CHAPTER 18

COUNTY MUNICIPAL COURT

1800. County Municipal Court Establishment.

There is hereby established the County Municipal Court pursuant to section 66.010, RSMo.(Ord. 3972, Eff. 01/29/08)

1801. County Municipal Court Administrator.
The County Executive shall appoint, or designate another County Official or employee to serve as, a County Municipal Court Administrator, who shall be the administrative officer for the County Municipal Court. The County Municipal Court Administrator shall:

1801.1 General.
Supervise all matters relating to the County Municipal Court and all clerical and administrative personnel for the court;

1801.2 Traffic Violations Bureau.
Supervise all matters and personnel relating to the Traffic Violations Bureau;

1801.3 Administrative Functions.
Perform those administrative functions incidental to the operation of the court;

1801.4 Assist Court.
Assist the court in the conduct of the business of the court with respect to such other matters as the court may request from time to time; and,

1801.5 Appoint Staff.
Appoint court staff as authorized in the annual budget. (Ord. 3972, Eff. 01/29/08)

1802. County Municipal Court, Organization.

1802.1 Sessions.
Regular sessions of the County Municipal Court shall be held at such times and places as the County Executive may determine. The Court's facilities shall be provided by the County. For purposes of this section, "regular sessions" means call dockets.

1802.2 Traffic Violations Bureau.
There shall be a Traffic Violations Bureau established pursuant to Missouri Supreme Court Rule 37.

1802.3 Rules.
The County Municipal Court shall promulgate general operating procedures and

local rules of court not inconsistent with Missouri Supreme Court Rule 37 and the Rules of Court of the 16th Judicial Circuit. (Ord. 3972, Eff. 01/29/08)

1803. Judges.

1803.1 Appointment.
The County Executive may appoint one (1) judge of the County. Municipal Court, subject to the disapproval of the County Legislature, according to such procedures as the County Executive may promulgate by Executive Order. (Ord. 3972, Eff. 1/29/08; Ord. 3981, Eff. 3/24/08)

1803.2 Qualifications.
Any judge appointed to the County Municipal Court shall be licensed to practice law in the state of Missouri, shall be a resident of the County, and shall serve for a term of two (2) years but may be removed sooner, with or without cause, by the County Executive. The County Executive may appoint temporary or acting judges in order to handle the work of the court during the disability or absence of a County Municipal judge; said appointment may be made by the County Executive prior to any disability or absence of a County Municipal judge. No temporary or acting judge shall be appointed for a term longer than two (2) years but may be removed sooner, with or without cause, by the County Executive. (Ord. 3972, Eff. 1/29/08; Ord. 3981, Eff. 3/24/08)

1803.3 Limitations.
A judge appointed as a County Municipal Court judge shall not accept or handle cases in his or her practice of law which are inconsistent with his or her duties as a County Municipal Court judge. A judge, upon authorization by the circuit court of the sixteenth judicial circuit, may act as a commissioner to hear in the first instance nonfelony violations of state law involving motor vehicles as provided by local rule. (Ord. 3972, Eff. 1/29/08; Ord. 3981, Eff. 3/24/08)

1803.4 Compensation.
A judge appointed under this section shall not receive any of the benefits of a Jackson County employee. Compensation of a County Municipal Court judge shall be forty-eight thousand five hundred dollars ($48,500.00) per annum. Each County Municipal Court judge shall devote such time as is necessary to discharge his or her duties. The compensation for a temporary or acting judge shall be established by the County Executive but shall not exceed one hundred fifty dollars ($150.00) per diem. (Ord. 3972, Eff. 01/29/08; Ord. 4398, Eff. 03/26/12; Ord. 4411, Eff. 05/14/12; Ord. 4502, Eff. 2/25/13)

1804. Warrants.

1804.1 Generally.
A judge of the County Municipal Court of Jackson County shall have the authority to issue warrants for:

a. Searches or inspections to determine the existence of violations of any ordinance whose violation is punishable by fine or jail or both;

b. Seizure of items of personal property, materials, or substances that constitute evidence of violation of any County ordinance; and

c. Entry onto private property in the County for the purpose of abating a public nuisance pursuant to any County ordinance, including but not limited to the provisions of Chapter 44 of this code.

1804.2 Procedure.
Warrants, searches, inspections, entries, and seizures made pursuant to this section shall conform to and be governed by the following provisions:

a. Any deputy sheriff, park ranger, or designee of the County Counselor may apply for the issuance of a warrant.
b. The application shall:

1) Be in writing;

2) State the time and date of the making of the application;

3) Identify the property or places to be searched, the items of personal property, materials, or substances to be seized or the public nuisance which is to be abated, in sufficient detail and particularity that the officer or other authorized County official executing the warrant can readily ascertain it;

4) State facts sufficient to show probable cause for the issuance of a warrant pursuant to subsection 1 of this section;

5) Be verified by the oath or affirmation of the applicant; and

6) Be accompanied by an affidavit alleging facts which establish probable cause for the issuance of the requested warrant.

c. The judge shall hold a nonadversary hearing to determine whether sufficient facts have been stated to justify the issuance of a warrant. If it appears from the application and any supporting affidavits that

there is probable cause to inspect or search for violations of any specified provision of this Code or to seize items or to abate a public nuisance, a warrant shall immediately be issued to search for such violations or to seize such items or to abate such public nuisance. The warrant shall be issued in the form of an original and two (2) copies.

d. The application and any supporting affidavits and a copy of the warrant shall be retained in the records of the Court.

e. The warrant shall:

1) Be in writing and in the name of the issuing authority;

2) Be directed to any County deputy sheriff or park ranger or in the case of a warrant to seize or abate a public nuisance then, to an authorized County official or his or her designee;

3) State the time and date the warrant is issued;

4) Identify the property or places to be searched or seized or the public nuisance to be abated in sufficient detail and particularity that the person(s) executing the warrant can readily ascertain it;

5) Command that the described property or places be searched or seized or that the public nuisance be abated and that any of the described property or materials or photographs of violations found thereon or therein be brought, within ten (10) days after filing of the application, to the judge who issued the warrant, to be dealt with according to law; and

6) Be signed by the judge, with his or her title of office indicated.

f. A warrant issued under this section may be executed only by a deputy sheriff or park ranger or by an authorized County official or his or her designee.

g. A warrant shall be executed as soon as practicable and shall expire if it is not executed and the return made within ten (10) days after the date of the making of the application.

h. After execution of the warrant, the warrant, with a return thereon signed by the person making the search or seizure or performing the abatement, shall be delivered to the judge who issued the warrant. The return shall show the date and manner of execution, what was seized or abated, and

the name of the possessor and of the owner of the property or places searched, seized, or abated, when he or she is not the same person, if known.

I. Searches, seizures, and abatements shall be conducted in a reasonable manner. The person conducting same shall give to the owner or possessor of the property, if present, a copy of the warrant and an itemized receipt of any property seized or abated. If no owner or possessor is present, the person executing the warrant shall leave the copy and receipt at the site of the search, seizure, or abatement.

1804.3 Warrants, Invalid When.

A warrant shall be deemed invalid:

a. If it was not issued by a judge of the County Municipal Court;

b. If it was issued without a written application having been filed and verified;

c. If it was issued without probable cause;

d. If it was not issued with respect to property or places within the jurisdiction of the chapter on which the ordinance violation or nuisance abatement was based;

e. If it does not describe the property or places to be searched or seized or abated with sufficient certainty;

f. If it is not signed by the judge who issued it; or

g. If it was not executed within ten days after the date upon which the application therefor was made. (Ord. 3972, Eff. 1/29/08)

1805. Violations of Ordinances.

The County shall prosecute and punish violations of its ordinances in the County Municipal Court. This section shall not take effect until June 1, 2008. All County ordinance violations issued prior to June 1, 2008, shall be prosecuted in the Associate Circuit Court of Jackson County, Missouri. (Ord. 3972, Eff. 01/29/08; Ord. 3981, Eff. 03/24/08)

1806. Guilty Pleas and Trial Dates.

In appropriate cases as set forth in local rules of the County Municipal Court, defendants charged with ordinance violations may enter not guilty pleas and obtain trial dates by telephone or by written communication without a personal appearance and may plead guilty and deliver by mail or electronic transfer or other approved method the specified

amount of the fine and costs as otherwise provided by law, within a period of time specified by the court or other provisions of law. (Ord. 3972, Eff. 1/29/08)

1807. Failure To Appear.
It shall be unlawful for any person who has been charged with an offense of the County ordinances and the charge having been set in the County Municipal Court to fail to appear before such court 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. (Ord. 3972, Eff. 1/29/08)

1808. Failure to Pay Fine.
It shall be unlawful for any person who has been convicted of, pled guilty to, or been found guilty of any offense in the County Municipal Court, and who has been sentenced to pay any fine or otherwise required by law to pay any monetary penalty or costs of court or reimbursement of expenses associated with the investigation or prosecution of such offense, to fail to pay such fine, penalty, costs, or reimbursement as required by the court. (Ord. 3972, Eff. 1/29/08)

1809. Information.
All ordinance violations shall be prosecuted by information of the County Counselor or his other designee. (Ord. 3972, Eff. 1/29/08)

1810. Court Costs.

1810.1 Generally.
Costs and procedures in the County Municipal Court shall be governed by the provisions of law relating to municipal ordinance violations in municipal divisions of circuit courts.

1810.2 Specific Costs.
Specific items of court costs are as follows:

a. Clerk Fee.
A fee of twelve dollars ($12.00) shall be levied for each ordinance violation filed before a county municipal judge and in the event that a defendant pleads guilty or is found guilty, the judge may assess costs against the defendant. Except as otherwise provided, the costs of this subsection are in lieu of other court costs. The costs herein provided shall be collected by the authorized clerk and deposited into the county treasury. Section 488.012.3(6), RSMo.

b. County Fee.
A fee of ten dollars ($10.00) shall be assessed for violation of a county ordinance, except that no such fee shall be collected when the proceeding

or defendant has been dismissed by the court or when costs are to be paid by the county. All such fees shall be payable to the county treasurer, who shall deposit those funds in the county treasury. Section 488.4014.1, RSMo.

c. Crime Victims' Compensation (CVC) Fund Surcharge.
A surcharge of seven dollars and fifty cents ($7.50) for the "Crime Victims' Compensation Fund" shall be assessed as costs and distributed in the manner provided in section 595.045, RSMo, for violation of any county ordinance, except that no surcharge shall be collected when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the county. Sections 488.5339.1 and 595.045, RSMo.

d. Brain Injury Fund Surcharge.
A surcharge in the amount of two dollars ($2.00) shall be assessed as costs for the violation of a county ordinance, which surcharge, when collected, shall be paid into the state treasury to the credit of the brain injury fund created by section 304.028.1, RSMo. No such surcharge shall be collected when the court has dismissed the charge against the defendant, or when the costs are to be paid by the county. Section 304.028, RSMo.

e. Independent Living Center Fund Surcharge.
A surcharge of one dollar ($1.00) shall be assessed for violation of a county ordinance, except that no such surcharge shall be assessed when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the county. Such surcharge shall be collected by the clerk of the court and paid to the credit of the independent living center fund established by section 178.653. RSMo. Section 488.5332, RSMo.

f. Motorcycle Safety Trust Fund Surcharge.
A surcharge in the amount of one dollar ($1.00) shall be assessed as costs for the violation of a county ordinance, which surcharge, when collected, shall be paid into the state treasury to the credit of the motorcycle safety trust fund created by section 302.137.1, RSMo. No such surcharge shall be collected when the court has dismissed the charge against the defendant, or when the costs are to be paid by the county. Section 302.137, RSMo.

g. Peace Officer Standards and Training (POST) Commission Surcharge.
A surcharge of one dollar ($1.00) shall be assessed for the violation of a county ordinance. No such surcharge shall be assessed when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the county. The surcharges collected pursuant to this subsection shall be transmitted to the State Treasury to the credit of the peace officer standards and training commission fund created in section 590.178, RSMo. Section 488.5336.1, RSMo.

h. Prosecuting Attorneys and Circuit Attorneys' Retirement Fund Surcharge.
A surcharge in the amount of four dollars ($4.00) shall be assessed as costs for the violation of a county ordinance, which surcharge, according to section 56.807 RSMo, shall be utilized by the county treasurer for payments required to be made pursuant to section 56.807, RSMo for the Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Fund. No such surcharge shall be collected when the court has dismissed the charge against the defendant, when the costs have been waived or are to be paid by the county. Sections 488.026 and 56.807.7, RSMo.

i. Prosecuting Attorney Training Fund Surcharge.
A surcharge of five dollars ($5.00) shall be assessed for violation of a county ordinance, except that no such surcharge shall be collected when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the county. Half of all moneys collected pursuant to this subsection shall be payable to the state treasurer for deposit to the credit of the "Missouri Office of Prosecution Services Fund" created by section 56.765.2, RSMo. Half of all moneys collected shall be payable to the county treasurer who shall deposit all of such funds into the county treasury in a separate fund to be used solely for the purpose of additional training for prosecuting attorneys and their staffs in accordance with the requirements of section 56.765.3, RSMo. Sections 488.5017 and 56.765, RSMo.

j. Sheriffs' Retirement Fund Surcharge.
A surcharge in the amount of three dollars ($3.00) shall be assessed as costs for the violation of a county ordinance, which surcharge, according to section 488.024, RSMo, shall by utilized by the country treasurer for payments required to be made pursuant to section 488.024, RSMo for the Sheriff's Retirement Fund. No such surcharge shall be collected in any proceeding involving a violation of an ordinance when the court has dismissed the charge against the defendant, or when costs are to be paid by the county. Section 488.024, RSMo.

k. Spinal Cord Injury Fund Surcharge.
A surcharge in the amount of two dollars ($2.00) shall be assessed for the violation of a county ordinance, which surcharge, when collected, shall be paid into the state treasury to the credit of the spinal cord injury fund created in section 304.027, RSMo. No such surcharge shall be collected when the court has dismissed the charge against the defendant, or when the costs are to be paid by the county. Section 304.027, RSMo.

l. Juvenile Justice Preservation Fund Surcharge.

A surcharge in the amount of two dollars ($2.00) shall be assessed as costs for the violation of a county traffic ordinance in which the defendant has plead guilty, according to the requirements of section 211.435, RSMo. No such surcharge shall be collected in any proceeding involving a violation of an ordinance when the court has dismissed the charge against the defendant, or when costs are to be paid by the county. Such surcharge shall be collected and disbursed by the clerk of the court as provided by sections 488.010 to 488.020, RSMo. The surcharge collected under this section shall be paid into the state treasury to the credit of the juvenile justice preservation fund created by section 211.435, RSMo. The provisions of this subsection shall expire on August 28, 2024. Section 211.435, RSMo.

m. Domestic Violence Shelter Surcharge.
A surcharge of four dollars ($4.00) shall be assessed for the violation of a county ordinance, except that no surcharge shall be collected when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the county. The surcharges levied pursuant to this subsection shall only be used for the purpose of providing operating expenses for shelters for battered persons as defined in sections 455.200 to 455.230, RSMo. Section 488.607, RSMo.

n. Inmate Prisoner Detainee Security Fund Surcharge.
A surcharge of two dollars ($2.00) shall be assessed for violation of a county ordinance, except that no such fee shall be collected when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the county. All such surcharges shall be payable to the county treasurer, who shall deposit those funds in an Inmate Prisoner Detainee Security Fund, to be utilized to develop biometric identification systems to ensure that inmates can be properly identified and tracked within the county jail system. Section 488.5026, RSMo.

o. Law Enforcement Arrest Costs.
In addition to any other penalties imposed, the court may order a defendant who pleads guilty or is found guilty of violation of or any alcohol or drug-related traffic offense to reimburse the county for the costs associated with his arrest, including the reasonable cost of making the arrest, the cost of any chemical tests to determine the alcohol or drug content of the defendant's blood, and the cost of processing, charging, booking and holding the defendant in custody. The Sheriff may establish a schedule of such costs for submission to the Court. The costs herein provided shall be collected by the authorized clerk and deposited into the county treasury for deposit in a fund for the provision of services by sheriff. Section 488.5334, RSMo.

p. Law Enforcement Training Fund Surcharge.

A surcharge of two dollars ($2.00) shall be assessed for the violation of a county ordinance. No such surcharge shall be assessed when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the county. The surcharges collected pursuant to this subsection shall be transmitted to the County Director of Finance and Purchasing for deposit in a fund law enforcement training in accordance with section 488.5336, RSMo. (Ord. 5355, Eff. 6/29/2020)

1810.3 Costs Not Assessed, When.
Costs shall not be assessed as provided in this section in those cases where the defendant is found by the judge to be indigent and unable to pay the costs. Additionally, the costs authorized in subsection 1810.2(f) may be reduced if the court determines that the schedule of costs is excessive given the circumstances of the case or for good cause shown.

1810.4 Other Charges.
Costs authorized by this section are in addition to service charges, witness fees, and jail costs that may otherwise be authorized to be assessed. (Ord. 3972, Eff. 1/29/08; Ord. 4690, Eff. 11/17/14)

1811. Summons for Ordinance Violation.

1811.1 Issuance.
Any peace officer may, when a suspected violation of a County ordinance occurs, issue a summons to the suspected violator to appear before the County Municipal Court at a date and time specified therein.

1811.2 Not Applicable in Traffic Cases.
The summons provided for herein shall not be issued in traffic cases which require the use of the Uniform Traffic Ticket, under Missouri Supreme Court Rule 37.

1811.3 Form.
The summons provided for herein shall be substantially in the following form:

Summons - No. 000001

Case No. _____ Docket No. _____ Page No. _____

State of Missouri)
) ss Complaint
County of Jackson)

In the County Municipal Court, Division _____

Jackson County, Missouri,

Plaintiff,

vs.

_____, Defendant

_____, Defendant's Address

Description:

Race _____ Sex _____ Weight _____

Height _____ Birth Date _____ Age _____

Employer:_____

The County of Jackson, Missouri, to the above-named Defendant:

You are hereby summoned to appear personally before this court at _____, on the _____ day of _____, 20_____, at _____ o'clock _____M., to answer

a complaint (information) charging you with

_____

_____

_____

in violation of Section _____ Jackson County Code, 1984, the penalty which may be found in Section _____ Jackson County Code, 1984.

If you fail to appear a warrant will be issued for your arrest.

All done in the County of Jackson County, Missouri (or) all done in the _____ Missouri, this _____ day of _____, 20_____.
Above complaint is true as I verily believe.

(Police Officer) (Signature)
Subscribed and sworn to before me this date.

Name and Title (Police) (Date)
On information the undersigned prosecutor complains and informs the court that the above facts are true as he/she verily believes.

Name _____
Title _____

I promise to appear at the above named place and time.

_____
Defendant's Signature

(Ord. 3972, Eff. 1/29/08)

1812. Penalty.

In addition to the forfeiture of any security which may have been given or pledged for the release of any person charged with an offense under the ordinances of the County and set in the County Municipal Court, every person who is convicted of violating the provisions of section 1807. or 1808 of this chapter shall be punished by a fine not exceeding one thousand dollars ($1,000.00), except that the maximum fine permitted in any instance of the offense of failing to pay a fine, penalty, cost, or reimbursement shall not exceed that amount which is equivalent to the total of the fine, penalty, cost and/or reimbursement originally required by the Court. The penalty imposed hereunder shall be in addition to any penalties imposed upon conviction of any other offense, and the imposition of a penalty for violation of the provisions of section 1807. or 1808. shall not in any manner diminish the contempt powers of the Court. (Ord.3972, Eff. 01/29/08)