

SECOND REGULAR SESSION

# SENATE BILL NO. 1102

93RD GENERAL ASSEMBLY

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INTRODUCED BY SENATOR ALTER.

Read 1st time February 23, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

5300S.011

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## AN ACT

To repeal sections 67.320 and 227.559, RSMo, and to enact in lieu thereof two new sections relating to county ordinances.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 67.320 and 227.559, RSMo, are repealed and two new  
2 sections enacted in lieu thereof, to be known as sections 67.320 and 227.559, to  
3 read as follows:

67.320. 1. Any county of the first classification with more than one  
2 hundred ninety-eight thousand but less than one hundred ninety-nine thousand  
3 two hundred inhabitants may prosecute and punish violations of its county orders  
4 in the circuit court of such counties in the manner and to the extent herein  
5 provided or in a county municipal court if creation of a county municipal court is  
6 approved by order of the county commission. The county may adopt orders with  
7 penal provisions consistent with state law [but only in the areas of traffic  
8 violations, solid waste management and animal control]. Any county municipal  
9 court established pursuant to the provisions of this section shall have jurisdiction  
10 over violations of that county's orders and the ordinances of municipalities with  
11 which the county has a contract to prosecute and punish violations of municipal  
12 ordinances of the municipality.

13 2. In any county which has elected to establish a county municipal court  
14 pursuant to this section, the judges for such court shall be appointed by the  
15 county commission of such county, subject to confirmation by the legislative body  
16 of such county in the same manner as confirmation for other county appointed  
17 officers. The number of judges appointed, and qualifications for their  
18 appointment, shall be established by order of the commission.

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19           3. The practice and procedure of each prosecution shall be conducted in  
20 compliance with all of the terms and provisions of sections 66.010 to 66.140,  
21 RSMo, except as provided for in this section.

22           4. Any use of the term ordinance in sections 66.010 to 66.140, RSMo, shall  
23 be synonymous with the term order for purposes of this section.

24           227.559. Any home rule city having a population of sixty thousand  
25 inhabitants or greater [or], any charter county of the first classification, **or any**  
26 **county of the first classification with more than one hundred**  
27 **ninety-eight thousand but fewer than one hundred ninety-nine thousand**  
28 **two hundred inhabitants** may adopt ordinances, policies, resolutions, or  
29 regulations consistent with sections 227.551 to 227.559 regarding the relocation  
30 of utility facilities located within the right-of-way of streets, highways, or roads  
31 under their respective jurisdiction, which are not state highways. Any ordinance,  
32 policy, resolution, or regulation adopted under the authority of this section shall  
33 not infringe upon, negate or otherwise abrogate an owner's right to construct,  
34 own, operate, and maintain utility facilities within the right-of-ways of such  
35 political subdivision that the owner otherwise enjoyed prior to the adoption of  
36 such ordinance, policy, resolution, or regulation.

Bill  
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