

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 130 OF THE CLAYTON CITY CODE PERTAINING TO THE CLAYTON MUNICIPAL JUDGE.**

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**WHEREAS**, on November 4, 2025, the people of Clayton amended their City Charter to, among other things, update and simplify administrative and procedural provisions; and

**WHEREAS**, the City Council wishes to effectuate and implement the changes adopted by Clayton’s residents as hereinafter provided; and

**WHEREAS**, Article II, Section 14 of the Clayton Charter provides that the city council by ordinance may create, change, and abolish offices, departments, boards, commissions, or agencies other than those established by the charter, and by ordinance may assign additional functions or duties to offices, departments, boards, commissions, or agencies;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF CLAYTON, MISSOURI, AS FOLLOWS:**

**Section 1.**

Chapter 130 of the Code of Ordinances of the City of Clayton, Missouri, is hereby amended by the addition of a one new Section, initially to be designated as Section 130.025, to read as follows:

**CHAPTER 130. Courts and Criminal Procedure**

**SECTION 130.025. Municipal Judge**

- A. The municipal court of the city of clayton shall be presided over by a Judge, and, If appointed, one or more provisional judges, appointed by the city council for a term of three (3) years.
- B. The position of municipal judge shall be filled by an appointee with the following qualifications:
  - 1. Has been practicing law for at least three (3) years;
  - 2. Is a licensed member of the Missouri Bar;
- C. A provisional judge shall preside for a given case or court session in lieu of the municipal judge if the municipal judge is absent, disqualified, or otherwise unable to serve.

**Section 2.**

Section 130.030, of Chapter 130 of the Code of Ordinances of the City of Clayton, Missouri, is hereby repealed and a new Section 130.030 is hereby enacted in lieu thereof to read as follows:

**CHAPTER 130. Courts and Criminal Procedure**

**SECTION 130.030. Municipal Judge – Vacation of Office**

- A. The municipal judge shall vacate office under the following conditions:
  - 1. Upon removal from office by the State Commission on the Retirement, Removal, and Discipline of Judges as provided in Missouri Supreme Court Rules;
  - 2. Upon attaining the age of seventy-five; or
  - 3. Loss of licensure to practice law within the State of Missouri.
- B. If the position of municipal judge is vacated, the city council shall appoint an eligible person to serve the remainder of the unexpired term.

**Section 3.**

Section 130.060, of Chapter 130 of the Code of Ordinances of the City of Clayton, Missouri, is hereby repealed and a new Section 130.060 is hereby enacted in lieu thereof to read as follows:

**CHAPTER 130. Courts and Criminal Procedure**

**SECTION 130.060. Municipal Judge – Powers and Duties Generally**

- A. The municipal judge shall be and is hereby authorized to:
  - 1. Establish a violations bureau as provided for in the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and Section 479.050, RSMo.
  - 2. Administer oaths and enforce due obedience to all orders, rules and judgments made by him/her and may fine and imprison for contempt committed before the judge while holding court in the same manner and to the same extent as a circuit judge.
  - 3. Stay execution of any fine or sentence, suspend any fine or sentence, and make such other orders as the municipal judge deems necessary relative to any matter that may be pending in the municipal court.
  - 4. Make and adopt such rules of practice and procedure as are necessary to implement and carry out the provisions of this Chapter, and to make and adopt such rules of practice and procedure as are necessary to hear and decide matters pending before the municipal court, and to implement and carry out the provisions of the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts.
  - 5. Issue administrative search warrants in accordance with Sec. 130.210 of the Code of Ordinances for the City of Clayton.

6. The municipal judge shall have such other powers, duties and privileges as are or may be prescribed by the laws of this State, this Code or other ordinances of this City.

**Section 4.**

The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered in the process of recodifying or servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations, the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

**Section 5.**

It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

**Section 6.**

This Ordinance shall be in full force and effect both from and after its passage by the City Council.

**Passed by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2025.**

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Mayor

Attest:

\_\_\_\_\_  
City Clerk