

SPONSORED BY: ALDERMAN MIKE SCHMELZLE

BILL NO. 4006

ORDINANCE NO. 3087

AN ORDINANCE REVISING CHAPTERS 120 AND 125 OF THE CITY OF SHREWSBURY MUNICIPAL CODE PERTAINING TO MUNICIPAL COURT OPERATIONS

WHEREAS, the City of Shrewsbury is moving the physical location of its municipal court from the City's Public Safety Building to the City Center; and

WHEREAS, the City wishes to take this opportunity to revise Chapters 120 and 125 of its Municipal Code insofar as said provisions are implicated by this move and to otherwise make revisions as more fully set forth herein.

THEREFORE, BE IT RESOLVED BY THE CITY OF SHREWSBURY, MISSOURI AS FOLLOWS:

SECTION 1. Chapter 120 of the City of Shrewsbury Municipal Code is hereby deleted and replaced to read in words and symbols as follows:

Section 120.010. Municipal Court — Establishment and Jurisdiction.

There is hereby established in this City a Municipal Court, to be known as the "Shrewsbury Municipal Court, a Division of the 21st Judicial Circuit Court of the State of Missouri". The jurisdiction of the Municipal Court shall hear and determine all causes relating to the alleged violation of the ordinances of this City.

Section 120.015. Superintending Authority.

The Municipal Court shall be subject to the rules of the Circuit Court and to the rules of the Missouri Supreme Court. The Municipal Court shall be subject to the general administrative authority of the Presiding Judge of the Circuit Court, and the Judge and Court personnel of such Court shall obey their directive.

Section 120.020. Municipal Judge— Qualifications

The Judge of the Municipal Court shall be known as a Municipal Judge of the 21st Judicial Circuit Court. The Judge, shall: be between the ages of twenty-one (21) and seventy-five (75) years; an attorney licensed to practice law in the State of Missouri; a resident of Missouri; need not be a resident of the City; and may not hold any other office within the City. The Judge shall be appointed by the Mayor with the consent and approval of the majority of the Aldermen, and subject to removal from office by a majority vote of the Board of Aldermen.

In the event the position of Municipal Judge becomes vacant the Mayor, with the consent and approval of the majority of the Aldermen, shall appoint a Judge.

Section 120.030. Provisional Municipal Judge.

- A. If the Municipal Judge be absent, sick, has a disqualifying event, or be unable to act for any reason, the Mayor or the Mayor's designee shall be notified.
- B. The Mayor with the consent and approval of the majority of the Board of Aldermen, shall appoint a person to the position of Provisional Municipal Judge who shall have the same qualifications as the Municipal Judge. The Provisional Municipal Judge shall serve as Municipal Judge, with the same powers, duties, and responsibilities, as the Municipal Judge, in the event the Municipal Judge is unable to perform such duties of office due to absence, illness, vacancy in the office or disqualification to hear certain matters.
- C. Municipal Judge Pro Tempore. If both the duly appointed Municipal Judge and the duly appointed Provisional Municipal Judge are unable to perform the duties described herein, the Mayor may appoint a Municipal Judge Pro Tempore to perform said duties until the duly appointed Municipal Judge, or duly appointed Provisional Municipal Judge, is able to reassume his/her duties.

Section 120.035. Prosecuting Attorney of the Municipal Court.

- A. The Prosecuting Attorney shall: be between the ages of twenty-one (21) and seventy-five (75) years; an attorney licensed to practice law in the State of Missouri; a resident of Missouri; need not be a resident of the City; may not hold any other office within the City. The Prosecuting Attorney shall be appointed by the Mayor with the consent and approval of the majority of the Aldermen, and subject to removal from office by a majority vote of the Board of Aldermen.
- B. It shall be the duty of the Prosecuting Attorney of the City to prosecute the violations of the City's ordinances before the Municipal Judge or before any Circuit Judge hearing violations of the City's ordinances. The compensation of the Prosecuting Attorney shall not be contingent upon the result in any case.
- C. The Prosecuting Attorney shall attend all sessions of the Municipal Court.
- D. If the Prosecuting Attorney is absent, sick, has a disqualifying conflict, or be unable to act for any reason, the Mayor or the Mayor's designee shall be notified.
- E. Provisional Prosecuting Attorney. The Mayor with the consent and approval of the majority of the Board of Aldermen, shall appoint a person to the position of Provisional Prosecuting Attorney who shall have the same qualifications as the Prosecuting Attorney. The Provisional Prosecuting Attorney shall serve as Prosecuting Attorney with the same powers, duties, and responsibilities, as the Prosecuting Attorney, in the event the Prosecuting Attorney is unable to perform such duties of office due to absence, illness, vacancy in the office, or disqualification to hear certain matters.
- F. Prosecuting Attorney Pro Tempore. If both the duly appointed Prosecuting Attorney and the duly appointed Provisional Prosecuting Attorney are unable to perform the duties described herein, the Mayor may appoint a Prosecuting

Attorney Pro Tempore to perform said duties until the duly appointed Prosecuting Attorney, or duly appointed Provisional Prosecuting Attorney, is able to reassume his/her duties.

Section 120.040. Salary

The Municipal Judge and Prosecuting Attorney shall be contractual employees and receive monthly compensation for services rendered, as designated by ordinance.

Section 120.050. Bailiff and Marshal of The Court.

The Chief of Police of the City and his/her subordinates shall serve as Marshals and Bailiffs of the Court and shall be subject to and shall enforce its orders, judgments and decrees.

Section 120.060. Sessions of Court.

The Municipal Judge shall designate the time and location for sessions of the Municipal Court, in accordance with Missouri Supreme Court Rule 37.04, Appendix A., and be ready to be reconvened should the occasion arise.

Section 120.070. Witnesses — How Summoned — Fees.

- A. It shall be the duty of the Municipal Judge to summon all persons whose testimony may be deemed essential as witnesses at the trial, and to enforce their attendance by attachment, if necessary. The fees of witnesses shall be the same as those fixed for witnesses in trials before Associate Circuit Judges and shall be taxed as other costs in the case.
- B. When a trial shall be continued by a Municipal Judge it shall not be necessary to summon any witnesses who may be present at the continuance; but the Municipal Judge shall orally notify such witnesses as either party may require to attend before him/her on the day set for trial to testify in the case, and enter the names of such witnesses on his/her docket, which oral notice shall be valid as a summons.

Section 120.080. Court Costs — Amount — Disposition of.

- A. In all cases before the Traffic Violations Bureau and the Municipal Court where the defendant pleads guilty or is convicted, there shall be collected from such defendant, in addition to the fine or other punishment imposed, the sum of twelve dollars (\$12.00) as Court costs. In addition to such Court costs, a fee of two dollars (\$2.00) shall be assessed and collected and set aside in a separate fund by the City Treasurer to be used solely for the training of Police Officers. A fee of one dollar (\$1.00) shall be assessed and collected and set aside to be used statewide for training Law Enforcement Officers to be deposited into the Peace Officer Standards and Training Commission Fund. A fee of seven dollars fifty cents (\$7.50) shall be assessed and ninety-five percent (95%) of this fee shall be deposited in

the Crime Victims' Compensation Fund and five percent (5%) of this fee shall be deposited in the General Fund. A fee not to exceed two dollars (\$2.00) shall be assessed for the Weinman Shelter and shall be deposited in the Domestic Violence Shelter Fund. A fee of two dollars (\$2.00) shall be assessed, collected and set aside in a separate fund by the City Treasurer called the Inmate Security Fund, to be used for costs associated with biometric verification systems, and for any expenses related to custody and housing and other expenses for prisoners. A fee of seven dollars (\$7.00) shall be assessed, collected, and set aside for the Statewide Court Automation Fund, with all such amounts collected transmitted monthly to the Missouri Director of Revenue to the credit of the Missouri Statewide Court Automation Fund.

B. The following additional Court costs shall also be collected from a defendant who pleads guilty or is convicted (as applicable):

Law Enforcement Arrest Fee (DWI arrests)	\$100.00
Bad Check Fee	\$10.00 (check less than \$100.00)
\$25.00 (check over \$100.00)	
Non-Negotiable Payment Fee	\$4.00
Copy Fee for Judicial Records (for filing notice of appeal, accepting bond or recognizance thereon, preparing transcript on appeal)	\$10.00

C. Such additional costs are the sole property of the City and shall be paid into the City Treasury to the credit of the General Revenue Fund. In no event shall the City be liable to pay any costs assessed in or by the Municipal Court.

Section 120.090. Court Clerk.

1. The Clerk of the Municipal Court shall be appointed by the Mayor and shall serve until his or her successor shall be appointed and qualified.

2. The Clerk shall be subject to and shall perform such duties as are designated herein and such other duties as are required by the Municipal Judge.

3. The Clerk of the Municipal Court, and any Deputy Clerk serving under him/her, shall be and is hereby authorized to:

- 1) Take oaths and affirmations.
- 2) Accept and sign complaints signed and sworn to or affirmed before him/her.
- 3) Sign and issue warrants.
- 4) Sign and issue commitments to jail.
- 5) Sign and issue subpoenas requiring the attendance of a witness and sign and issue subpoenas duces tecum.
- 6) Fix the amounts of bail and admit to bail.

- 7) Accept the appearance, waiver of trial, and plea of guilty and payment of fines and costs in Traffic Violations Bureau cases or as directed by the Municipal Judge; generally act as Violation Clerk of the Traffic Violations Bureau.
- 8) Perform such other duties as provided for by ordinance, by Rules of Practice and Procedure adopted by the Municipal Judge, and as directed by the said Judge, and as provided for by the Missouri Rules of Practice and Procedure in Municipal and Traffic Court.

Section 120.100. Issuance and Execution of Warrants.

All warrants issued by the Municipal Judge shall be directed to the Chief of Police, or to any other Police Officer of the City, or to the Sheriff of the County. The warrant shall be executed by said Law Enforcement Officer any place within the limits of the County and not elsewhere unless the warrants are endorsed in the manner provided for warrants in criminal cases, and when so endorsed, shall be served in other counties, as provided for in warrants in criminal cases.

Section 120.110. Arrests Without Warrants.

Any officer of the Police Department of the City may, without a warrant, make arrest of any person who commits an offense in his/her presence, but such officer shall, before the trial, file a written complaint with the Municipal Judge.

Section 120.120. Jury Trials.

Any person charged with a violation of an ordinance of this City shall be entitled to a trial by jury, as in prosecutions for misdemeanors before an Associate Circuit Judge. Whenever a defendant accused of a violation of a municipal ordinance demands trial by jury, the Municipal Judge shall certify the case to the Presiding Judge of the Circuit Court for reassignment.

Section 120.130. Municipal Judge — Powers and Authority.

- A. The duly appointed Municipal Judge is hereby authorized to issue warrants to arrest and to summon and compel the attendance of witnesses; to administer oaths; to establish and accept bail bonds and render final judgment on any forfeited bond or recognizance returnable to the Municipal Court; and to enforce due obedience to all orders, rules, and judgments made by it within the scope of its authority as described herein and as otherwise provided by State law; and to fine and/or imprison for contempt, including, but not limited to, the violations referenced as follows:
 1. Any breach of the peace committed during its session, including, but not limited to, disorderly, contemptuous, or insolent behavior committed in its immediate view and presence, which interrupts its session or proceedings, or otherwise impairs the respect due to its authority;
 2. Willful disobedience or resistance of any process or order lawfully issued or made by it;

3. Refusal of any person to be sworn as a witness, or when sworn, a refusal to answer any legal and proper interrogatory.
- B. Contempt committed in the immediate view and presence of the Municipal Court may be punished summarily. In other cases, the person charged shall be notified of the accusation, and have a reasonable time to make his or her defense. Whenever any person shall be committed for any contempt, including, but not limited to, the examples of violations described herein, the particular circumstances of his/her offense shall be set forth in the order of warrant of contempt.
 - C. The Municipal Court may punish for contempt of court by the highest fine or longest incarceration, or both, as permitted by State law.
 - D. The Municipal Court is further authorized to:
 1. Establish a Traffic Violations Bureau as provided for by the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts;
 2. Commute the term of any sentence, stay execution on any fine or sentence, suspend any fine or sentence, and to make such other orders as the Judge deems necessary relative to any matter that may be pending in the Municipal Court, all in accordance with the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts;
 3. Make and adopt such rules of practice and procedure as are necessary to implement and carry out the provisions of this Chapter, to make and adopt such rules of practice and procedure as are necessary to hear and decide matters pending before the Municipal Court, and to implement and carry out the provisions of the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts.
 - E. If the duly appointed Municipal Judge is unavailable to perform the duties described herein, the Mayor may appoint a Municipal Judge Pro Tem to perform said duties until the duly appointed Municipal Judge is able to reassume his/her duties.
 - F. The Municipal Judge shall have such other powers, duties, and privileges as are or may be prescribed by the laws of this State and this Code.

Section 120.140. Summoning of Witnesses.

It shall be the duty of the Municipal Judge to summon all persons whose testimony may be deemed essential as witnesses at the trial, and to enforce their attendance by attachment, if necessary. The fees of witnesses shall be the same as those fixed for witnesses in trials before Associate Circuit Judges and shall be taxed as other costs in the case. When a trial shall be continued by a Municipal Judge it shall not be necessary to summon any witness who may be present at the continuance; but the Municipal Judge shall orally notify such witnesses as either party may require to attend before him/her on the day set for trial to testify in the case, and enter the names of such witnesses on the docket, which oral notice shall be valid as a summons.

Section 120.150. Jailing of Defendants.

The Municipal Judge may commit a defendant to the County Jail, and it shall be the duty of

the Sheriff 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 City shall pay the board of such prisoner at the rate as may now or hereafter be allowed to such Sheriff for the keeping of such prisoner in his/her custody. The same shall be taxed as costs.

Section 120.160. Parole or Probation, When Granted — Certificate — Conditions of Probation — Modification of Conditions.

- A. Any Judge hearing violations of municipal ordinances may, when in his/her judgment it may seem advisable, grant a parole or probation to any person who shall plead guilty or who shall be convicted after a trial before such judge. When a person is placed on probation he/she shall be given a certificate explicitly stating the conditions on which he/she is being released.
- B. In addition to such other authority as exists to order conditions of probation, the Court may order conditions which the Court believes will serve to compensate the victim of the crime, any dependent of the victim, or society in general. Such conditions may include, but need not be limited to:
 - 1. Restitution to the victim or any dependent of the victim, in an amount to be determined by the judge; and
 - 2. The performance of a designated amount of free work for a public or charitable purpose, or purposes, as determined by the judge.
- C. A person may refuse probation conditioned on the performance of free work. If he/she does so, the Court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. Any County, City, person, organization, or agency, or employee of a County, City, organization or agency charged with the supervision of such free work or who benefits from its performance shall be immune from any suit by the person placed on parole or probation or any person deriving a cause of action from him/her if such cause of action arises from such supervision of performance, except for intentional torts or gross negligence. The services performed by the probationer or parolee shall not be deemed employment within the meaning of the provisions of Chapter 288, RSMo.
- D. The Court may modify or enlarge the conditions of probation at any time prior to the expiration or termination of the probation term.

Section 120.170. Right of Appeal — Trial de Novo.

On proper application for a trial de novo filed within ten (10) days after judgment in the form provided by Missouri Supreme Court Rules, the defendant shall have a right of trial de novo in Circuit Court in all cases tried before the Municipal Court, except where there has been a plea of guilty or where the case has been tried with a jury.

Section 120.180. Appeal From Jury Verdicts.

In all cases in which a jury trial has been demanded, a record of the proceedings shall be made, and appeals may be had upon that record to the appropriate Appellate Court.

Section 120.190. Breach of Recognizance.

In the case of a breach of any recognizance entered into before a Judge hearing a municipal ordinance violation case, the same shall be deemed forfeited and the Judge shall cause the same to be prosecuted in the Circuit Court against the principal and surety, or either of them, in the name of the City as plaintiff. All monies received by such forfeiture shall be paid to the General Revenue Fund of the City.

Section 120.200. Disqualification of Municipal Judge From Hearing Particular Case.

The Municipal Judge shall be disqualified to hear any case in which he/she is in anyway interested, or, if before the trial is begun, the defendant or the prosecutor files an affidavit that the party cannot have a fair and impartial trial by reason of the interest or prejudice of the Judge. Neither the defendant nor the City shall be entitled to file more than one (1) affidavit for disqualification in the same case.

Section 120.205. Disqualification of Prosecuting Attorney From Hearing Particular Case.

The prosecuting attorney shall comply with Missouri Supreme Court Rule 37.04, Appendix A., Minimum Operating Standard # 7. The prosecuting attorney shall not hold an interest or engage in activities, financial or otherwise, that conflict, have a significant potential to conflict, or are likely to create a reasonable appearance of conflict with the duties and responsibilities of the prosecutor's office. The prosecutor will excuse themselves from the investigation and prosecution of any current or former client.

Section 120.210. Reporting of the Municipal Court.

- A. The municipal court clerk shall follow such procedure for reporting as established by the Supreme Court of the State of Missouri. The Municipal Judge shall cause to be prepared within the first ten (10) days of every month a report indicating a list of all cases heard and tried before the Court during the preceding month, giving in each case the name of the defendant, the fine imposed if any, the amount of costs, the names of the defendants committed and the cases in which there was an application for trial de novo, respectively. The same shall be prepared under oath by the Municipal Court or the Municipal Judge. This report will be filed with the City Clerk, who shall thereafter forward the same to the Board of Aldermen for examination at its first (1st) session thereafter. The Municipal Court shall, within ten (10) days after the first (1st) of the month, pay to the Municipal Treasurer the full amount of all fines collected during the preceding months, if they have not been previously paid.
- B. The Prosecuting Attorney shall cause to be prepared withing the first ten (10) days of every month a report for the preceding month detailing:
 - 1. Number of traffic cases submitted by the Police Department.
 - 2. Number of criminal cases submitted by the Police Department.
 - 3. Number of cases issued.
 - 4. Number of cases taken under advisement, refused, dismissed/Nolle Pros,

with reasons.

5. Number of attorney recommendation requests received, to include number of attorney recommendations completed/sent out and number of recommendations paid/disposed.
6. Number of cases to trial.

This report will be filed with the City Clerk and the Municipal Treasurer.

Section 120.220. Bail Bonds — Procedure.

- A. A defendant shall, upon arrest, be entitled and admitted to bail by sufficient surety or sureties or cash bond in a reasonable amount:
 1. By the Municipal Judge, or by the Clerk or Deputy Clerk thereof, if the Judge is absent or the Court is not in session, or when so authorized or directed by the Judge.
 2. By the Mayor of the City, if the Judge, Clerk and Deputy Clerk are absent, or the Court is not in session.
 3. By the Chief of Police or any Police Officer having custody of the defendant, when the amount of bail is endorsed on the warrant of arrest in the amount so specified, or when so authorized or directed by the Judge.
- B. All bail bonds shall be immediately deposited with the Clerk of the Municipal Court who shall have exclusive custody and control of said Bonds, subject to the order of the Municipal Judge.
- C. The Court Clerk shall deposit all cash bonds in the registry of the court until final disposition by the Municipal Judge.

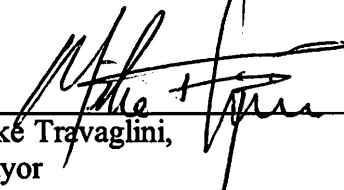
Section 120.230. Failure To Appear — Penalty.

It shall be unlawful for any person to fail to appear before the Municipal Court of the City of Shrewsbury, Missouri, when charged with a violation of any ordinance or law of the City. In addition to the forfeiture of any security given such person who shall fail to appear shall upon conviction be punished by a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment.

SECTION 2. Section 125.120 of the City of Shrewsbury Municipal Code is hereby deleted.


SECTION 3. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and Board of Aldermen.

PASSED & APPROVED THIS 23RD DAY OF JANUARY, 2024.



Mike Travaglini,
Mayor

ATTEST:



Spencer Owens
City Clerk

ORDINANCE NO. 3087

