

January 29, 1971

OPINION LETTER 129
Answered by Klaffenbach

Honorable George P. Dames
State Representative
104th Legislative District
O'Fallon, Missouri 63366



Dear Mr. Dames:

This letter is in response to your opinion request in which you ask the following question:

"Can a fourth class City in a second class County provide by ordinance for the appointment of the Municipal Judge by the Mayor with the approval of the majority of the Aldermen?"

We are enclosing for your information in this respect our Opinion No. 376, dated September 18, 1969 to Branom.

Sections 98.500 RSMo. 1969 et seq contain provisions relating to municipal and police judges in fourth class cities located in counties of the first class with a charter form of government and all other fourth class cities. We find no special provisions relating to fourth class cities in counties of the second class. It is therefore our view that Section 98.510 RSMo. 1969 provides that the Mayor shall be police judge and that Section 98.500 authorizes the Mayor and the Board of Aldermen of cities of the fourth class not in a county of the first class with a charter form of government to by ordinance provide for the election of a police judge but it is noteworthy that the provision with respect to such fourth class cities not within a county of the first class with a charter form of government does not authorize the appointment of such a police judge.

We are therefore of the view that a city of the fourth class in a second class county has no authority to provide for the appointment of a police judge.

Very truly yours,

JOHN C. DANFORTH
Attorney General