

AN ORDINANCE AMENDING TITLE I. GOVERNMENT CODE, CHAPTER 125: MUNICIPAL COURT, BY ADDING NEW SECTION 125.135: SEARCH WARRANTS; PROCEDURES, TO PROVIDE AUTHORITY AND PROCEDURES FOR THE MUNICIPAL JUDGE TO ISSUE WARRANTS FOR SEARCHES, INSPECTIONS AND ENTRY ONTO PROPERTY TO SEIZE PROPERTY OR TO OTHERWISE ENFORCE THE PROVISIONS OF THE CITY OF DUQUESNE CITY CODE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF DUQUESNE, MISSOURI, AS FOLLOWS:

Section 1. That TITLE I. GOVERNMENT CODE, CHAPTER 125: MUNICIPAL COURT, be, and the same hereby is, amended by adding new Section 125.135: Search Warrants; Procedures, to provide authority and procedures for the Municipal Judge to issue warrants for searches, inspections and entry onto property to seize property or to otherwise enforce the provisions of the City of Duquesne City Code, so that new Section 125.135 shall read as follows:

“SECTION 125.135: SEARCH WARRANTS: PROCEDURES

1. The Municipal Judge shall have authority to issue search warrants for searches or inspections to determine the existence of violation(s) of the City of Duquesne City Code. The Municipal Judge shall also have authority to issue warrants for entry onto property to seize property or to otherwise enforce any of the provisions of the City of Duquesne City Code.
2. Warrants and searches or inspections made pursuant thereto shall conform to and be governed by the following provisions:
 - (a) The prosecuting attorney of the City or his designee may make application to the municipal court for the issuance of a warrant.
 - (b) The application shall:
 - (1) Be in writing;
 - (2) State the time and date of the making of the application;
 - (3) Identify the property or places to be entered and searched in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
 - (4) State facts sufficient to show probable cause for the issuance of a search warrant to search for violations of the City of Duquesne City Code;
 - (5) Be verified by the oath or affirmation of the applicant; and
 - (6) Be filed in the municipal division of the Jasper County, Missouri, Circuit Court.

- (c) The application shall be supplemented by written affidavits verified by oath or affirmation. Such affidavits shall be considered in determining whether there is probable cause for the issuance of the warrant and in filling out any deficiencies in the description of the property or places to be entered or searched. Oral testimony shall not be considered.
- (d) The judge shall hold a non-adversary hearing to determine whether sufficient facts have been stated to justify the issuance of a warrant. If it appears from the application and any supporting affidavits that there is probable cause to inspect or search for violations of the City of Duquesne City Code, a warrant shall immediately be issued to search for such violations. The warrant shall be issued in the form of an original and two copies.
- (e) The application and any supporting affidavits and a copy of the warrant shall be retained in the records of the Municipal Judge.
- (f) The warrant shall:
 - (1) Be in writing and in the name of the issuing authority;
 - (2) Be directed to any police officer or deputy in the city;
 - (3) State the time and date the warrant is issued;
 - (4) Identify the property or places to be searched or entered in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
 - (5) Be limited to a search or inspection for violations of the City of Duquesne City Code;
 - (6) Command that the described property or places be searched and that any photographs of violations found thereof or therein be brought, within ten days after filing of the application, to the judge who issued the warrant, to be dealt with according to law; and
 - (7) Be signed by the Municipal Judge, with his title of office indicated.
- (g) A warrant issued under this section may be executed only by a police officer or deputy of the city. The warrant shall be executed by conducting the search or entry commanded.
- (h) A warrant shall be executed as soon as practicable and shall expire if it is not executed and the return made within ten days after the date of the making of the application.
- (i) After execution of the warrant, the warrant, with a return thereon signed by the officer making the search, 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 or entered when he is not the same person, if known.
- (j) A warrant shall be deemed invalid:

- (1) If it was not issued by a judge of the municipal division of the Jasper County, Missouri, Circuit Court; or
- (2) If it was issued without a written application having been filed and verified; or
- (3) If it was issued without probable cause; or
- (4) If it was not issued with respect to property or places within the City; or
- (5) If it does not describe the property or places to be searched, entered or seized with sufficient certainty; or
- (6) If it is not signed by the judge who issued it; or
- (7) If it was not executed within the time prescribed by subsection 2(h) of this section."

Section 2. That this Ordinance shall take effect from and after its passage and approval.


Passed this 18th day of September, 2023.





Bill Sherman, Mayor

ATTEST:



Terry Ingram, City Clerk