

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B 115-15

Department Source: Law

To: City Council

From: City Manager & Staff

Council Meeting Date: 5/4/2015

Re: Amending Chapter 15 of the City Code to make Language in Certain Sections Gender Neutral

Documents Included With This Agenda Item

Council memo, Resolution/Ordinance

Supporting documentation includes: None

Executive Summary

Staff proposes amendments to Chapter 15 of the City Code to make certain sections gender neutral to be consistent with the City Charter.

Discussion

The qualified voters of the City of Columbia approved a ballot measure on April 1, 1997 to amend sections of the City Charter to make language gender neutral. Since that time, and when revisions were already being made to chapters within the City Code, similar amendments have been made to make language gender neutral. Staff proposes these amendments to certain sections within Chapter 15 to reflect gender neutrality and will continue to identify and bring forward additional similar requests in the future to codify gender neutrality throughout the City Code.

Fiscal Impact

Short-Term Impact: Not applicable.

Long-Term Impact: Not applicable.

Vision, Strategic & Comprehensive Plan Impact

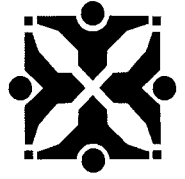
Vision Impact: Not Applicable

Strategic Plan Impact: Not Applicable

Comprehensive Plan Impact: Not Applicable

City of Columbia

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Suggested Council Action

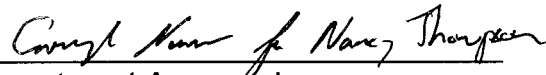
Passage of the ordinance.

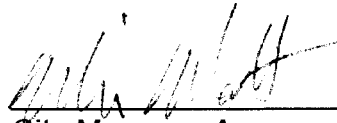
Legislative History

Ordinance No. 15113 authorized a special election to amend the Home Rule Charter for the City of Columbia to make language of the sections gender neutral.

Proposition 1 passed by the voters at a special election on April 1, 1997 authorized the amendment of the Home Rule Charter for the City of Columbia to make language gender neutral.

Since 1997, gender neutrality amendments have been approved by the City Council when various Code sections were modified or updated. The legislative history of every ordinance implementing gender neutrality is not set forth herein.


Department Approved


City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 115-15

AN ORDINANCE

amending Chapter 15 of the City Code to make language in certain sections gender neutral; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 15 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 15-5. Sessions.

The municipal court shall be open every day except Saturday, Sunday and legal holidays; provided, however, that the municipal judge shall have the authority to cancel municipal court for a date certain by giving proper notice to the court personnel, the city prosecutor, and heads of departments of the city, when the judge ~~he~~ determines that the judicial business on such date will be slight and that rescheduling cases will create no hardship on any party.

...

Sec. 15-7. Warrant authority; procedures.

(a) The municipal judge shall have authority to issue search warrants for searches or inspections to determine the existence of violations of any of the provisions of the Code of Ordinances. The municipal judge shall also have authority to issue warrants for the entry onto property to seize property or to otherwise enforce any of the provisions of the Code of Ordinances.

(b) Warrants and searches or inspections made pursuant thereto shall conform to and be governed by the following provisions:

...

(6) The warrant shall:

- a. Be in writing and in the name of the issuing authority;
- b. Be directed to any police officer or deputy in the city;
- c. State the time and date the warrant is issued;
- d. Identify the property or places to be searched, entered or seized in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
- e. In the case of a search warrant, command that the described property or places be searched and that any 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
- f. Be signed by the municipal judge, with the ~~his~~ title of office indicated.

...

(9) After execution of the warrant, the warrant, with a return thereon signed by the officer making the search, entry or seizure, shall be delivered to the judge who issued the warrant. The return shall show the date and manner of execution and the name of the possessor and of the owner of the property or places searched, entered or seized, when the possessor and owner are ~~he is~~ not the same person, if known.

...

Sec. 15-8. Complaint required following arrest.

The chief of police or other police officer of the city shall, without a warrant, arrest any person who commits an offense in the ~~his~~ presence of such officer, but such officer shall, before the trial, file a written complaint with the municipal judge.

Sec. 15-9. City prosecutor.

It shall be the duty of an attorney designated by the city to prosecute the violations of the municipality's ordinances before the municipal judge. The salary or fees of the attorney and ~~his~~ necessary expenses incurred in such prosecutions shall be paid by the municipality.

...

Sec. 15-12. Witnesses.

(a) Summons; oral notification. It shall be the duty of the municipal judge to summon all persons whose testimony may be deemed essential as witnesses at the trial, and to enforce their attendance by attachment, if necessary. The fees of witnesses shall be the same as those fixed for witnesses in trials before associate circuit judges and shall be taxed as other costs in the case. When a trial shall be continued by a municipal judge it shall not be necessary to summon any witnesses who may be present at the continuance; but the municipal judge shall orally notify such witnesses as either party may require to attend before the judge ~~him~~ on the day set for trial to testify in the case, and enter the names of such witnesses on the ~~his~~ docket, which oral notice shall be valid as a summons.

(b) ~~Policeman~~ officer or other officer as witness. In prosecutions before the municipal judge for misdemeanors arising under ordinances of the city, any ~~policeman~~ officer or other executive officer shall be a competent witness in the case but no such ~~policeman~~ officer or executive officer shall be entitled to any witness fee in such case.

(c) Arresting officers to attend as witnesses without summons. Officers shall attend, upon notice, as witnesses against persons whom they have caused to be arrested, without being summoned to do so; and, upon ~~their~~ failure to appear at the time of the trial, may be attached and punished for contempt as witnesses summoned.

...

Sec. 15-16. Complaints to be transferred to prosecuting attorney.

If, in the progress of any trial before the municipal judge, it shall appear that the accused ought to be put on trial for an offense against the criminal law of the state, and not cognizable before ~~him~~ as the municipal judge, ~~he~~ the judge shall immediately stop all further proceedings before the municipal court ~~him~~ and shall cause the complaint to be made to the prosecuting attorney within the county, and the accused shall thereupon be proceeded against in the manner provided by law.

...

Sec. 15-21. Same—When deposit of costs required.

The city counselor may, when the counselor ~~he~~ is not satisfied that the information is made for the purpose of public justice, or that the evidence is sufficient to obtain the conviction of the accused, require the prosecuting witness to deposit with the municipal court a sufficient amount of money for the payment of all costs that may accrue, or else, give bond and security for the costs; and in such case, if the accused by acquitted, the court shall render judgment against the prosecuting witness for costs.

...

Sec. 15-23. Payment of fines on installment basis.

When a fine is assessed for violation of an ordinance, it shall be within the discretion of the judge assessing the fine to provide for the payment of the fine on an installment basis under such terms and conditions as the judge ~~he~~ may deem appropriate.

. . .

Sec. 15-25. Accounting for fines and costs; monthly report.

The municipal judge shall cause the clerk, within the first ten (10) days of every month, to make out a list of all the cases heard or tried before the judge during the preceding month, giving in each case the name of the defendant, the fine imposed, if any, the amount of costs, the names of defendants committed and the cases in which there was an application for trial de novo, respectively. Such clerk or the judge shall verify such lists and statements by affidavit, and file the same forthwith with the clerk of the municipality, who shall lay the same before the governing body of the municipality at its first session thereafter; providing, that the city council hereby designates the finance director its agent and delegates to such finance director the duty to receive and review such verified lists and statements. The official collecting fines shall, within the ten (10) days aforesaid, pay to the municipal treasurer the full amount of all fines collected ~~by him~~ during the preceding month if not previously paid to the municipal treasurer.

. . .

Sec. 15-29. Chief of police to designate work and discharge.

In all cases where the defendant is required to work out the whole or any part of the fine and costs imposed on such defendant ~~him~~, the chief of police shall designate the kind of work required of the prisoner, and it shall be such labor as the ~~his~~ health and strength of the prisoner will permit, not exceeding eight (8) hours per day. On performance of the required amount of labor, the prisoner shall be discharged from custody by the chief of police, who shall make return on the execution of such shall be done at the direction, and under the supervision, of the chief of police, or designee ~~such other person as he may appoint~~.

. . .

Sec. 15-46. Selection, qualification and term of office.

The municipal judge shall be selected by the council, a majority vote of all members being required for such ~~his~~ selection. Selection shall be for a term of four (4) years, and the judge ~~he~~ shall serve until a ~~his~~ successor is selected and qualified. The judge shall have been a resident of the city for at least two (2) years prior to ~~his~~ selection, and a duly licensed attorney of the state for at least three (3) years prior to ~~his~~ selection. The judge shall be at least twenty-one (21) years of age and no person shall serve as municipal judge

after attaining the age of seventy-five (75) ~~he has reached his seventy-fifth birthday~~. The judge shall not hold any other office in the city.

. . .

Sec. 15-47. Duties and powers.

The municipal judge shall be a conservator of the peace. ~~He~~ The judge shall keep a docket in which ~~he shall enter every case and proceeding therein commenced~~ shall be entered and kept together with ~~before him and the proceeding therein and he shall keep~~ such other records as required. Such docket and records shall be records of the circuit court. The judge shall deliver such docket and records and all books and papers pertaining to such ~~his~~ office to any ~~his~~ successor in office or to the presiding judge of the circuit. The judge shall have the power to administer oaths and enforce due obedience to all orders, rules and judgments made by such judge ~~him~~, and may fine or imprison for contempt committed before such judge while holding court, in the same manner and to the same extent as a circuit judge.

. . .

Sec. 15-49. Disqualification procedures.

A municipal judge shall be disqualified to hear any case in which the judge ~~he~~ is in anywise interested, or, if before the trial is commenced, the defendant or the prosecutor files an affidavit that the defendant or the municipality, as the case may be, cannot have a fair and impartial trial by reason of the interest or prejudice of the judge. Neither the defendant nor the municipality shall be entitled to file more than one affidavit or disqualification in the same case.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2015.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor