

AN ORDINANCE AMENDING VARIOUS PROVISIONS OF THE CODE OF ORDINANCES, CITY OF BELTON, MISSOURI TO CONFORM TO STATE LAW REGARDING THE OPERATION OF THE CITY OF BELTON MUNICIPAL COURT.

WHEREAS, from time to time it is necessary to review and amend the Code of Ordinances, City of Belton, Missouri (“**Code of Ordinances**”) to conform to changes in the Revised Statutes of the State of Missouri, case law, and regulations and rules promulgated by rule-making authorities; and

WHEREAS, the 17th Judicial Circuit, Belton Municipal Division received a review from the Office of State Court Administrators Municipal Review unit, which recommended certain amendments be made to the Code of Ordinances to conform to recent statutory changes and operating rules and regulations promulgated by the Missouri Supreme Court; and

WHEREAS, the City Council desires to amend the Code of Ordinances to conform to the aforementioned changes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELTON, MISSOURI, AS FOLLOWS:

Section 1. That Section 8-85, Code of Ordinances, City of Belton, Missouri is hereby amended to read as follows:

Sec. 8-85. - 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 city shall pay the board of such prisoner at the same rate as may now or hereafter be allowed to such sheriff for the keeping of such prisoner in his or her custody.

Section 2. That Section 8-23(b), Code of Ordinances, City of Belton, Missouri is hereby amended to read as follows:

Sec. 8-23. - Temporary municipal judge.

(b) In the event that both the municipal and temporary municipal judges shall be absent, sick, disqualified or otherwise unable to act, the mayor, if circumstances exist making it impossible to reach the presiding judge of the necessary circuit court, may designate some competent, eligible person to act as municipal judge until the presiding judge of the circuit in conformance with applicable law can designate a special municipal judge. Said person’s compensation shall be set by ordinance. All other appointments necessary due the absence, recusal, or another inability to act of the municipal or temporary

municipal judges, shall be made by the presiding judge of the appropriate circuit court.

Section 3. That Section 2-763, Code of Ordinances, City of Belton, Missouri is hereby amended to read as follows:

Sec. 2-763. - Supervision of office of municipal court clerk.

The director of finance shall further promulgate rules concerning collections, accounting and deposit of court imposed fines and costs, which shall conform to applicable rules of practice and procedure adopted by the municipal judge, circuit court or supreme court of the state. Nothing in this section shall be read or interpreted to mean that the municipal court clerk, in performing court-related functions, is under the supervision of any employees or official of the city besides the municipal judge.

Section 4. That Section 8-21, Code of Ordinances, City of Belton, Missouri is hereby amended to read as follows:

Sec. 8-21. - Court administration.

The city council shall provide personnel for the municipal court, with management assistance from the department which administers the financial affairs of the city. All personnel of the municipal court shall be subject to the administrative policies and procedures of the city, except as otherwise provided by law. All municipal court personnel who shall have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting or recording of funds which come into their hands shall enter such surety bonds, payable to the city and such other governmental unit in whose behalf such funds have been collected, as may be required by the judges or by ordinance. The cost of the premium for such surety bonds shall be paid by the city. Nothing in this section shall be read or interpreted to mean that the municipal court clerk or other municipal court-related employees, in performing court-related functions, are under the supervision of any employees or official of the city besides the municipal judge.

Section 5. That Section 8-95, Code of Ordinances, City of Belton, Missouri is hereby amended to read as follows:

Sec. 8-95. - Reporting to city council.

The municipal judge shall cause a report to the city council to be prepared and provided by the 15th day of the month in accordance with applicable law. The report required by this section shall be the same as any report the municipal court is required by law to submit to any agency, branch, or division of the State of Missouri.

Section 7. That this Ordinance shall be in full force and effect from and after the date of its passage and approval.

READ FOR THE SECOND TIME AND PASSED: April 25, 2023

Mayor Norman K Larkey, Sr

ATTEST:

I, Andrea Cunningham, City Clerk, do hereby certify that I have been duly appointed City Clerk of the City of Belton and that the foregoing ordinance was introduced for first reading at a meeting of the City Council held on the 11th day of April, 2023, and thereafter adopted as Ordinance No. 2023-4773 of the City of Belton, Missouri, at a meeting of the City Council held on the 25th day of April, 2023, after the second reading thereof by the following vote, to-wit:

ABSENT: 0 COUNCILMEMBER:

Andrea Cunningham, City Clerk
of the City of Belton, Missouri