

COMPARED VERSION  
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 230852

Amending Chapter 2, Code of Ordinances, by repealing Sections 2-1491, 2-1492, 2-1493, 2-1494 and 2-1496, enacting in lieu thereof new sections of like numbers and subject matters, and repealing Sections 2-1495 and 2-1498, for the purpose of updating the ordinances governing the duties of the Clerk of the Municipal Court, sometimes called the Court Administrator.

WHEREAS, updates to the ordinances governing the duties of the Court Administrator are required to reflect the current responsibilities of the Court Administrator; and

WHEREAS, Section 479.080.1, RSMo, prescribes that in the prosecution of violations of municipal ordinances before a municipal judge, all fines and costs shall be paid to and deposited not less frequently than monthly into the municipal treasury; and

WHEREAS, the duty of the Clerk of the Municipal Court to attend all session of the court should permit designees as the Municipal Court is comprised of multiple courtrooms holding court simultaneously; and

WHEREAS, the retention, transfer and destruction of all records of courts in the State of Missouri are governed by Missouri Supreme Court Operating Rules; and

WHEREAS, the duties of the Clerk of the Municipal Court do not include sending executions and statements of fines to the chief of police, as the court does not hold persons in custody for non-payment, and further, the previously-referenced Section 2-1456 was repealed on October 1, 2020 by Ordinance No. 200690; and

WHEREAS, duties of the Clerk of the Municipal Court include the receipt and proper recording of all monies paid into the Municipal Court, not only fines; and

WHEREAS, the duties of the Clerk of the Municipal Court no longer include the handling of witness fees in condemnation case, or the management of those persons incarcerated in the municipal jail; NOW, THEREFORE

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 2, Code of Ordinances of Kansas City, Missouri, is hereby amended by repealing Sections 2-1491, Duties generally, 2-1492, Preservation of complaints, 2-1493, Executions, 2-1494, Receipt of fines, 2-1496, Payment of moneys collected to treasurer; reports to treasurer, and enacting in lieu thereof a new sections of like number and subject matter, to read as follows:

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

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**Sec. 2-1491. Duties generally.**

The clerk of the municipal court, or their designee, shall attend all sessions of the court, keep all records thereof, prepare and issue writs and other necessary papers, collect all fines and costs, ~~pay all witness fees,~~ taking proper receipts therefor, and assist the judge whenever requested in any and all duties pertaining to such office.

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**Sec. 2-1492. Preservation of ~~complaints~~ records.**

The clerk of the municipal court shall carefully preserve, ~~for such time all records of the municipal court~~ as prescribed by ~~records retention schedules adopted by the city council,~~ every complaint filed in the court, whether the person named therein is prosecuted or not and regardless of what disposition may be made of the charge against the person named in the complaint. the Missouri Supreme Court Operating Rules.

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**Sec. 2-1493. Executions and Commitments.**

~~Whenever a fine is imposed by the municipal court, the clerk~~ The clerk of the court, as soon as possible, shall furnish to the chief of police a statement of the amount of punishment assessed. ~~The clerk~~ shall have executions and commitments prepared in duplicate for the ~~chief~~ Administrator of ~~police,~~ Corrections and shall do whatsoever else is necessary for the speedy delivery of all persons convicted in the court into the custody of the ~~superintendent~~ Administrator of ~~penal institutions~~ Corrections, who shall confine such persons in the manner set out in section 2-1456. as provided by law.

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**Sec. 2-1494. Receipt of ~~finer~~ moneys.**

The clerk of the municipal court shall receive all ~~finer~~ moneys paid by ~~prisoners who~~ into the municipal court for cases pending in the municipal court. All funds shall have been committed and shall record the release of such prisoners, be properly recorded as provided by ordinance-law.

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**Sec. 2-1496. Payment of moneys collected to treasurer; reports to treasurer Additional Costs.**

(a) ~~(a)~~ The ~~clerk~~ Clerk of the ~~municipal court~~ Municipal Court shall pay to the ~~city treasurer~~ City Treasurer not less frequently than monthly all moneys collected by ~~him~~ them from fines, penalties and other sources, except money on deposit pending the perfecting of any appeal, and also bond money declared forfeited. ~~Any money in the hands of the clerk for the purpose of paying witness fees in condemnation cases shall, if not claimed for a period of 90 days, be turned over to the city treasurer and by him placed to the credit of the general fund of the city.~~

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(b) ~~(b)~~ At the time of making payment to the ~~city treasurer~~ City Treasurer, the ~~clerk~~ Clerk shall prepare a full and complete statement of all moneys collected by ~~him~~ them since the filing of ~~his~~ their last previous statement. Such report shall also show the total number of persons tried

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~~during such period, and the disposition of each case, whether discharged, found guilty, committed to the municipal correctional institution, or appealed, pardoned, dismissed by the prosecuting officer of the city, paid fine or otherwise disposed of.~~

Section 2. That Chapter 2, Code of Ordinances of Kansas City, Missouri, is hereby amended by repealing Section 2-1495, Payments on fines of persons committed, and Section 2-1498, Commitment records.

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**~~Sec. 2-1495. Payments on fines of persons committed.~~**

~~All moneys to be applied in whole or in part on the fines of persons committed to the municipal correctional institution shall be paid to the clerk of the municipal court, who shall make a monthly report of such collection to the director of finance and turn the money over to the city treasurer.~~

**~~Sec. 2-1498. Commitment records.~~**

~~It shall be the duty of the clerk of the municipal court to keep a book of the entry of all moneys paid on the fines of persons who have been committed to the municipal correctional institution. Such book shall show the number of the case, the name of the person, the date of committal, and the amount paid at the time of release. Such book shall also contain columns for remarks, showing whether prisoners worked out full time, escaped, were sent to the hospital, paid part of the fine and were pardoned on the balance, or pardoned in full, in order to show in full the final disposition of each prisoner committed.~~

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Approved as to form:

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Andrew Bonkowski  
Assistant City Attorney