

BILL NO. 2019-41

ORDINANCE NO. \_\_\_\_\_

INTRODUCED BY \_\_\_\_\_

**AN ORDINANCE ELECTING TO HAVE ALL CITY OF HERMANN MUNICIPAL ORDINANCE VIOLATIONS HEARD AND DETERMINED BY AN ASSOCIATE CIRCUIT JUDGE OF THE GASCONADE COUNTY CIRCUIT COURT, 20<sup>TH</sup> JUDICIAL CIRCUIT.**

WHEREAS, RSMo. Section 479.040 authorizes any town 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 town is located; and

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

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

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

WHEREAS, the City of Hermann has previously established a municipal court but now desires to have violations of its municipal ordinances heard and determined by an Associate Circuit Judge of the Twentieth Judicial Circuit being the circuit in which the City is located; and

WHEREAS, the City of Hermann desires to seek the consent of the Presiding Judge of the Twentieth Judicial Circuit for an Associate Circuit Judge of said Circuit to begin hearing and determining violations of its municipal ordinances on January 1, 2020; and

WHEREAS, Hermann Municipal Code Section 140.200(A) currently assesses "as basic court costs" the sum of \$12.00 per case. This sum shall be increased to \$15.00 per case; and

WHEREAS, in addition to all other court costs, the sum of \$7.00 shall be assessed for the court automation fund; and

WHEREAS, the Board of Aldermen has determined that having violations of the City's municipal ordinances heard and determined by an Associate Circuit Judge of the Twentieth Judicial Circuit serves a legitimate public purpose and is in the best interests of the citizens of the City of Hermann.

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

**SECTION ONE:** From and after January 1, 2020, so long as permission is obtained by the Presiding Judge, all violations of the municipal ordinances of the City of Hermann, Missouri shall be heard and determined by an Associate Circuit Judge of the Twentieth Judicial Circuit.

**SECTION TWO:** Commencing on January 1, 2020, there shall be assessed in each case as basic court costs the sum of \$15.00, an increase from \$12.00.

**SECTION THREE:** Commencing on January 1, 2020, there shall be assessed, in addition to all other court costs, the sum of \$7.00 per case for the court automation fund.

**SECTION FOUR:** There shall also be assessed such other fees and charges as may be ordered by the Circuit Court Presiding Judge.

**SECTION FIVE:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION SIX:** This ordinance shall be in full force and effect from and after its passage and approval.

First Reading:                    September 23, 2019

Second Reading:                \_\_\_\_\_

VOTE:

Name	First Reading			Second Reading		
	Aye	Nay	Abs	Aye	Nay	Abs
Alderman David Faerber						
Alderman Bruce Cox						
Alderman Jim Schirmer						
Alderman Susan Lenger						

Passed and approved this \_\_\_ day of October, 2019.

\_\_\_\_\_  
DR. ROBERT C. KOERBER, Mayor

\_\_\_\_\_  
PATRICIA HEANEY, City Clerk