

**CITY OF JOPLIN  
COUNCIL AGENDA ITEM**

**ITEM**

Council Bill 2020-007 - An Ordinance repealing Chapter 114, Traffic, Article II, Administration and Enforcement, Division 2, Traffic Violations Bureau.

**MEETING DATE**

September 21, 2020

**ORIGINATING DEPT:**

Municipal Court

**ATTACHMENTS**

Council Bill NO. 2020-007

**REVIEWED BY**

Court Administrator: Lamonte Ratcliff; City Attorney: Peter Edwards; City Manager: Nicholas Edwards.

**SUMMARY**

The following ordinance repeals Chapter 114, Traffic Administration and Enforcement, Division 2, Traffic Violations Bureau

**BACKGROUND**

Chapter 114, Traffic, Article II, Administration and Enforcement, **Division 2**, Traffic Violations Bureau, **requires** the Municipal Court Judge to establish a Traffic Violations Bureau for certain designated municipal ordinance violations. This section of ordinance's impacts the Judge's ability to exercise discretion, concerning a violations bureau for the Municipal Court.

Chapter 42-91, Courts – authorizes, **but does not require** the Municipal Judge to establish a violations bureau for certain designated municipal ordinance violations.

Because of the existing inconsistency, Chapter 114, Traffic, Article II, Administration and Enforcement, **Division 2**, Traffic Violations Bureau, should be repealed.

**FUNDING SOURCE**

N/A

**RECOMMENDATION**

Staff recommends approval.

COUNCIL BILL NO. 2020-007

ORDINANCE NO.

AN ORDINANCE repealing Chapter 114, Traffic, Article II, Administration and Enforcement, Division 2, Traffic Violations Bureau.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

WHEREAS, Chapter 42, Courts, Article II, Municipal Court, Division 4, Violations Bureau, Sec. 42-91 authorizes but does not require the municipal court judge to establish a violations bureau for certain designated municipal ordinance violations;

WHEREAS, Chapter 114, Traffic, Article II, Administration and Enforcement, Division 2, Traffic Violations Bureau, Sec. 114-71 requires the municipal court judge to establish a traffic violations bureau to be governed by Missouri Supreme Court Rule 37;

WHEREAS, Sec. 42-91 and Sec. 114-71 are inconsistent;

WHEREAS, Missouri Supreme Court Rule 37 deprives the municipal court judge of discretion in assessing fines for municipal ordinance violations where there is a local Rule 37 violations bureau; and

WHEREAS, Chapter 114, Traffic, Article II, Administration and Enforcement, Division 2, Traffic Violations Bureau should be repealed.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That Chapter 114, Traffic, Article II, Administration and Enforcement, Division 2, Traffic Violations Bureau, is repealed.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this \_\_\_\_ day of \_\_\_\_\_, 2020, by a vote of \_\_\_\_\_.

\_\_\_\_\_  
Ryan D. Stanley, Mayor

ATTEST:

\_\_\_\_\_  
Barbara J. Gollhofer, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Peter C. Edwards, City Attorney