the training of Law Enforcement Officers of the City of Herculaneum.



b. In all cases, including infractions and non-moving traffic violations, an additional one dollar (\$1.00) shall be assessed as costs pursuant to Section 488.5336, RSMo., as amended, for the purpose of contributing to the Peace Officer Standards and Training Commission Fund created by Section 590.140.1, RSMo., as amended.

3. Witness fees for witnesses compelled to attend sessions of Court pursuant to the Court's subpoena power.

4. The preceding provisions of this Section notwithstanding, Court costs for parking violations paid through the Traffic Violations Bureau shall be two dollars (\$2.00).

5. Pursuant to Section 488.607, RSMo., in cases where the defendant pleads guilty, is found guilty or disposes of his or her case regarding the violation of any of the City's ordinances, an additional cost of four dollars (\$4.00) shall be assessed and shall be forwarded to the Jefferson County Treasurer at least monthly to be deposited into a special fund to be expended to provide financial assistance to shelters for victims of domestic violence or battered persons.

6. Pursuant to Subsection 595.045.1, RSMo., a fee of seven dollars fifty cents (\$7.50) shall be assessed as Court costs in every case, including traffic violations, non-moving violations and infractions; and no such fee shall be collected when the proceeding or defendant has been dismissed by the Court or when the Court costs are to be paid by the State, county or City of Herculaneum on behalf of an indigent defendant. Monies collected by the Clerk of the Municipal Court pursuant to this Subsection shall be paid at least monthly as follows: For each seven-dollar-fifty-cent fee collected the City of Herculaneum will remit seven dollars thirteen cents (\$7.13) to the Missouri Department of Revenue and thirty-seven cents (\$0.37) to the City of Herculaneum Treasury.

SECTION 5. Section 135.270 Failure to Obey Summons, Warrant or to Appear in Court to read as follows:

Section 135.270 Failure to Obey Summons, Warrant or to Appear in Court

A. In addition to the forfeiture of any bond or security which was given or pledged for his/her release, any person who, having been released upon a recognizance, a promise to appear or a bond pursuant to any other provision of law, it shall be unlawful for any person to knowingly fail to appear before a Judge hearing a municipal ordinance violation case, as required. Proof of delivery or mailing of the Court notice to the person shall establish a presumption of knowledge by that person of his or her Court date.

...

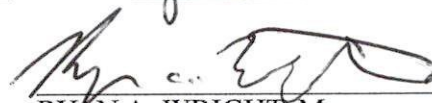
D. Nothing in this Section shall prevent the exercise of the Municipal Court of its power to punish for contempt.

SECTION 6. If any of the provisions of this ordinance or the application thereof to anyone or any circumstances is held in valid, the remainder of this ordinance and the application of such provisions to others or other circumstances shall not be affected thereby.

SECTION 7. This ordinance shall be codified.

SECTION 8. This ordinance shall be in full force and effect from and after the date of its passage.

READ (IN FULL TWO TIMES) (BY TITLE TWO TIMES, COPIES OF THE PROPOSED ORDINANCE HAVING BEEN MADE AVAILABLE FOR PUBLIC INSPECTION AT THE PLACE OF THE MEETING PRIOR TO THE TIME THE BILL WAS UNDER CONSIDERATION BY THE BOARD OF ALDERMAN) AND PASSED BY THE BOARD OF ALDERMAN OF THE CITY OF HERCULANEUM, MISSOURI, THIS 30<sup>th</sup> DAY OF June, 2023.

  
\_\_\_\_\_  
RYAN A. WRIGHT, Mayor  
City of Herculaneum

ATTEST:

  
\_\_\_\_\_  
LAURIE FERRETTI, City Clerk