

MUNICIPAL COURTS:  
POLICE COURTS:  
CITIES, TOWNS AND VILLAGES:  
CHAIRMAN OF BOARD OF TRUSTEES  
OF VILLAGE:  
MAYOR:  
ATTORNEY AT LAW:

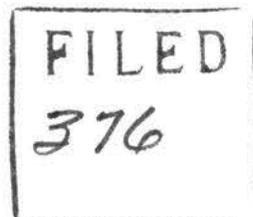
House Bill 199 of the 75th General Assembly provides that as of October 13, 1969, in towns or villages in a county of the first class with a charter form of government and in cities of the fourth class in a county of the first class with a charter form of government:

(1) The authority of the chairman of such town or village to hear and determine offenses against the ordinances of such town or village is abolished and provides in lieu thereof for the election or appointment of a municipal judge who will have such jurisdiction; (2) The office of the chairman of such towns or villages is not otherwise affected by the provisions of said bill and said chairman need not resign and his office is not vacated; (3) the authority of the mayors or police judges of cities of the fourth class in such county to hear and determine offenses against the ordinances of said cities is abolished and provides in lieu thereof for the election or appointment of a municipal judge who will exercise the jurisdiction formerly exercised by such mayors or police judges. Only the municipal courts in a first class county with a charter form of government are affected by the provisions of House Bill 199 and the bill in no way affects the jurisdiction of personnel of the city courts in any of the towns, villages or cities in other counties.

OPINION NO. 376

September 18, 1969

Honorable Robert H. Branom  
State Representative  
2151 29th Street  
Hillsdale, Missouri 63121



Dear Representative Branom:

This official opinion is issued pursuant to your request in which you ask whether the village chairman of a village in St. Louis County may continue to preside over trials on charges of violation of municipal ordinances after October 13, 1969, which is the effective date of House Bill 199 passed by the 75th General Assembly and approved by the Governor.

You indicate that your request relates to the Village of Breckenridge Hills which is in St. Louis County. This opinion, however, applies to all villages and fourth class cities in a county of the first class with a charter form of government. In view of the fact that St. Louis County is presently the only such county, we will refer to this classification as St. Louis County.

Honorable Robert H. Branom

We will also consider the application of House Bill 199 to towns, villages and fourth class cities outside St. Louis County.

Prior to the passage of House Bill 199, the village chairman of a town or village in Missouri served ex officio as a conservator of the peace and could try violations of municipal ordinances. The manifest purpose of House Bill 199 was to modify Section 80.260, RSMo 1959, so that towns and villages in St. Louis County will be obliged to select members of the bar as municipal judges. The Board of Trustees of such a village is obliged to do this by ordinance. It has no discretion. Such a municipal judge, once elected or appointed, has "exclusive original jurisdiction to hear and determine all offenses against the ordinances of the town" by the express terms of Section 80.260 as provided in House Bill 199.

The chairman of the Board of Trustees is to serve as the trier of charges of violation of ordinances in any village outside St. Louis County as in the past; but in St. Louis County, the municipal judge is to have this authority.

We do not see any necessity for a "resignation" on the part of the village chairman of the Village of Breckenridge Hills. His authority as set out in Sections 80.040 through 80.090 would remain as before. On the effective date of this act, the chairman would simply cease to have authority to hear charges of ordinance violations.

As for cities of the fourth class, prior Section 98.500 gave each city a choice. The mayor could preside over trials for violation of city ordinances, or an ordinance could provide for election of a "police judge." There was no requirement that the police judge be a member of the bar.

Section 98.500 continues as formerly in the case of cities of the fourth class outside St. Louis County with such violations tried by the mayor or the police judge as the mayor and the board of aldermen determine by ordinance.

Each section of Chapter 98 which is amended by House Bill 199 refers to "the mayor and police judge, or a municipal judge in a city of the fourth class in any first class county with a charter form of government. . . ." Section 98.500 terminates the jurisdiction of the mayor, or the police judge to hear and determine offenses against the ordinances in cities of the fourth class in St. Louis County and establishes the office of municipal judge. In such cities the municipal judge must be licensed to practice law unless he is holding the office of police judge on the effective date of the act, and may be either appointed or elected as provided by ordinance.

Honorable Robert H. Branom

CONCLUSION

It is the opinion of this office that House Bill 199 of the 75th General Assembly provides that as of October 13, 1969, in towns or villages in a county of the first class with a charter form of government and in cities of the fourth class in a county of the first class with a charter form of government:

(1) The authority of the chairman of such town or village to hear and determine offenses against the ordinances of such town or village is abolished and provides in lieu thereof for the election or appointment of a municipal judge who will have such jurisdiction;

(2) The office of the chairman of such towns or villages is not otherwise affected by the provisions of said bill and said chairman need not resign and his office is not vacated thereby;

(3) The authority of the mayors or police judges of cities of the fourth class in such county to hear and determine offenses against the ordinances of said cities is abolished and provides in lieu thereof for the election or appointment of a municipal judge who will exercise the jurisdiction formerly exercised by such mayors or police judges.

Only the municipal courts in a first class county with a charter form of government are affected by the provisions of House Bill 199 and the bill in no way affects the jurisdiction or personnel of the city courts in any of the towns, villages or cities in other counties.

Yours very truly,



JOHN C. DANFORTH  
Attorney General