



**ORDINANCE NO. 13-22**  
(JUDICIAL)

**AN ORDINANCE OF THE CITY OF MUNCIE AMENDING AND UPDATING  
CHAPTER 33 OF THE CITY OF MUNCIE CODE OF ORDINANCES**

WHEREAS, Chapter 33 of the City of Muncie Code of Ordinances governs the judicial branch of the City of Muncie; and

WHEREAS, Chapter 33 of the City of Muncie Code of Ordinances has not been updated for numerous years to remain consistent with changes to the Indiana Code; and

WHEREAS, the Common Council desires to make these amendments to update Chapter 33 and remain consistent with the Indiana Code and other applicable law.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MUNCIE, DELAWARE COUNTY, INDIANA THAT:

**Section 1:** The following sections of Chapter 33 of the City of Muncie Code of Ordinances shall be amended to read as follows:

**Sec. 33.02 – Jurisdiction and powers of City Court**

(A) The City Judge:

- (1) may adopt rules for conducting the business of the court;
- (2) has all powers incident to a court of record in relation to:
  - a. the attendance of witnesses;
  - b. the punishment of contempts;
  - c. the enforcement of its orders; and
  - d. the issuance of commissions for taking depositions in cases pending in the court;
- (3) may administer oaths; and
- (4) may give all necessary certificates for the authentication of the records and proceedings of the court.

(B) If the City Judge is temporarily absent or unable to act, the City Judge shall appoint a reputable practicing attorney to preside in the judge's absence as special judge. The special judge has all the powers and rights and shall perform all the duties of the City Judge.

(C) A City Court has the following jurisdiction over crimes, infractions, and ordinance violations:

- (1) Jurisdiction of all violations of the ordinances of the city.
- (2) Jurisdiction of all misdemeanors and all infractions.

- (3) If the city has entered into an interlocal agreement described in Ind. Code § 33-35-1-6, jurisdiction of all other ordinance violations described in the interlocal agreement.

**(State Law Reference: Ind. Code § 33-35-2-1; Ind. Code § 33-35-2-3)**

**Sec. 33.03. – Election of City Judge; bond; compensation**

- (A) The City Judge shall be elected under Ind. Code § 3-10-6 by the voters of the city. The term of the City Judge is four (4) years beginning at noon, January 1 after election and continuing until a successor is elected and qualified.
- (B) Before beginning the duties of office, the City Judge shall, in the manner prescribed in Ind. Code § 5-4-1, execute a bond conditioned upon the faithful discharge of the duties of office.

**(State Law Reference: Ind. Code § 33-35-1-3)**

**Sec. 33.04. – City Court practice and procedure**

The practice and procedure of City Court shall be governed by the applicable provisions of Ind. Code § 33-35-5 et. seq.

**Sec. 33.06. – Prosecution of cases**

- (A) The prosecuting attorney of the judicial circuit in which the city is located shall prosecute all cases in City Court for violations of statutes.
- (B) The city attorney shall prosecute all cases of city ordinance violations.

**(State Law Reference: Ind. Code § 33-35-3-6)**

**Section 2:** In Section 33.05, the State Law reference to IC 33-10.1-6-6 shall be removed and replaced with Ind. Code § 33-35-3-3.

**Section 3:** Section 33.07 shall be DELETED.

**Section 4.** This Ordinance shall take effect upon approval by the Mayor of the City of Muncie and any publication required by ordinance or law.

**Section 5.** All other sections of Chapter 33 of the City of Muncie Code of Ordinances not specifically amended by this Ordinance shall remain unchanged.

	Yeas	Nays	Abstained	Absent
Jeff Green	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Jeff Robinson	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Brandon Garrett	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Bradley Polk	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Jerry D. Dishman	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Roger Overbey	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Aaron Clark	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
Troy A. Ingram	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Ro Selvey	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>

  
 President, Common Council

ATTEST:

  
 Belinda Munson, City Clerk

Presented by me to the Mayor for his approval this 2 day of May, 2022.

  
 Belinda Munson, City Clerk

The above Ordinance is approved/vetoed by me this 2<sup>nd</sup> day of May, 2022.

  
 Dan Ridenour, Mayor

This Ordinance is proposed by Council Member



This Ordinance is approved in form by Legal Counsel

