

## TITLE I. GOVERNMENT CODE

### CHAPTER 100: GENERAL PROVISIONS

#### SECTION 100.010:DEFINITIONS

In the construction of this Code and of all other ordinances of the City, the following definitions shall be observed, unless it shall be otherwise expressly provided in any Section or ordinance, or unless inconsistent with the manifest intent of the Board of Aldermen, or unless the context clearly requires otherwise:

*BOARD OF ALDERMEN:* The Board of Aldermen of Bloomfield, Missouri.

*CITY:* "The City" or "this City" or "City" shall mean the City of Bloomfield, Missouri.

*COUNTY:* "The County", or "this County", or "County" shall mean the County of Stoddard, Missouri.

*DAY:* A day of twenty-four (24) hours, beginning at twelve o'clock (12:00) midnight.

*KEEPER; PROPRIETOR:* Shall mean and include persons, firms, associations, corporations, clubs, and partnerships, whether acting by themselves or by a representative, servant or agent.

*MAY:* The word, "may" is permissive.

*MAYOR:* The Mayor of Bloomfield, Missouri.

*MONTH:* A calendar month.

*OATH:* "Oath" shall be construed to include an affirmation in all cases in which an affirmation may be substituted for an oath, and in such cases, the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

*OWNER:* "Owner", applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

*PERSON:* "Person" shall include a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word, "person" is used in any Section of this Code prescribing a penalty or fine, as to partnerships or associations, the word shall include the

partners or members thereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such Section.

*PRECEDING, FOLLOWING:* Next before and next after, respectively.

*PROPERTY:* "Property" shall include real and tangible and intangible personal property.

*PUBLIC WAY:* "Public way" shall include any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare.

*REAL PROPERTY:* The terms, "real property", "premises", "real estate" or "lands" shall be deemed to be co-extensive with lands, tenements and hereditament.

*SHALL:* The word, "shall" is mandatory.

*SIDEWALK:* That portion of the street between the curb line and the adjacent property line which is intended for the use of pedestrians.

*SIGNATURE:* Where the written signature of any person is required, the proper handwriting of such person or his mark shall be intended.

*STATE:* "The State" or "this State" or "State" shall mean the State of Missouri.

*STREET:* "Street" shall mean and include any public way, highway, street, avenue, boulevard, parkway, alley or other public thoroughfare, and each of such words shall include all of them.

*TANGIBLE PERSONAL PROPERTY:* "Tangible personal property" shall include goods, chattels and all personal property, except intangible personal property.

*TENANT, OCCUPANT:* "Tenant" or "occupant", applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

*WRITING:* "Writing" and "written" shall include printing, lithographing or any other mode of representing words and letters.

*YEAR:* A calendar year, unless otherwise expressed, and the word "year" shall be equivalent to the words "Year of the Lord". (Ord. No. 2025, CC 1981 §11.010)

## **SECTION 100.020:NOTICE IN NEWSPAPER**

*NEWSPAPER:* Whenever in this Code or other ordinance of the City it is required that notice be published in the "Official Newspaper" or a "newspaper of general circulation published in the City", and if there is no such newspaper published within the City, the said notice shall be published in a newspaper of general circulation within the City, regardless of its place of publication. (Ord. No. 2025, CC 1981 §11.020)

## **SECTION 100.030:CONTENTS OF CODE**

This Code contains all ordinances of a general and permanent nature of the City of Bloomfield, Missouri, and includes ordinances dealing with municipal administration, municipal elections, building and property regulation, business and occupations, health and sanitation, public order, and similar subjects.

1. Ordinances hereafter adopted which are not of a general or permanent nature shall be numbered consecutively, authenticated, published and recorded in the book of ordinances, but shall not be prepared for insertion in this Code, nor be deemed a part hereof.
2. Ordinances which are of a general or permanent nature shall be prepared for insertion in this Code and be deemed a part hereof. (Ord. No. 2025, CC 1981 §10.010)

## **SECTION 100.040:CITATION OF CODE**

This Code may be known and cited as the "Bloomfield, Missouri, City Code".  
(Ord. No. 2025, CC 1981 §10.020)

## **SECTION 100.050:OFFICIAL COPY**

The official copy of this Code, bearing the signature of the Mayor and attestation of the City Clerk as to its adoption shall be kept on file in the office of the City Clerk. A copy of this Code shall be kept in the City Clerk's office available for public inspection. (Ord. No. 2025, CC 1981 §10.030)

**SECTION 100.060:ALTERING CODE**

It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Official Copy of the Code in any manner whatsoever which will cause the law of the City to be misrepresented thereby. Any person, firm or corporation violating this Section shall be punished as provided in Section 100.100 of this Code. (Ord. No. 2025, CC 1981 §10.040)

**SECTION 100.070:NUMBERING**

Each Section number of this Code shall consist of two (2) parts separated by a period; the figure before the period referring to the Chapter number, and the figure after the period referring to the position of the Section in the Chapter. The latter figure shall consist of three (3) digits. (Ord. No. 2025, CC 1981 §10.050)

**SECTION 100.080:AMENDMENTS TO CODE**

All amendments to this Code, duly passed by the Board of Aldermen, shall be prepared by the City Clerk for insertion in this Code. (Ord. No. 2025, CC 1981 §10.060)

**SECTION 100.090:CORPORATE SEAL**

The Seal of the City shall, as heretofore, be the words, "Bloomfield, Missouri" in Roman Capitals, inside of and surrounded by a scroll or circular impression having inscribed therein the words, "Seal of the City Clerk". The Seal shall be circular and about two (2) inches in diameter. The City Seal shall be safely kept in the office of the City Clerk. (Ord. No. 2025, CC 1981 §20.010)

**SECTION 100.100:GENERAL PENALTY**

- A. *General Penalty.* Whenever in this Code or any other ordinance of the City, or in any rule, regulation, notice or order promulgated by any officer or agency of the City under authority duly vested in him or it, any act is prohibited or is declared to be unlawful or an offense or misdemeanor or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, and no specific penalty is provided for the violation thereof, upon conviction of a violation of any such provision of this Code or of any such ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding five hundred dollars (\$500.00), or by imprisonment in the City or County Jail not exceeding ninety (90) days, or by both such fine and

imprisonment; provided, that in any case wherein the penalty for an offense is fixed by a Statute of the State, the statutory penalty, and no other, shall be imposed for such offense, except that imprisonments may be in the City Prison or workhouse instead of the County Jail.

- B. *Every Day a Violation.* Every day any violation of this Code or any other ordinance or any such rule, regulation, notice or order shall continue shall constitute a separate offense.
- C. *Responsibility.* Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited. (Ord. No. 2025, CC 1981 §§13.010 - 13.030; Ord. No. 2066)

#### **SECTION 100.110:NO SMOKING IN CITY HALL**

- A. No person shall be permitted to use or consume tobacco by smoking cigarettes, pipes, or by other means which require the same to be ignited in the City Hall of the City of Bloomfield, Missouri.
- B. Upon conviction of a violation of such provision of this Section, the violator shall be punished by a fine not exceeding fifty dollars (\$50.00) (Ord. No. 3003 §§1-2, 11-19-89)

## **CHAPTER 105: CONSTRUCTION OF ORDINANCES**

### **SECTION 105.010: CONSTRUCTION GENERALLY**

All general provisions, terms, phrases and expressions contained in this Code, shall be liberally construed in order that the true intent and meaning of the Board of Aldermen may be fully carried out. Technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to the technical import. (Ord. No. 2025, CC 1981 §12.010)

### **SECTION 105.020: HEADINGS**

The headings of the Chapters and Sections of this Code are intended as guides and not as part of this Code for purposes of interpretation or construction. (Ord. No. 2025, CC 1981 §12.020)

### **SECTION 105.030: CONTINUATION OF PRIOR ORDINANCES**

The provisions appearing in this Code, so far as they are in substance the same as those of ordinances existing at the time of the adoption of this Code, shall be considered as a continuation thereof and not as new enactments. (Ord. No. 2025, CC 1981 §12.030)

### **SECTION 105.040: REPEAL OF ORDINANCES NOT TO AFFECT LIABILITIES**

Whenever any ordinance or part of an ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the prior ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under any ordinance previous to its repeal shall in anywise be affected, released or discharged but may be prosecuted, enjoyed and recovered as fully as if such ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.  
(Ord. No. 2025, CC 1981 §12.040)

### **SECTION 105.050: REPEAL NOT TO REVIVE FORMER ORDINANCE**

When an ordinance repealing a former ordinance, clause or provision shall itself be repealed, such repeal shall not be construed to revive such former ordinance, clause or provision unless it be expressly so provided. (Ord. No. 2025, CC 1981 §12.050)

## **SECTION 105.060:SEVERABILITY**

It is hereby declared to be the intention of the Board of Aldermen that the Chapters, Sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, Section or Chapter of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, Sections and Chapters of this Code since the same would have been enacted by the Board of Aldermen without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or Section. (Ord. No. 2025, CC 1981 §12.060)

## **SECTION 105.070:TENSE**

Except as otherwise specifically provided or indicated by the context, all words used in this Code indicating the present tense shall not be limited to the time of adoption of this Code, but shall extend to and include the time of the happening of any act, event, or requirement for which provision is made herein, either as a power, immunity, requirement or prohibition. (Ord. No. 2025, CC 1981 §12.070)

## **SECTION 105.080:NOTICE**

Whenever notice may be required under the provisions of this Code or other City ordinance, the same shall be served in the following manner:

1. By delivering the notice to the owner personally or by leaving the same at his residence, office or place of business with some person of suitable age and discretion, or
2. By mailing said notice by certified or registered mail to such owner at his last known address, or
3. If the owner is unknown, or may not be notified under the requirements of Subsection (1) or (2) hereof, then by posting said notice in some conspicuous place on the premises at least five (5) days before the act or action concerning which the notice is given is to take place. No person shall interfere with, obstruct, mutilate, conceal, or tear down any official notice or placard posted by any City Officer, unless permission is given by said officer. (Ord. No. 2025, CC 1981 §12.080)

## **SECTION 105.090:NOTICE--EXCEPTIONS**

The provisions of the preceding Section shall not apply to those Chapters of this Code wherein there is a separate definition of notice. (Ord. No. 2025, CC 1981 §12.090)

## **SECTION 105.100:COMPUTATION OF TIME**

In computing any period of time prescribed or allowed by this Code or by any notice or order issued pursuant thereto, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Sunday nor a legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Sundays and legal holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a legal holiday. (Ord. No. 2025, CC 1981 §12.100)

## **SECTION 105.110:GENDER**

When any subject matter, party or person is described or referred to by words importing the masculine, females as well as males, and associations and bodies corporate as well as individuals, shall be deemed to be included. (Ord. No. 2025, CC 1981 §12.110)

## **SECTION 105.120:JOINT AUTHORITY**

Words importing joint authority to three (3) or more persons shall be construed as authority to a majority of such persons. (Ord. No. 2025, CC 1981 §12.120)

## **SECTION 105.130:NUMBER**

When any subject matter, party or persons is described or referred to by words importing the singular number, the plural and separate matters and persons and bodies corporate shall be deemed to be included; and when words importing the plural number are used, the singular shall be deemed to be included.  
(Ord. No. 2025, CC 1981 §12.130)

## CHAPTER 110: ELECTED OFFICIALS

### SECTION 110.010: ELECTED OFFICERS ENUMERATED

The officers of this City shall consist of the following elective officers:

1. Mayor,
2. Tax Collector,
3. Municipal Judge,
4. Aldermen (two (2) from each ward)  
(Ord. No. 2025, CC 1981 §21.100)

### SECTION 110.020: ELECTIVE OFFICERS - GENERAL PROVISIONS

- A. *Officers to be Qualified Voters and Residents; Exceptions.* All officers elected to offices under the City Government shall be qualified voters under the laws and Constitution of this State and this Code; except, that the City Attorney and other employees having only ministerial duties need not be registered voters of the City. No person shall be elected to any office who shall at the time be in arrears for any unpaid City taxes, or forfeiture or defalcation in office. All officers, except the City Attorney and other employees having only ministerial duties, shall be residents of the City.
- B. *Oath of Office; Bond Generally.* Every officer of the City and his assistants, and every Alderman before entering upon the duties of his office shall take and subscribe to an oath or affirmation before some person authorized to administer oaths, that he possesses all qualifications prescribed for his office by law; that he will support the Constitutions of the United States and of this State, the provisions of all laws of this State affecting the City and the Code of Ordinances and other ordinances of the City; and faithfully demean himself while in office, which oath or affirmation shall be filed with the City Clerk. Every officer of the City, when required by this Code or other law or ordinance, shall, within fifteen (15) days after his appointment or election, and before entering upon the discharge of the duties of his office, give bond to the City in such sum and with such sureties as may be designated by this Code or other ordinance, conditioned upon faithful performance of his duty, and that he will pay over all money belonging to the City and fully account for the same, as provided by law, that may come into his hands. If any person elected or appointed to any office shall fail to take and subscribe such oath or affirmation, or to give bond as herein required, his office shall be deemed vacant. For any breach of condition of any such bond, suit may be instituted thereon by the City, or by any person in the name of the City to the use of such person.
- C. *Salaries.* The Board of Aldermen shall have the power to fix the compensation of all officers or employees of the City by ordinance. The salary of an officer shall not be changed during the time for which he was elected. In addition to the fees allowed by this

Code or other law or ordinance the City Officers shall receive such compensation for their services as the Board of Aldermen shall from time to time provide.

D. *Administration of Oaths.* The Mayor, Municipal Judge and City Clerk are hereby empowered and authorized to administer oaths or affirmations in the following cases:

1. The Mayor, to witnesses or other persons concerned with any subject under consideration by the Board of Aldermen in which the interest of the City is involved.
2. The Municipal Judge, to witnesses, jurors, or other persons relating to any trial or other proceedings within the jurisdiction of his court.
3. The City Clerk, to any person certifying to any demand or claim against the City concerning the correctness of the same.

E. *Vacancies.* Vacancies shall be filled as follows:

1. If a vacancy occurs in any elective office, the Mayor or the person exercising the duties of the Mayor shall cause a special meeting of the Board of Aldermen to convene where a successor to the vacant office shall be selected. The successor shall serve until the next regular municipal election. If a vacancy occurs in any office not elective, the Mayor shall appoint a suitable person to discharge the duties of such office until the first regular meeting of the Board of Aldermen thereafter, at which time such vacancy shall be permanently filled.
2. Immediately upon the suspension of an officer, it shall be the duty of the Mayor to appoint a competent and responsible person to discharge the duties of such officer for the period of the suspension. (Ord. No. 2025, CC 1981 §§21.120 - 21.170)

*State Law Reference -- See RSMo. §79.280.*

## **SECTION 110.030: BOARD OF ALDERMEN**

- A. *Qualifications of Aldermen; Terms of Office.* No person shall be eligible to the office of Aldermen who is not twenty-one (21) years of age, a citizen of the United States, and an inhabitant and resident of the City for at least one (1) year next before his election and a resident of the ward from which is he is elected; nor shall any person be elected an Aldermen who is in arrears for any tax, lien forfeiture or defalcation in office. All members of the Board shall hold their office for a term of two (2) years.
- B. *Oath.* Before entering upon the discharge of the duties of his office, each Alderman shall take and subscribe an oath or affirmation before the City Clerk that he possesses all the qualifications prescribed for his office by the laws of the State and this Code or other ordinances of this City; that he will support the Constitution of the United States and of

this State, and this Code and other ordinances of this City, and that he will faithfully demean himself in office.

- C. *Membership.* The members of the Board of Aldermen shall be two (2) in number from each ward of the City. (Ord. No. 2025, CC 1981 §§21.010 - 21.030)

#### **SECTION 110.040: MAYOR**

- A. *How Elected, Etc.* The chief executive officer of the City shall be the Mayor, who shall be elected by the qualified voters of the City, and shall hold his office for two (2) years, and until his successor shall be elected and qualified. No person shall be Mayor unless he be at least twenty-five (25) years of age, a citizen of the United States, and a resident of the City at the time of and for at least one (1) year next preceding his election.
- B. *Standing Committees Appointed.* The Mayor shall, at the first (1st) meeting of the Board of Aldermen, after each annual election, name the members of such standing committees as he deems necessary, which shall consist of two (2) or more members of the Board of Aldermen.
- C. *Proclamations, Meetings, Elections.* The Mayor shall have the power to issue proclamations, call mass meetings and regular and special elections in such a manner as this Code or other ordinances or State law may provide.
- D. *Mayor May Appoint Municipal Judge, When.* The Mayor may appoint a competent, eligible person to fill a vacancy in the office of an elected Municipal Judge if the vacancy occurs within less than six (6) months of a general municipal election.
- E. *May Remit Fines, Grant Pardons, Etc.* The Mayor shall have power to remit fines and forfeitures, and to grant reprieves and pardons for offenses arising under this Code or other ordinances of the City; but this Section shall not be so construed as to authorize the Mayor to remit any costs which may have accrued to any officer of the City by reason of any prosecution under the laws or ordinances of the City.
- F. *Appoint Certain Officers; Control Police.* The Mayor, with the advice and consent of the Board of Aldermen, shall have the power to appoint all appointive officers of the City. He shall have authority to give such orders to the Chief of Police and Policemen of the City as in his judgment the public good may require, and it shall be the duty of the Chief of Police and Police Officers to obey such orders.
- G. *Power to Enforce Laws.* The Mayor shall be active and vigilant in enforcing all laws and this Code or other ordinances for the government of the City, and he shall cause all subordinate officers to be dealt with promptly for any neglect or violation of duty;

and he is hereby authorized to call on every inhabitant of the City to aid in enforcing the laws.

- H. *Presiding over Board of Aldermen; Voting Rights; Supervision of City Affairs.* The Mayor shall have a seat in and preside over the Board of Aldermen, but shall not vote on any question, except in case of a tie, nor shall he preside or vote in cases when he is an interested party. He shall exercise a general supervision over all the officers and affairs of the City, and shall take care that this Code or other ordinances of the City, and the State laws relating to such City, are complied with.
- I. *Communications to Board.* The Mayor shall from time to time communicate to the Board of Aldermen such measures as may, in his opinion, tend to the improvement of finances, the Police, health, security, ornament, comfort and general prosperity of the City.
- J. *Approval of Bills; Veto Power.* Every bill duly passed by the Board of Aldermen and presented to the Mayor and by him approved shall become an ordinance, and every bill presented as aforesaid, but returned with the Mayor's objections thereto, shall stand reconsidered, The Board of Aldermen shall cause the objections of the Mayor to be entered at large upon the journal, and proceed at its convenience to consider the question pending, which shall be in this form: "Shall the bill pass, the objections of the Mayor thereto notwithstanding?" The vote on this question shall be taken by "ayes" and "nays" and the names entered upon the journal, and if two-thirds (2/3) of all the members-elect shall vote in the affirmative, the City Clerk shall certify the fact on the roll, and the bill thus certified shall be deposited with the proper officer, and shall become an ordinance in the same manner with like effect as if it had received the approval of the Mayor. The Mayor shall have the power to sign or veto any ordinance passed by the Board of Aldermen; provided, that should he neglect or refuse to sign any ordinance and return the same with his objections, in writing, at the next regular meeting of the Board of Aldermen, the same shall become a law without his signature.  
(Ord. No. 2025, CC 1981 §§21.200 - 21.295)

*State Law Reference -- See RSMo. §79.140.*

## **SECTION 110.050: CITY TAX COLLECTOR**

- A. *Election.* The City Tax Collector shall be elected by the people, as provided by Section 130.020 of this Title.
- B. *Oath.* The Tax Collector shall, before entering upon the duties of the office, take and subscribe an oath or affirmation that he possesses all the qualifications prescribed for the office by law, and that he will support the constitution of the United States and of this State, the provisions of all laws of this State affecting cities of the Fourth Class, and this Code and other ordinances of this City, and faithfully demean himself in office.

- C. *Bond.* Within fifteen (15) days of his appointment, and before entering upon the discharge of the duties of his office, the City Tax Collector shall execute to the City a bond in the sum of fifteen thousand dollars (\$15,000.00). The cost of said bond shall be paid by the City.
- D. *Duties Generally.* The Tax Collector shall perform all the duties specified in this Code and shall perform such other duties as may be directed by the City Clerk and/or Mayor.
- E. *Compensation.* The City Tax Collector shall receive as compensation for his services a fee or percentage, as may be fixed by ordinance from time to time.
- F. *Deputy Tax Collector.* The Mayor may appoint a Deputy Tax Collector to be approved by the Board of Aldermen, and when such Deputy Tax Collector shall have taken and subscribed to the oath provided by this Code, he shall possess all the qualifications and powers and be charged with the same duties as the Tax Collector. (Ord. No. 2025, CC 1981 §§21.500 - 21.540)

## CHAPTER 115: APPOINTED OFFICIALS

### SECTION 115.010: APPOINTED OFFICIALS ENUMERATED

The offices of the City shall consist of the following appointed officers:

1. City Clerk
2. City Attorney
3. Treasurer
4. City Police
5. Street Commissioner
6. Fire Chief
7. Assistant Fire Chief
8. And such other Agents as may be appointed from time to time.
9. Water and Sewer Commissioner. (Ord. No. 2025, CC 1981 §21.100)

### SECTION 115.020: TERM OF APPOINTIVE OFFICERS

*Term of Appointive Officers.* All appointive officers shall be appointed to serve at the pleasure of the Mayor and the Board of Aldermen. (Ord. No. 2025, CC 1981 §21.110)

### SECTION 115.030: APPOINTED OFFICERS--GENERALLY

- A. *Officers to be Qualified Voters and Residents; Exceptions.* All officers appointed to offices under the City Government shall be voters under the laws and Constitution of this State and the ordinances of this City except that appointed Police Officers, the City Attorney and other employees having only ministerial duties need not be voters of the City. No person shall be appointed to any office who shall at the time be in arrears for any unpaid City taxes, or forfeiture or defalcation in office. All officers, except appointed Police Officers, the City Attorney and other employees having only ministerial duties, shall be residents of the City.
- B. *Oath of Office; Bond Generally.* Every officer of the City and his assistants, and every Alderman before entering upon the duties of his office shall take and subscribe to an oath or affirmation before some person authorized to administer oaths, that he possesses all qualifications prescribed for his office by law; that he will support the Constitutions of the United States and of this State, the provisions of all laws of this State affecting the City and the Code of Ordinances and other ordinances of the City; and faithfully demean himself while in office, which oath or affirmation shall be filed with the City Clerk. Every officer of the City, when required by this Code or other law or ordinance, shall, within fifteen (15) days after his appointment, and before entering upon the discharge of the duties of his office, give bond to the City in such sum and with such sureties as may

be designated by this Code or other ordinance, conditioned upon faithful performance of his duty, and that he will pay over all money belonging to the City and fully account for the same, as provided by law, that may come into his hands. If any person appointed to any office shall fail to take and subscribe such oath or affirmation, or to give bond, as herein required, his office shall be deemed vacant. For any breach of condition of any such bond, suit may be instituted thereon by the City, or by any person in the name of the City to the use of such person.

- C. *Commission to be Delivered.* Upon filing of the oath of office and approval of bond, when bond is required, the City Clerk shall deliver to the person elected or appointed a commission signed by the Mayor, and under the Seal of the City, duly countersigned by the Clerk, authorizing the person therein named to discharge the duties of the office therein named for the term for which he was appointed.
- D. *Salaries.* The Board of Aldermen shall have the power to fix the compensation of all officers or employees of the City by ordinance. In addition to the fees allowed by this Code or other law or ordinance the City officers shall receive such compensation for their services as the Board of Aldermen shall from time to time provide.
- E. *Administration of Oaths.* The Mayor, Municipal Judge and City Clerk are hereby empowered and authorized to administer oaths or affirmations in the following cases:
  - 1. The Mayor, to witnesses or other persons concerned with any subject under consideration by the Board of Aldermen in which the interest of the City is involved.
  - 2. The Municipal Judge, to witnesses, jurors, or other persons relating to any trial or other proceedings within the jurisdiction of his court.
  - 3. The City Clerk, to any person certifying to any demand or claim against the City concerning the correctness of the same.
- F. *Vacancies.* Vacancies shall be filled as follows:
  - 1. If a vacancy occurs in any office not elective; the Mayor shall appoint a suitable person to discharge the duties of such office until the first regular meeting of the Board of Aldermen thereafter, at which time such vacancy shall be filled for the unexpired term which was vacated, by the Mayor and with the consent and approval of the majority of the members of the Board of Aldermen.
  - 2. Immediately upon the suspension of an officer it shall be the duty of the Mayor to appoint a competent and responsible person to discharge the duties of such officer for the period of the suspension.  
(Ord. No. 2025, CC 1981 §§21.120 - 21.170)

## **SECTION 115.040: CITY ATTORNEY**

- A. *Appointment; Term.* The Mayor, with the advice and consent of the Board of Aldermen, at the first meeting after each annual City election shall appoint a suitable person as City Attorney who shall hold office for one (1) year, unless sooner removed from office, and until his successor is appointed and qualified.
- B. *Qualifications.* No person shall be appointed to the office of City Attorney unless he be a licensed and practicing attorney at law in this State.
- C. *Duties, Generally.* The City Attorney shall, in addition to his other duties which are or may be required by this Code or other ordinance, when ordered by the Mayor or Board of Aldermen to do so, to prosecute or defend all suits and actions originating or pending in any court of this State, to which the City is a party, or in which the City is interested.
1. It shall be the duty of the City Attorney to prosecute all persons charged with a violation of this Code or other ordinance of the City, in any contested case.
  2. The City Attorney shall make, and he is hereby authorized and empowered to make, affidavits on behalf of the City in all cases where the same may be necessary in taking an appeal or change of venue or any other matter necessary to proper legal proceedings.
  3. The City Attorney shall give his opinion to all City Officials.
- D. *Report to Board of Aldermen.* The City Attorney shall attend all meetings of the Board of Aldermen unless excused by the Mayor or majority of the Board of Aldermen. Any member of the Board of Aldermen may at any time call upon the City Attorney for an oral or written opinion to decide any question of law, but not to decide upon any parliamentary rules or to resolve any dispute over the propriety of proposed legislative action.
- E. *Temporary Absence; Acting City Attorney.* In case of absence, sickness or other inability of the City Attorney to attend court, or when, before assuming his official duties, he shall have been on counsel adverse to the City, he shall inform the Mayor thereof, in writing, and the Mayor shall appoint some other attorney to represent the City in such cases, or during temporary absence, sickness or inability. Should the City Attorney fail, neglect, or refuse to give such notice, as above provided, and the interests of the City in case of such failure, neglect or refusal, need the immediate services of an attorney, then the Mayor may appoint some other attorney to attend such cases, who shall receive compensation allowed to the City Attorney for like services.

F. *Compensation.*

1. The City Attorney shall be allowed compensation such as from time to time be fixed by the Board of Aldermen. The City Attorney shall not receive compensation contingent upon the outcome of any case in the Municipal Court.
2. In the event of a case in which the City is interested being tried in any Circuit Court, Supreme Court, or Court of Appeal, then the Board of Aldermen shall allow the City Attorney the usual and customary fees and necessary expenses allowed in like or similar cases.  
(Ord. No. 2025, CC 1981 §§ 21.300 - 21.350)

**SECTION 115.050:CITY CLERK**

- A. *Selection by Board of Aldermen.* The Board of Aldermen shall elect a City Clerk at the first meeting of the Board after each annual election on the first Tuesday in April of each year, who shall hold office for one (1) year and until his successor is elected and qualified.
- B. *Qualifications.* The City Clerk shall be at least twenty-one (21) years of age.
- C. *Duties, Generally.* The City Clerk shall, in addition to other duties which are or may be required of him by this Code or other ordinance, attend all meetings of the Board of Aldermen.
1. He shall have the custody of the books, records, papers and documents belonging to the City.
  2. He shall prepare all certificates of election or appointment of the City Officers, and deliver the same to the persons elected or appointed.
  3. He shall countersign all City bonds, warrants, drafts and orders upon the treasury for money, and shall see that all ordinances appropriating money out of the treasury are endorsed by the Mayor before passage, and shall affix thereto the Seal of the City and keep a record thereof, showing the number, date and amount thereof, the name of the person to whom, and on what account issued, and when redeemed.
  4. He shall record the certificates, oaths and bonds of all the City Officers.
  5. He shall prepare and maintain written records of all proceedings of the Board of Aldermen.
  6. He shall prepare semi-annually a statement of the receipts and expenditures of the City, and cause the same to be published in a newspaper published in the City.

7. He shall copy the tax books of the City, extend the taxes thereon, and turn the same over to the City Tax Collector by August 1, charging the Tax Collector with the amounts of taxes due the several funds as shown by the tax books, and crediting him by amount of taxes turned into the treasury, his commission, delinquent taxes, errors and rebates.
  8. He shall prepare blank licenses for all purposes for which licenses are required to be issued, and when required, shall cause the same to be issued, signing his name and affixing the Seal of the City thereto, and shall keep an account for such licenses and the amount of the license tax thereon.
  9. The City Clerk shall furnish to any person, when called upon during business hours to do so, certified copies of any records, books, or papers which are in his custody, for which services a reasonable fee to be set by City ordinance may be charged, and which shall be paid by the person demanding such certified copy into the treasury of the City.
- D. *Compensation.* The salary of the City Clerk shall be such as from time to time the Board of Aldermen shall fix by ordinance.
- E. *Bond.* Within fifteen (15) days of his appointment, and before entering upon the discharge of the duties of his office, the City Clerk shall execute to the City a bond in the sum of twenty-five thousand dollars (\$25,000.00). The cost of said bond shall be paid by the City.
- F. *Temporary City Clerk.*
1. Upon temporary disability or inability of the City Clerk to perform his duties as set forth in this Code or other ordinances of the City due to illness, absence from the City or other cause, the Board of Aldermen shall, in the same manner as the City Clerk is elected as set forth in this Section, proceed to elect a temporary City Clerk who shall have the same powers and duties as the regular City Clerk and shall hold office until the disability of the City Clerk is removed.
  2. Such temporary City Clerk shall receive as compensation such salary as the Board of Aldermen shall provide for at the time of the election of such officer. (Ord. No. 2025, CC 1981 §§21.400 - 21.440)

## **SECTION 115.060: CITY TREASURER**

- A. *Appointment.* The Mayor, with the advice and consent of the Board of Aldermen, at the first meeting after each annual City election shall appoint a suitable person as City Treasurer who shall hold office for one (1) year and until his successor is appointed and qualified.

- B. *Oath.* Before entering upon the discharge of the duties of his office, the City Treasurer shall take and subscribe an oath that he possesses all of the qualifications prescribed for his office by this Code or other ordinance; that he will support the Constitution of the United States and of the State, the provisions of the State law which relate to this City and this Code and other ordinances of the City, and that he will faithfully demean himself in office.
- C. *Duties, Generally.* The Treasurer shall receive and safely keep all monies, warrants, books, bonds and obligations entrusted to his care, and shall pay over all monies, bonds or other obligations of the City on warrants or orders, duly drawn, passed or ordered by the Board of Aldermen, and signed by the Mayor and attested by the City Clerk, and having the Seal of the City affixed thereto, and not otherwise; and shall perform such other duties as may be required of him by ordinance. Before entering upon the duties of his office he shall give bond in such sum as may be required by ordinance.  
(Ord. No. 2025, CC 1981 §§21.700 - 21.730)

*State Law Reference -- See RSMo. §79.300*

## **CHAPTER 120: PERSONNEL CODE**

### **SECTION 120.010:PROBATIONARY PERIOD**

Each employee receiving an appointment or a promotion to a position in the service of the City must serve a probationary period of six (6) months before his appointment or promotion shall be considered permanent. During the employee's six (6) month probationary period, the employee's work habits, abilities, attitude, promptness and other pertinent characteristics will be observed and evaluated by his supervisor, department head or other appropriate City Officials. If the probationary employee fails to meet required standards of performance, he is to be dismissed, or if he is a promoted regular employee, he may be restored to the position from which he was promoted or to a comparable position. During the probationary period, the employee is not eligible for employee fringe benefits, such as sick leave and vacation, but will earn credit for those to be taken at a later date. Wages for designated holidays falling within the probationary period will be paid to probationary employees. (Ord. No. 2025, CC 1981 §23.010)

### **SECTION 120.020:DISCHARGE DURING PROBATIONARY PERIOD**

If at any time during the probationary period, the supervisor determines that the services of a City employee have been unsatisfactory, the employee may be separated from his position without the right of appeal or a hearing. The Mayor shall notify the employee in writing at least seven (7) calendar days before the effective date of separation of the reasons for the separation. (Ord. No. 2025, CC 1981 §23.020)

### **SECTION 120.030:EXTENSION OF PROBATIONARY PERIOD**

At the end of an employee's probationary period, if there is a reason to believe that the employee may develop the ability to perform satisfactorily by an extension of the probation period, the department head may grant an extension, not to exceed sixty (60) days. (Ord. No. 2025, CC 1981 §23.030)

### **SECTION 120.040:TERMINATION OF PROBATIONARY PERIOD**

At the end of each employee's six (6) month probationary period or extension period granted under the authority of Section 120.030, the supervisor of the employee shall complete a probationary report and notify the Mayor in writing that either;

1. The employee has successfully completed his probationary period and is capable of performing the duties of the position satisfactorily, and is henceforth to be considered a regular employee with all rights and privileges due him; or

2. The employee has not demonstrated ability to perform satisfactorily the duties of the position and is to be separated from City Government, or if promoted from another position returned to the previous or similar position. (Ord. No. 2025, CC 1981 §23.040)

### **SECTION 120.050:APPOINTMENT AND PROMOTION**

Appointments and promotions to all City positions shall be solely on the basis of merit, which shall be determined by evaluation of the applicants:

1. Training, education, experience and physical fitness,
  2. Oral interview, and
  3. Whenever practical, an examination or demonstration test.
- (Ord. No. 2025, CC 1981 §23.050)

### **SECTION 120.060:AGE**

The minimum age for employment as a probationary employee shall be eighteen (18) years of age, unless the Mayor shall in writing waive the requirement. The minimum age for employment of seasonal employees shall be sixteen (16) years of age. (Ord. No. 2025, CC 1981 §23.060)

### **SECTION 120.070:PROMOTION POLICIES**

All vacancies occurring in the service of the City shall, whenever possible, be filled by promotion of a qualified employee within the City service. However, the Mayor may authorize the recruitment of applicants from outside the City service whenever he has reason to believe that better qualified applicants are available than within the City service. Promotion within the City service shall be based on the qualifications and seniority of the person being appointed. Usually, the first consideration in filling of vacancies will be given to the most qualified senior applicant in the department in which the vacancy exists. Next, consideration will be given to the most qualified senior applicant from outside the department. If no acceptable applicant is found within the City service, the vacancy will be filled from outside the City service. The criteria used in the selection of the most qualified senior applicant shall be based upon experience, performance, evaluation and, where feasible, examination. (Ord. No. 2025, CC 1981 §23.080)

## **SECTION 120.080:RELATIVES IN THE CITY SERVICE**

Two (2) members of an immediate family shall not be employed under the same supervisor; neither shall two (2) members of an immediate family be employed at the same time; regardless of the administrative department, if such employment will result in an employee supervising a member of his immediate family. Immediate family is defined as wife, husband, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparents, grandchildren, stepmother, stepfather, brother-in-law, sister-in-law, uncle and aunt. Provided that no present employee shall be discharged because of a violation of this Section. (Ord. No. 2025, CC 1981 §23.090)

## **SECTION 120.090:POLITICAL ACTIVITIES**

City employees shall not be appointed or retained on the basis of their political activity. City employees shall not be coerced to take part in political campaigns, to solicit votes, to levy, contribute or solicit funds or support, for the purpose of supporting or opposing the appointment or election of candidates for any municipal office. (Ord. No. 2025, CC 1981 §23.100)

## **SECTION 120.100:INDIVIDUAL ACTIVITIES CONCERNING POLITICS**

No City employee shall actively advocate or oppose the candidacy of any individual for nomination or election to any municipal office, but an employee may participate in political affairs at other levels of government, provided such participation does not adversely affect his performance as a City employee. Employees are expected to exercise their right to vote in municipal elections, but shall not engage in, or participate in any other way in any municipal election. (Ord. No. 2025, CC 1981 §23.110)

## **SECTION 120.110:PENALTY FOR SECTIONS 120.090 AND 120.100**

Failure to comply with the requirements of Sections 120.090 and 120.100 shall be grounds for immediate dismissal. Any person who attempts to coerce or does coerce any City employee to take part in activity prohibited by Sections 120.090 and 120.100, may be punished as provided in Section 100.100 of this Code. (Ord. No. 2025, CC 1981 §23.120)

**SECTION 120.120:OUTSIDE EMPLOYMENT**

No full-time department head shall accept outside employment, whether part-time, temporary, or permanent, without prior written approval from the Mayor. Each change in outside employment shall require separate approval. Such approval, however, shall not be arbitrarily withheld. Other employees may accept outside employment as long as City equipment is not used outside of City hours, except in extreme emergency, and does not interfere with their efficiency as City employees as judged by their supervisors, and does not involve the contracting of City equipment or materials. Employees may not engage in any private business or activity or private work estimates while on duty. No employee shall engage in, or accept, private employment or render any service for private interest when such employment or service is incompatible or creates a conflict with his official duties. (Ord. No. 2025, CC 1981 §23.130)

**SECTION 120.130:CONDUCT, WORK HABITS, ATTITUDE**

It shall be the duty of each employee to maintain high standards of conduct, cooperation, efficiency and economy in their work for the City. Whenever work habits, attitude, production or personal conduct of any employee falls below a desirable standard, supervisors should point out the deficiencies at the time they are observed. Corrections and suggestions should be presented in a constructive and helpful manner in an effort to elicit the cooperation and good will of the employee. Whenever possible, oral and/or written warnings with sufficient time for improvement shall precede formal discipline. (Ord. No. 2025, CC 1981 §23.140)

**SECTION 120.140:DISCIPLINE POLICY**

It shall be the duty of all City employees to comply with and to assist in carrying into effect the provisions of the City's personnel rules and regulations. No permanent employee shall be disciplined except for violation of established rules and regulations, and such discipline shall be in accordance with procedures established by the personnel rules and regulations.

1. *Employee's and supervisor's responsibilities.*
  - a. It is the duty of every employee to attempt to correct any faults in his performance when called to his attention and to make every effort to avoid conflict with the City's rules and regulations.
  - b. It is the duty of every supervisor to discuss improper or inadequate performance with the employee in order to correct the deficiencies and to avoid the need to

exercise the disciplinary action. Discipline shall be, whenever possible, of an increasingly progressive nature, the step of progression being:

- (1) Warning
- (2) Demotion
- (3) Suspension
- (4) Removal.

2. *Grounds for action.* The following are declared to be grounds for demotion, suspension, or removal of any permanent employee:

- a. Conviction of a felony or other crime involving moral turpitude.
- b. Acts of incompetency.
- c. Absence without leave.
- d. Acts of insubordination.
- e. Intentional failure or refusal to carry out instructions.
- f. Misappropriation, destruction, theft, or conversion of City property.
- g. Refusal or neglect to pay just debts. Maintenance of effort to pay debts must be shown to clear employee of neglect charges.
- h. Employee subsequently becomes physically or mentally unfit for the performance of his duties.
- i. Acts of misconduct while on duty.
- j. Willful disregard of orders.
- k. Habitual tardiness and/or absenteeism.
- l. Falsification of any information required by the City.
- m. Failure to properly report accidents or personal injury.
- n. Neglect or carelessness resulting in damage to City property or equipment.
- o. Repeated convictions during employment or misdemeanor and/or traffic charges.

- p. Introduction, possession, or use on City property or in City equipment of intoxicating substances, or proceeding to or from work or performing work for the City, under the influence of an intoxicating substance.
3. *Employee notice.* A written notice shall be given to each employee stating the reasons for the disciplinary action and the date it is to take effect. The notice is to be given to the employee at the time such disciplinary action is taken and in any event not later than three (3) working days from date of the action. A copy of notice signed by the employee in the employee's file shall serve as prima facie evidence of delivery.
  4. *Probationary employee.* Any probationary employee may be suspended, reduced in pay or class, or removed at any time by his supervisor or the Mayor. Probationary, temporary, seasonal, or part-time employees shall not have the right of appeal from such action.
  5. *Permanent employees.* All permanent employees holding positions in the service of the City may be suspended for a period of not more than thirty (30) working days, reduced in pay or class, or removed for just and reasonable cause by the employee's department head. Permanent employees shall be dismissed only after having been given written notice of the contemplated action.
  6. *Evidence.* Normally, the deterioration of an employee's conduct is a progressive problem and every effort should be made to reverse this trend as soon as it is apparent. Based on this philosophy, sufficient evidence should be available in the employee's personnel file to justify the action taken.
  7. *Right of appeal.* All permanent employees are granted the right of appeal. Within ten (10) days after effective date of disciplinary action, the employee may file a written appeal to the Mayor. The disciplinary action against the employee shall be stayed during the course of this appeal, unless the Mayor orders its imposition in writing giving his reasons therefor.
  8. *Investigation.* The Mayor shall hear appeals submitted by any permanent employee in the City relative to any suspension, demotion, or dismissal and shall submit a written statement of facts, findings, and recommendations to the Board of Aldermen, whose actions shall be final and conclusive.

9. *Appeal hearing open to public.* The appeal hearing shall be open to the public at the discretion of the Mayor, subject to all requirements of law.
10. *Informal nature.* The hearing shall be conducted in an informal nature and the Mayor shall make every effort to avoid the appearance of conducting a trial in a court of law.
11. *Scheduling of appeal.* No later than ten (10) working days after receipt of the written approval, the Mayor shall fix a time and place for convening of a hearing. Within forty-eight (48) hours after the completion of the hearing, the Mayor shall report his findings and recommendations to the Board of Aldermen.
12. If the Mayor shall have ordered that disciplinary action against an employee shall not be stayed during an appeal, then the Mayor shall appoint a member of the Board of Aldermen to hear the appeal. In such case the provisions of Subsection (11) hereof shall not apply, and the hearing shall be scheduled within forty-eight (48) hours of the Mayor's order imposing immediate disciplinary action. Should the hearing officer recommend to the Board of Aldermen that the disciplinary action not be imposed, and should this recommendation be accepted by the Board of Aldermen, then the City shall pay said employee the same as had he been employed in the service of the City during the time in which the Mayor's discipline order was in effect.
13. *Right to representation.* The appellant shall have the right to appear and be heard in person or by counsel.
14. *Appellant fails to appear.* Appellant's failure to attend or notify the hearing officer of his inability to attend, at the hearing will constitute just cause of dismissal of the appeal and imposition of the disciplinary action. (Ord. No. 2025, CC 1981 §23.150)

## **SECTION 120.150:GRIEVANCE POLICY**

The most effective accomplishment of the work of the City requires prompt consideration and equitable adjustment of the employee grievances. It is the desire of the City to adjust the causes of grievances informally, and both supervisors and employees are expected to make every effort to resolve problems as they arise.

1. An employee may present his grievance, or have an employee committee selected by the employee present his grievance to his supervisor or department head.
2. All grievances shall be submitted in writing to the City Clerk who shall forward a copy thereof to the employee's supervisor for action.

3. If satisfaction is not achieved by the above procedure within ten (10) working days, the grievance shall then be presented to the Mayor.
4. The Mayor shall convene a hearing within ten (10) days to consider the grievance. The employee, the supervisor, the department head and any other interested party shall have the right to be heard. All City employees shall be considered in the service of the City during the course of the grievance hearing, and each employee shall be paid at his regularly hourly rate for that time spent in the hearing.
5. Following the hearing, the Mayor shall within ten (10) days take whatever action is necessary, including but not limited to a recommendation to change the personnel rules and regulations or the work practices of the City, and finding that the grievance is unjustified, or any other appropriate recommendations.
6. No employee shall be disciplined or discriminated against in any way because of his proper use of the grievance procedure.
7. To the extent the provisions of this Section conflict with Section 120.140 of this Chapter, the requirements of Section 120.140 shall apply. The procedure outlined in Section 120.140 shall be used if the alleged grievance is a disciplinary matter, although the Mayor may treat a hearing under this Section as a hearing for the purposes of Section 120.140 (7) provided that all employee rights have been respected. (Ord. No. 2025, CC 1981 §23.160)

## **SECTION 120.160:OVERTIME**

The standard work week for employees other than department heads shall be five (5) days or a total of forty (40) hours per week. Department heads and supervisors should work those hours necessary to assure the satisfactory performance of their departments, but not less than forty (40) hours per week. The department head or supervisor shall not be entitled to overtime pay under the provisions of this Section, but may be compensated with time at the rate of one (1) hour for one (1) hour.

1. The department head or supervisor shall assign to each employee regular work duties and responsibilities which can normally be accomplished within the established work day and work week. However, occasionally some overtime work may be necessary for proper performance of work duties and responsibilities.
2. When regular permanent employees are required to work extra or prolonged shifts, the employee shall be compensated for such overtime at a rate of one and one-half (1½) times such overtime worked.
3. An employee who has left his normal place of work for his home and is called back for overtime work shall be compensated for overtime with a minimum payment equal to one (1) hour's work.

4. Temporary or probationary employees shall be entitled to overtime compensation as provided in Subsection (2) of this Section.
5. Compensatory time must be taken within thirty (30) days. (Ord. No. 2025, CC 1981 §23.170)

**SECTION 120.170:HOLIDAYS**

A. All regular employees of the City shall receive normal compensation for the eleven (11) legal holidays listed below and any other days or part of a day during which the public offices of the City shall be closed by special proclamation of the Mayor with approval of the Board. All regular part-time employees shall receive compensation in proportion to the average number of hours normally scheduled to work. Probationary employees shall be considered for purposes of this Section to be regular employees. Holidays to be observed are:

New Year's Day		January 1
Martin Luther King's Day	Third Monday In January	
Washington's Birthday Observed		Third Monday in February
Truman's Birthday	May 8	
Memorial Day		Last Monday in May
Independence Day	July 4	
Labor Day		First Monday in September
Veteran's Day	November 11	
Columbus Day		Second Monday in October
Thanksgiving	Fourth Thursday/Friday in November	
Christmas Day		December 25

B. It shall be the policy of the City to insure that all regular employees enjoy the same number of holidays each year. The standard shall be the number of holidays in a particular year which will be celebrated by employees working a forty (40) hour week, Monday through Friday. For this group, when a holiday falls on Sunday, the following Monday shall be observed as the holiday. When a holiday falls on Saturday, the preceding Friday shall be observed as the holiday. For regular employees whose work week is other than Monday through Friday, the department head shall designate the work day that shall be observed.

1. An employee absent without authorized leave on the day preceding and/or the day following a holiday shall not receive compensation for the holiday.
2. Any regular employee in the City service who shall be required to perform work or render services on a regularly scheduled holiday shall receive a day off at his regular pay rate in lieu of the holiday missed, or at the option of the City he may be compensated at the City's approved over time rates for his service on the regularly scheduled holiday. (Ord. No. 2025; CC 1981 §23.180; Ord. No. 3056 §120.170, 11-14-94)

### **SECTION 120.180:VACATION**

Every employee in the City service holding a permanent status position and having occupied such position for a period of twelve (12) consecutive calendar months shall be allowed annual vacation leave with pay. Vacation leave shall be granted on the basis of the number of regularly scheduled hours in the standard work or duty day to which the employee is assigned at the time of his vacation. Employees with one (1) year of continuous service with the City shall be allowed vacation leave at the rate of one (1) week. Thereafter, employees with two (2) years of continuous service with the City shall be allowed vacation leave at the rate of two (2) weeks. Thereafter, employees with ten (10) years of continuous service with the City shall be allowed vacation leave at the rate of three (3) weeks.

1. Vacation leave shall be taken during the year following its accumulation.
2. Vacation leave credit may not be carried from one (1) year to the next.
3. Vacation leave must be taken in blocks of five (5) days each. Exceptions may be granted with the written consent of the Mayor.
4. Absence on account of sickness, injury or disability in excess of that hereinafter authorized for such purposes may, at the request of the employee and within the discretion of the department head, be charged against vacation leave allowance.
5. Records of vacation leave allowance and use shall be kept by the person responsible for the employee's payroll payment. Vacation leave scheduled shall be in regard to the seniority of employees, to accord with operating requirements and, insofar as possible, with the requests of the employees.
6. When a regularly scheduled holiday occurs during the period of an employee's vacation, an additional day of vacation shall be granted. (Ord. No. 2025, CC 1981 §23.190)

## **SECTION 120.190:SICK LEAVE**

All full-time City employees shall earn sick leave with full pay at the rate of one (1) work day for each calendar month of service. Sick leave shall accrue from the date of employment, but shall not be taken until the successful completion of the six (6) month probationary period except with the written permission of the Mayor. Sick leave may never be taken in advance of earning the time. Sick leave may be accumulated up to fifteen (15) days.

1. An employee may be eligible for sick leave for the following reasons:
  - a. Personal illness of physical incapacity.
  - b. Quarantine of an employee by a physician.
  - c. Illness in the immediate family requiring the employee to remain at home.
2. An employee who is unable to report for work because of one of the above reasons shall report the reason for his absence to his supervisor within two (2) hours from the time he is expected to report for work. Sick leave with pay shall not be granted unless such report has been timely made. Documentation may be required of the employee before any sick leave will be granted or payment made. In all cases, sick leave with pay in excess of three (3) working days shall be allowed only after presenting a written statement by a physician certifying that the employee's condition prevented him from appearing for work.
3. An employee terminating from City service shall not be allowed the sue of sick leave in the last two (2) calendar weeks of employment. Unused sick leave will not be compensated for in any way at the time of resignation or dismissal of any employee.
4. Abuse of the sick leave privilege can result in dismissal. (Ord. No. 2025, CC 1981 §23.200)

## **SECTION 120.200:MATERNITY AND PATERNITY LEAVE**

On recommendation of an employee's supervisor or department head, and upon the written order of the Mayor, an employee may be granted maternity or paternity leave without pay for a period not to exceed three (3) months. (Ord. No. 2025, CC 1981 §23.210)

## **SECTION 120.210:EDUCATION LEAVE**

The Mayor may authorize special leaves of absences, with or without pay, for any period not to exceed six (6) calendar months in any one (1) calendar year for attendance at a

school or university for the purpose of training in subjects relating to the work of the employee and which will benefit the employee and the City service. The City may share in up to one hundred percent (100%) of the tuition costs if the course is completed successfully. However, if the City shares in the cost, the employee must remain in the City service for one (1) month for each hour of course credit, after completion of the course. If the employee fails in this obligation, the City's portion of the tuition will be deducted from the employee's last pay check. In the event that the course is not based on credit hours, the employee's required length of stay after completion of the course should be determined by the employee and the Mayor before the course begins. (Ord. No. 2025, CC 1981 §23.230)

#### **SECTION 120.220:FUNERAL LEAVE**

An employee may be granted three (3) working days leave as needed in the event of the death of his spouse, child, mother, father, sister, brother, mother-in-law, or father-in-law. Such leave shall not be deducted from either sick leave or vacation leave. (Ord. No. 2025, CC 1981 §23.240)

#### **SECTION 120.230:JURY LEAVE**

An employee may be granted up to a seven (7) day minimum leave when required to be absent from work for jury duty or as a trial witness. Compensation for such leave shall be limited to the difference between pay received for this service and normal duty pay. (Ord. No. 2025, CC 1981 §23.250)

#### **SECTION 120.240:DISABILITY LEAVE**

A permanent (full or part-time) employee who is temporarily disabled in the line of duty shall receive pay equal to the difference between the amount received from Workmen's Compensation benefits and his normal salary amount for the period of his disability without charge against his vacation leave, but to be charged against his sick leave, subject to the following conditions:

1. Provided that the disability resulted from an injury or illness sustained directly in the performance of the employee's work, as provided in the State Workmen's Compensation Act.
2. If incapacitated for his regular assignment, the employee may be given other duties with the City Government for the period of recuperation. Unwillingness to accept such an assignment as directed by his department head or supervisor will make the employee ineligible for disability leave during the time involved.
3. A physician selected or approved by the City shall determine the physical ability of the employee to continue working or to return to work.

4. Disability leave shall not exceed sixty (60) working days for any one (1) injury.  
(Ord. No. 2025, CC 1981 §23.260)

#### **SECTION 120.250:WORKER'S COMPENSATION LAW ADOPTED**

The City hereby elects to accept the provisions of the State Worker's Compensation Law, as set forth in Chapter 287, RSMo. The City is authorized to carry Worker's Compensation Insurance on all employees and officers of the City covered by the State Worker's Compensation Law.

(Ord. No. 2025, CC 1981 §23.275)

#### **SECTION 120.260:EXCEPTIONS TO THIS CHAPTER**

The provisions of this Chapter shall not apply to uniformed employees (members of the Fire and Police Departments) to the extent that the personnel policies of those departments (Chapter 205, entitled, "Fire Department" and Chapter 200, entitled "Police Department") conflict with this Chapter.

(Ord. No. 2025, CC 1981 §23.280)

#### **SECTION 120.270:EQUAL EMPLOYMENT OPPORTUNITY**

It is the policy of the City to provide equal and fair employment opportunities to all job applicants and to provide equal and fair advancement opportunities to City employees without regard to age, race, color, marital status, national origin, political affiliation, religion, sex, veteran or handicapped status. Exceptions shall only be made when job requirements demonstrate the existence of a bona fide occupational qualification. All appointments and promotions to positions in the service shall be made upon the individual qualifications for the positions being filled. (Ord. No. 3049 §120.270, 3-28-94)

## **CHAPTER 125: BOARD OF ALDERMEN MEETINGS**

### **SECTION 125.010:REGULAR MEETINGS**

- A. The Board of Aldermen of this City shall meet in regular session in the Boardroom of the City Hall at the hour of seven o'clock (7:00) p.m. on the second (2nd) and fourth (4th) Monday of each month.
- B. When any such meeting day is a holiday, the regular meeting shall be held at such time as may be provided by the Board on motion at the previous meeting.
- C. The Board may, by motion, dispense with any regular meeting, but at least one (1) meeting, regular or special, must be held in each calendar month. (Ord. No. 2084)

### **SECTION 125.020:SPECIAL MEETINGS**

Special meetings may be called by the Mayor or by any two (2) members of the Board by written request filed with the City Clerk, who shall thereupon prepare a notice of such special meeting, stating time, place and object thereof, which notice shall be served personally upon each member of the Board or left at his usual place of residence at least twelve (12) hours before the time of the meeting. It shall also be the duty of the City Clerk, immediately upon receipt of the request for the meeting, to make diligent effort to notify each member of the Board in person, either by telephone or otherwise, of such special session.

- 1. The City Clerk shall make a diligent effort to notify those members of the mass media who customarily attend meetings of the Board of Aldermen of the special session, in the same manner as described above.
- 2. Failure to comply with the requirements of this Section shall not invalidate any action taken at a special meeting of the Board of Aldermen. (Ord. No. 2025, CC 1981 §24.020)

### **SECTION 125.030:QUORUM**

A quorum of the Board of Aldermen shall consist of a majority of the full membership (including vacancies and the Mayor of the City). (Ord. No. 2025, CC 1981 §24.030)

### **SECTION 125.040:COMPELLING ATTENDANCE**

In case that a lesser number than a quorum shall convene at a regular or special meeting of the Board of Aldermen, the majority of the members present are authorized to direct the Chief of Police or other City Officer to send for and compel the attendance of any or

all absent members upon such terms and conditions and at such time as such majority of the members present shall agree. (Ord. No. 2025, CC 1981 §24.040)

#### **SECTION 125.050: EFFECT OF ADJOURNED MEETINGS**

All adjourned meetings of the Board shall, to all intents and purposes, be continuations of the meetings of which they are adjournments, and the same proceedings may be had at such adjourned meetings as at the meeting of which they are adjournments. (Ord. No. 2025, CC 1981 §24.045)

#### **SECTION 125.060: DUTIES OF MAYOR AS PRESIDENT OF BOARD**

At the hour designated for Board meetings the Mayor shall call the Board of Aldermen to order, and he shall act as President of the Board.

The Mayor shall appoint all committees, subject to the concurrence of the Board of Aldermen, the appointment or election of which is not otherwise provided for by this Code or other ordinance.  
(Ord. No. 2025, CC 1981 §24.050)

#### **SECTION 125.070: BOARD OF ALDERMEN, ACTING PRESIDENT**

The Board shall elect one of their own number who shall be styled "acting President of the Board of Aldermen" and who shall serve for a term of one (1) year. (Ord. No. 2025, CC 1981 §24.055)

*State Law Reference -- For similar see RSMo. §79.090.*

#### **SECTION 125.080: BOARD OF ALDERMEN, ACTING PRESIDENT; DUTIES**

When any vacancy shall happen in the office of Mayor by death, resignation, removal from the City, removal from office, refusal to qualify or from any other cause whatever, the Mayor Pro Tem shall, for the time being, perform the duties of Mayor, with all the rights, privileges, powers and jurisdiction of the Mayor, until such vacancy is filled or such disability is removed; or, in case of temporary absence, until the Mayor's return.  
(Ord. No. 2025, CC 1981 §24.060)

## **SECTION 125.090:COMMISSIONERS**

In order to more properly supervise the operation of the City, the Mayor shall appoint each member of the Board of Aldermen to supervise a particular department of the City. The following departments have had commissioners appointed:

1. Police
  2. Fire
  3. Water and Sewer
  4. Streets
  5. Humane
  6. Emergency Management
- (Ord. No. 2025, CC 1981 §24.062)

## **SECTION 125.100:RULES OF ORDER**

Except as otherwise provided by law or ordinance, the proceedings of the Board of Aldermen shall be controlled by Robert's Rules of Order, as revised. (Ord. No. 2025, CC 1981 §24.065)

## **SECTION 125.110:DECORUM**

The presiding officer of the Board of Aldermen shall preserve decorum and shall decide all questions of order subject to appeal to the Board of Aldermen. Any member may appeal to the Board from a ruling of the presiding officer upon a question of order. If the motion for an appeal is seconded, the member making the appeal may briefly state his reason for the same and the presiding officer may briefly express his ruling, but there shall be no debate on the appeal and no other member shall participate in the discussion. The presiding officer shall then put the question to vote as to whether the decision of the chair shall be sustained. If a majority of the members present vote "aye", the ruling of the chair is sustained; otherwise, it is overruled. (Ord. No. 2025, CC 1981 §24.070)

## **SECTION 125.120:VOTING**

Every member of the Board shall vote upon every question and when requested by any member, the vote upon any question shall be taken by "ayes" and "nays" and be recorded. (Ord. No. 2025, CC 1981 §24.075)

## **SECTION 125.130:PERMISSION REQUIRED FOR MEMBERS TO LEAVE CHAMBER**

No member of the Board of Aldermen may leave the Boardroom while in regular or special session without permission from the presiding officer. (Ord. No. 2025, CC 1981 §24.080)

## **SECTION 125.140:ORDER OF BUSINESS**

At the meetings of the Board of Aldermen, the order of business shall be as follows:

1. Call the meeting to order.
2. Roll call.
3. Petitions, remonstrances, complaints and requests and the hearing of any person or group desiring to address the Board. All petitions, remonstrances, complaints and requests shall be presented to the Board in writing. However, the Board may decide to act on oral discussions of any petitions, remonstrances, complaints or requests presented by the interested parties appearing in open meeting. In this case, such discussion by the interested parties shall be limited to five (5) minutes per speaker, except where an extension of time for oral discussion is granted by the Board.
4. Public hearing as required by law or ordinance.
5. Reading and acting upon unapproved minutes of previous meetings.
6. Opening of bids, paying all due bills.
7. Acting on unfinished business. The unfinished business from the last preceding meeting shall take precedence over any new business.
8. Reading of communications. All communications which in any manner whatever pertain to the business or functions of the City or any of its elected or appointed employees shall be read.
9. Reports of special boards, committees, and City Officers.
10. Resolutions which require action by the Board.
11. Introduction and reading of bills.
12. Miscellaneous business.
13. Adjournment.  
(Ord. No. 2025, CC 1981 §24.090)

**SECTION 125.150:EXPRESSION OF DISSENT OR PROTEST BY MEMBER**

Any member of the Board of Aldermen shall have the right to express dissent from or protest against any ordinance or resolution of the Board and to have the reason therefor entered upon the journal. Such dissent or protest must be filed in writing and presented to the Board not later than the next regular meeting following the date of the passage of the ordinance or resolution to which objection is taken.

(Ord. No. 2025, CC 1981 §24.100)

**SECTION 125.160:PUBLIC MEETINGS**

All meetings of the Board shall be open to the public, except when permitted by law the Board may hold a closed meeting. (Ord. No. 2025, CC 1981 §24.110)

**SECTION 125.170:PROCEDURE AS TO ORDINANCES, RESOLUTIONS, ETC.**

A. All ordinances and resolutions shall be introduced to the Board of Aldermen in written form with the name of the alderman introducing the same endorsed thereon. All proposed ordinances shall be prepared by the City Attorney or bear his certification that they are in correct form. A copy thereof shall be sent to each member of the Board of Aldermen in advance of the meeting, to which copy shall be attached a brief resume of the bill together with the reasons for the introduction thereof (as prepared by the proponent thereof), and if any amendment of an existing ordinance is proposed, the nature of the change sought to be made. Failure to follow the procedure shall not invalidate any ordinance or resolution adopted by the Board of Aldermen.

B. Whenever this Code shall be amended, the title of each amendatory ordinance, adapted to the particular circumstances and purposes of the amendment, shall be substantially as follows:

1. To amend any Section:

"An ordinance to amend Section \_\_\_\_\_ (or Sections \_\_\_\_\_ and \_\_\_\_\_) of the Code of the City of \_\_\_\_\_."

2. To insert a new Section, Subchapter, Chapter or Title:

"An ordinance to amend the Code of the City of \_\_\_\_\_ by adding a new Section (or new Sections, a new Subchapter, a new Chapter, or a new Title, as the case may be) which new Section (Sections, Subchapter, Chapter or Title) shall be designated as Section \_\_\_\_\_ (or Sections \_\_\_\_\_ and \_\_\_\_\_) of Chapter \_\_\_\_\_ of Title \_\_\_\_\_ (or proper designation if a Chapter or Title is added) of said Code."

3. To repeal a Section, Chapter or Title:

"An ordinance to repeal Section \_\_\_\_\_ (Sections \_\_\_\_\_ and \_\_\_\_\_, Chapter \_\_\_\_\_, Title \_\_\_\_\_, etc., as the case may be) of the code of the City of \_\_\_\_\_."  
(Ord. No. 2025, CC 1981 §24.120)

**SECTION 125.180:PROCEDURE AS TO OBJECTIONS UPON SECOND READING OF BILL**

Upon the announcement of a second (2nd) reading of any bill, if there are objections to it, the question shall be put by the Chairman, "Shall the proposal be rejected? If a majority of the Board vote in favor of rejection, the bill shall be defeated. (Ord. No. 2025, CC 1981 §24.130)

**SECTION 125.190:WHEN BILLS MAY BE AMENDED**

Any bill shall be subject to amendment until the vote upon final passage. (Ord. No. 2025, CC 1981 §24.140)

**SECTION 125.200:RECORDATION OF "AYES" AND "NAYS" ON FINAL PASSAGE**

On the final passage of every ordinance, the "ayes" and "nays" shall be recorded in the record.  
(Ord. No. 2025, CC 1981 §24.150)

**SECTION 125.210:SPECIAL COMMITTEES**

All special committees shall be appointed by the Mayor of the City unless otherwise ordered by a majority of the Board. By consent of a majority of the Board, a special committee may be appointed at any time to hold public hearings for the Board upon any matter pending before it. A special committee is a committee composed of members of the Board of Aldermen; the concurrence of the Board shall not be required as to the membership of the special committee, unless the Board shall order otherwise.  
(Ord. No. 2025, CC 1981 §24.160)

**SECTION 125.220:JOURNAL TO BE KEPT**

The Board of Aldermen shall cause to be kept a journal of its proceedings, and the "ayes" and "nays" shall be entered on any question at the request of any member. (Ord. No. 2025, CC 1981 §24.170)

## **SECTION 125.230:RULES OF PROCEDURE**

The Board of Aldermen may by resolution prescribe and enforce such rules as it may find necessary for the expeditious transaction of its business, but such rules shall not contravene the requirements of this Code or other ordinance. (Ord. No. 2025, CC 1981 §24.180)

## **SECTION 125.240:ATTENDANCE AND OATH OF WITNESSES; FEE FOR EXECUTION OF PROCESS**

The Board of Aldermen shall have power to compel the attendance of witnesses and the production of papers and records relating to any subject under consideration in which the interest of the City is involved, and shall have power to call on the proper officers of the City, or of the County in which such City is located, to execute such process. Such officer (other than a City Officer) shall receive therefor such fees as are allowed by law in the Circuit Court for similar services, to be paid by the City. The Mayor or Acting President of the Board of Aldermen shall have power to administer oaths to witnesses. (Ord. No. 2025, CC 1981 §24.190)

## **SECTION 125.250:AMENDMENT OR SUSPENSION OF RULES**

Any rule of the Board may be repealed, altered or amended by a majority vote of the members. Every amendment offered shall lie on the table until the next meeting of the Board before being voted upon except by the unanimous consent of all elected members of the Board of Aldermen. Any rule may be suspended by a majority vote of the members of the Board, or quorum being presented by unanimous consent. (Ord. No. 2025, CC 1981 §24.200)

## CHAPTER 128: OPEN MEETINGS AND RECORDS

### SECTION 128.010: MEETINGS, RECORDS AND VOTES TO BE PUBLIC—EXCEPTIONS

All meetings, records and votes are open to the public except the governmental body may close any meeting, record or vote relating to the following:

- 11 Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any vote relating to litigation involving a public governmental body shall be made public upon final disposition of the matter voted upon; provided however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record.
- A.2. Lease, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefore. However, any vote or public record approving a contract relating to the lease, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate.
- A.3. Hiring, firing, disciplining or promoting an employee of a public governmental body. However, any vote on a final decision when taken by a public governmental body to hire, fire, promote or discipline an employee of a public governmental body must be made available to the public with a record of how each member voted within seventy-two (72) hours of the close of the meeting where such action occurs; provided however, that any employee so affected shall be entitled to prompt notice before such decision is made available to the public.
- A.4. Non-judicial mental or physical health proceedings involving identifiable persons including medical, psychiatric, psychological or alcoholism or drug dependency diagnosis or treatment.
- A.5. Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again.
- A.6. Welfare cases of identifiable individuals.
- A.7. Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups.

- A.8. Software codes for electronic data processing and documentation thereof.
- A.9. Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid.
- A.10. Sealed bids and related documents, until the earlier of either when the bids are opened or all bids are accepted or all bids are rejected.
- A.11. Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such.
- A.12. Records that are protected from disclosure by law.
- A.13. Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest.
- A.14. Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product.
- A.15. Operational guidelines and policies developed, adopted or maintained by any public agency responsible for law enforcement, public safety, first response or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Nothing in this exception shall be deemed to close information regarding expenditures, purchases or contracts made by an agency in implementing these guidelines or policies. When seeking to close information pursuant to this exception, the agency shall affirmatively state in writing that disclosure would impair its ability to protect the safety or health of persons and shall in the same writing state that the public interest in non-disclosure outweighs the public interest in disclosure of the records. This exception shall sunset on December 31, 2008.
- A.16. Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body and information that is voluntarily submitted by a non-public entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety. Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property and shall in the same writing state that the public interest in non-disclosure outweighs the public interest in disclosure of the records.

Records that are voluntarily submitted by a non-public entity shall be reviewed within ninety (90) days of submission to determine if retention of the document is necessary in furtherance of a security interest. If retention is not necessary, the documents shall be returned to the non-public governmental body or destroyed.

A.17. Records that identify the configuration of components or the operation of a computer, computer system, computer network or telecommunications network and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network or telecommunications network, including the amount of monies paid by or on behalf of a public governmental body for such computer, computer system, computer network or telecommunications network, shall be open.

A.18. Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this Section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body. (Ord. No. 3146 §1, 9-13-04)

## **SECTION 128.020:NOTICES OF MEETINGS AND ACCESSIBILITY**

B. All records that may be closed hereby are deemed closed records unless the governmental body votes to make them public. Before closing a meeting to the public, a majority of a quorum of the governmental body must vote to do so in a public vote. The vote of each member of the governmental body on the question of closing the meeting or vote and the reason for closing the meeting by reference to a specific exception shall be announced at a public meeting and entered into the minutes.

C. The governmental body shall give notice of the time, date and place of a closed meeting and the reason for holding it by reference to a specific exception. The notice shall be the same as in Subsection (C) below. No other business may be discussed in a closed meeting that does not directly relate to the specific reason announced to close the meeting to the public. Public Governmental Bodies holding a closed meeting must close only an existing portion of the meeting facility necessary to house the members of the public governmental body in the closed session, allowing members of the public to remain to attend any subsequent open session held by the public governmental body following the closed session.

- D. The governmental body shall give notice of the time, date, place and tentative agenda of each meeting. The notice shall be placed on the appropriate bulletin board at City Hall at least twenty-four (24) hours, exclusive of weekends and holidays, prior to the meeting. If an emergency makes it impossible to give twenty-four (24) hours' notice, the reason must be reflected in the minutes. Notice also shall be given to any representative of the news media who requests notice of a particular meeting.
- E. Each meeting shall be held at a place reasonably accessible to the public and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. When it is necessary to hold a meeting on less than twenty-four (24) hours' notice or at a place that is not reasonably accessible to the public or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.
- F. A formally constituted subunit of a parent governmental body may conduct a meeting without notice during a lawful meeting of the parent governmental body, a recess in that meeting or immediately following that meeting, if the meeting of the subunit is publicly announced at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body. (Ord. No. 3146 §§2–6, 9-13-04)

#### **SECTION 128.030:AUDIO AND VIDEO TAPING ALLOWED**

A public body shall allow for the recording by audiotape, videotape or other electronic means of any open meeting. A public body may establish guidelines regarding the manner in which such recording is conducted so as to minimize disruption to the meeting. No audio recording of any meeting, record or vote closed pursuant to the provisions of Section 610.021, RSMo., shall be permitted without permission of the public body; any person who violates this provision shall be guilty of a Class C misdemeanor. (Ord. No. 3146 §7, 9-13-04)

#### **SECTION 128.040:ELECTRONIC TRANSMISSIONS**

Any member of a public governmental body who transmits any message relating to public business by electronic means shall also concurrently transmit that message to either the member's public office computer or the custodian of records in the same format. The provisions of this Section shall only apply to messages sent to two (2) or more members of that body so that, when counting the sender, a majority of the body's members are copied. Any such message received by the custodian or at the member's office computer shall be a public record subject to the exceptions above. (Ord. No. 3146 §8, 9-13-04)

## **SECTION 128.050:CUSTODIAN OF RECORDS**

- A. The City Clerk shall be the custodian of records and will be responsible for maintenance and control of all records. The custodian shall provide public access to all public records as soon as possible but no later than the third (3rd) business day following the date the request is received by the custodian. If additional delay is necessary, the custodian shall give an explanation for the delay and the date the record will be available for inspection.
- B. If a request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third (3rd) business day following the date the request for the statement is received. (Ord. No. 3146 §9, 9-13-04)

## **SECTION 128.060:FEES**

- A. The custodian shall charge ten cents (\$0.10) per page (not to exceed ten cents (\$0.10) for nine (9) by eleven (11) paper); twelve dollars (\$12.00) per hour for duplicating time (not to exceed average hourly rate for clerical staff) and the actual cost of research time. The custodian shall receive (or may require) payment prior to duplicating copies.
- B. Fees for providing access to public records maintained on computer facilities, recording, tapes or disks, videotapes or films, pictures, maps, slides, graphics, illustrations or similar audio or visual items or devices and for paper copies larger than nine (9) by fourteen (14) inches shall include only the cost of copies, staff time, which shall not exceed the average hourly rate of pay for staff of the public governmental body required for making copies and programming, if necessary, and the cost of the disk, tape or other medium used for the duplication. Fees for maps, blueprints or plats that require special expertise to duplicate may include the actual rate of compensation for the trained personnel required to duplicate such maps, blueprints or plats. If programming is required beyond the customary and usual level to comply with a request for records or information, the fees for compliance may include the actual costs of such programming.
- C. The custodian may designate deputy custodians in the following departments: Administration, Transit, Library, Street, Park, Police, Fire and Water. (Ord. No. 3146 §9, 9-13-04)

## **CHAPTER 130: ELECTIONS**

### **SECTION 130.010:WARDS**

The City is hereby divided into two (2) wards, as hereinafter delineated.

1. *Ward One.* Ward One shall embrace that part of the City of Bloomfield, lying north of Missouri Street.
2. *Ward Two.* Ward Two shall embrace all that part of the City of Bloomfield lying south of Missouri Street. (Ord. No. 2025, CC 1981 §§30.010-30.030)

### **SECTION 130.020:DATE OF GENERAL ELECTION**

A general election for the elective officers of this City shall be held on the first (1st) Tuesday in April of each year.

1. On the first (1st) Tuesday in April of odd numbered years, an election shall be held by the qualified voters of each ward in the City for Mayor and for one (1) Alderman for each ward, who shall hold their respective offices for the term of two (2) years and until their successors shall be elected and qualified.
2. On the first (1st) Tuesday in April of even numbered years, an election shall be held by the qualified voters of each ward of this City for one (1) Alderman for each ward, who shall hold their respective offices for the term of two (2) years and until their successors shall be elected and qualified.  
(Ord. No. 2025, CC 1981 §31.010)

### **SECTION 130.030:FILING OF CANDIDATES**

The opening filing date shall be 8:00 A.M., the thirteenth (13th) Tuesday prior to the election. The closing filing date shall be 5:00 P.M., the ninth (9th) Tuesday prior to the election. The political subdivision or special district calling an election shall, before the thirteenth (13th) Tuesday prior to any election at which offices are to be filled, notify the general public of the opening filing date, the office or offices to be filled, the proper place for filing and the closing filing date of the election. Such notification may be accomplished by legal notice published in at least one (1) newspaper of general circulation in the political subdivision or special district. (Ord. No. 2025, CC 1981 §31.020)

*State Law Reference -- See RSMo. §115.127 (5).*

## **SECTION 130.040:FILING OF CANDIDATES; QUALIFICATIONS CHALLENGED**

Any person who is not qualified for his office as provided by this Code or other ordinances shall not be entitled to have his name printed on the ballot. The qualifications of a candidate for office shall be determined by the Board of Aldermen upon hearing given and upon its own motion, or upon written affidavit by some person that a named candidate is not qualified as such for the office sought.

(Ord. No. 2025, CC 1981 §31.030)

## **SECTION 130.050:PROCEDURE GENERALLY**

All City elections shall be held under the provisions of Chapter 115, RSMo.

## **CHAPTER 135: FINANCE**

### **SECTION 135.010:FISCAL YEAR**

The fiscal year of this City shall begin on July 1, and end on June 30 of the next succeeding year.

(Ord. No. 2025, CC 1981 §22.010)

### **SECTION 135.020:BUDGET REQUIRED**

Prior to the commencement of each fiscal year, a budget for the City shall be prepared, and the same will be presented to and approved by the Board of Aldermen. (Ord. No. 2025, CC 1981 §22.100)

### **SECTION 135.030:BUDGET CONTENTS**

The annual budget shall present a complete financial plan for the next fiscal year. The following shall be included in the budget:

1. A budget message to describe the important features of the budget and to point out any major changes from the previous year.
2. An estimate of revenues which are expected to be received during the next year from all sources, plus a comparative statement of the revenues for the previous two (2) budget years. These comparisons shall be shown by year, fund and source.
3. An estimate of the expenditures that are proposed to be spent during the budget year, plus a comparative statement of actual expenditures for the previous two (2) years. These comparisons should be shown by year, fund, activity and object.
4. The amount of money required to pay any interest, amortization, or redemption charges which the municipality will owe during the budget year.
5. A general summary of the total proposed budget. (Ord. No. 2025, CC 1981 §22.110)

### **SECTION 135.040:BUDGET OFFICER**

The budget committee for this City shall prepare the budget after reviewing expenditure requests and revenue estimates with other City officers. The budget officer shall submit the completed budget and supporting schedules and exhibits to the Mayor, who shall present the same to the Board of Aldermen. (Ord. No. 2025, CC 1981 §22.120)

## **SECTION 135.050:EXPENDITURES LIMITED**

Expenditure estimates in the budget shall not be larger in amount than the total anticipated revenue for the budget year, plus any surplus from the previous year or less any deficit from the previous year.

(Ord. No. 2025, CC 1981 §22.140)

## **SECTION 135.060:DEBT LIMITED**

The City shall not incur any debts which aggregate an amount greater than the anticipated revenues for the budget year, without the approval of the voters of the City, as required by law. (Ord. No. 2025, CC 1981 §22.150)

## **SECTION 135.070:BUDGET CALENDAR**

The budget committee shall prepare the City budget in accordance with the following calendar:

1. In January of each year, the budget committee will collect the data necessary, and make preliminary revenue estimates for the coming fiscal year. He will estimate expenditures for the present year, and note expenditures and revenues for the previous two (2) fiscal years.
2. In February of each year, the budget committee will request from each City Officer a statement of expenditures requested for the coming fiscal year.
3. In March of each year, the budget committee will review the departmental requests and make his final revenue estimates for the coming fiscal year, and will confer with department heads to discuss these requests.
4. In April of each year, the budget committee will begin assembling the City budget.
5. In May of each year, the budget committee will confer with the Mayor and any such other officers as the Mayor may designate, for preparation of the City budget for the next fiscal year to be submitted to the Board of Aldermen.

6. The budget shall be submitted to the Board of Aldermen at the regular meeting in June.

(Ord. No. 2025, CC 1981 §22.160)

## **SECTION 135.080:CITY CLERK KEEP RECORDS**

- A. The records of the City shall be kept in the custody of the City Clerk.
- B. As used in this Chapter, the word "*record*" or "*records*" shall mean any document, book, paper, photograph, map, sound recording or other material, regardless of physical form or characteristics, made or received pursuant to law or in connection with the transaction of official business. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience or reference, and stocks of publications and of processed documents are not included within the definition of records as used in this Chapter, and are hereinafter designated as "*nonrecord*" materials.
- C. The City Clerk may delegate to a subordinate or to another City official authority to have temporary custody of City records, after satisfying himself as to the safety of said records.  
(Ord. No. 2025, CC 1981 §22.200)

## **SECTION 135.090:DESTRUCTION OF RECORDS AND NONRECORD MATERIALS**

All records made or received by or under the authority of or coming into the custody, control or possession of local officials in the course of their public duties are the property of the City and shall not be mutilated, destroyed, transferred, removed or otherwise damaged or disposed of, in whole or in part, except as provided by law.

- 1. No record shall be destroyed or otherwise disposed of unless it is determined that the record has no further administrative, legal, fiscal, research, or historical value.
- 2. Nonrecord materials or materials not included within the definition of records may, if not otherwise prohibited by law, be destroyed at any time, if same have the approval of the Missouri Local Records Board.
- 3. Records of the City may be disposed of or destroyed without the approval of the Missouri Local Records Board, if the same is permitted by the State **Municipal Records Manual**. Records may be retained for a period of time longer than the minimum retention period required by the State **Municipal Records Manual**, at the discretion of the City Clerk. (Ord. No. 2025, CC 1981 §22.210)

## **CHAPTER 140: MUNICIPAL COURT**

### **SECTION 140.010:COURT ESTABLISHED**

There is hereby established in this City a Municipal Court to be known as "Bloomfield Municipal Court, a Division of the 35th Judicial Circuit Court of the State of Missouri". This court is a continuation of the Police Court of the City as previously established, and is termed herein "*The Municipal Court*".  
(Ord. No. 2025, CC 1981 §72.010)

### **SECTION 140.020:JURISDICTION**

The jurisdiction of the Municipal Court shall extend to all cases involving alleged violations of the ordinances of the City. (Ord. No. 2025, CC 1981 §72.020)

### **SECTION 140.030:SELECTION OF JUDGE**

The Judge of the City's Municipal Court shall be known as a Municipal Judge of the 35th Judicial Circuit Court, and shall be selected as follows:

The Municipal Judge of the Municipal Court of the City of Bloomfield, Missouri, shall be appointed by the Mayor with the approval of a majority of the Board of Aldermen. (Ord. No. 2025, CC 1981 §72.030; Ord. No. 3077 §1, 3-12-97)

### **SECTION 140.040:TERM OF OFFICE**

The Municipal Judge shall be appointed for a period of two (2) years. The term of office shall be from the fifteenth (15th) day of April of years ending with an odd number. If for any reason a Municipal Judge vacates his office, his successor shall complete that term of office, even if the same be less than two (2) years. (Ord. No. 2025, CC 1981 §72.035; Ord. No. 3077 §2, 3-12-97)

### **SECTION 140.050:VACATION OF OFFICE**

The Municipal Judge shall vacate his office under the following circumstances:

1. Upon removal from office by the State Commission on the Retirement, Removal and Discipline of Judges, as provided in Missouri Supreme Court Rule 12, or

2. Upon attaining his seventy-fifth (75th) birthday, or
3. If he is not a licensed attorney, should he fail, within six (6) months of his selection, to satisfactorily complete a course of instruction for Municipal Judge as prescribed by the State Supreme Court.  
(Ord. No. 2025, CC 1981 §72.040)

### **SECTION 140.060:QUALIFICATIONS FOR OFFICE**

The Municipal Judge shall possess the following qualifications before he shall take office:

1. He need not be a licensed attorney.
2. He shall reside within the City.
3. He must be a resident of the State of Missouri.
4. He must be between the ages of twenty-one (21) and seventy (70) years.
5. He may serve as Municipal Judge for any other municipality.
6. He may not hold any other office within the City Government.
7. Within six (6) months after selection for the position, each Municipal Judge who is not licensed to practice law within the State of Missouri shall satisfactorily complete the course of instruction for Municipal Judges prescribed by the Supreme Court of Missouri. If the person selected to serve as Municipal Judge and who is not a licensed attorney in the State of Missouri fails to complete satisfactorily the prescribed course within six (6) months after his selection as Municipal Judge, his office shall be deemed vacant and such person shall not thereafter be permitted to serve as Municipal Judge of the City of Bloomfield, nor shall any compensation thereafter be paid to such person for serving as Municipal Judge.
8. The Municipal Judge shall be considered holding a part-time position, and as such may accept (within the requirements of the Code of Judicial Conduct, Missouri Supreme Court Rule 2) other employment. (Ord. No. 2025; CC 1981 §72.045; Ord. No. 3077 §§3-4, 3-12-97)

### **SECTION 140.070:SUPERINTENDING AUTHORITY**

The Municipal Court of the City shall be subject to the rules of the Circuit Court of which it is a part, and to the rules of the State Supreme Court. The Municipal Court shall be subject to the general administrative authority of the Presiding Judge of the Circuit

Court, and the Judge and Court personnel of said Court shall obey his directions. (Ord. No. 2025, CC 1981 §72.050)

#### **SECTION 140.080: REPORT TO BOARD OF ALDERMEN**

The Municipal Judge shall cause to be prepared within the first ten (10) days of every month a report indicating the following:

A list of all cases heard and tried before the Court during the preceding month, giving in each case the name of the defendant, the fine imposed if any, the amount of cost, the names of the defendants committed and in the cases where there was an application for trial de novo, respectively. The same shall be prepared under oath by the Municipal Court Clerk or the Municipal Judge. This report will be filed with the City Clerk, who shall thereafter forward the same to the Board of Aldermen of the City for examination at its first session thereafter. The Municipal Court shall, within the ten (10) days after the first month, pay to the Municipal Treasurer the full amount of all fines collected during the preceding months, if they have not previously been paid. (Ord. No. 2025, CC 1981 §72.055)

#### **SECTION 140.090: DOCKET AND COURT RECORDS**

The Municipal Judge shall be a conservator of the peace. He shall keep a docket in which he shall enter every case commenced before him and the proceedings therein and he shall keep such other records as may be required. Such docket and records shall be records of the Circuit Court of Stoddard County. The Municipal Judge shall deliver the docket and records of the Municipal Court, and all books and papers pertaining to his office, to his successor in office or to the Presiding Judge of the Circuit. (Ord. No. 2025, CC 1981 §72.060)

#### **SECTION 140.100: MUNICIPAL JUDGE; POWERS AND DUTIES GENERALLY**

The Municipal Judge shall be and is hereby authorized to:

1. Administer oaths and enforce due obedience to all orders, rules and judgments made by him, and may fine and imprison for contempt committed before him while holding court, in the same manner and to the same extent as a Circuit Judge.
2. Commute the term of any sentence, 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.
3. 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. Any and all rules made or adopted hereunder may be annulled or amended by an ordinance limited to such purpose; provided that such ordinance does not violate, or conflict with, the provisions of the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts, or State Statutes.

4. 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. (Ord. No. 2025, CC 1981 §72.065)

#### **SECTION 140.110:ISSUANCE AND EXECUTION OF WARRANTS**

All warrants issued by a Municipal Judge shall be directed to the Chief of Police or any other Police Officer of the municipality or to the Sheriff of the County. The warrant shall be executed by the Chief of Police, Police Officer, or Sheriff any place within the limits of the County and not elsewhere unless the warrants are endorsed in the manner provided for warrants in criminal cases, and, when so endorsed, shall be served in other counties, as provided for warrants in criminal cases.

(Ord. No. 2025, CC 1981 §72.075)

#### **SECTION 140.120:ARRESTS WITHOUT WARRANTS**

The Chief of Police or other Police Officer of the City may, without a warrant, make arrest of any person who commits an offense in his presence, but such officer shall, before the trial file a written complaint with the Judge hearing violations of municipal ordinances. (Ord. No. 2025, CC 1981 §72.080)

#### **SECTION 140.130:JURY TRIALS**

Any person charged with a violation of a municipal ordinance of this City shall be entitled to a trial by jury, as in prosecutions for misdemeanors before an Associate Circuit Judge. Whenever a defendant accused of a violation of a municipal ordinance demands trial by jury, the Municipal Court shall certify the case to the Presiding Judge of the Circuit Court for reassignment. (Ord. No. 2025, CC 1981 §72.085)

#### **SECTION 140.140:DUTIES OF THE CITY'S PROSECUTING ATTORNEY**

It shall be the duty of an attorney designated by the municipality to prosecute the violations of the City's ordinances before the Municipal Judge or before any Circuit Judge hearing violations of the City's ordinances. The salary or fees of the attorney and his necessary expenses incurred in such prosecutions shall be paid by the City. The

compensation of such attorney shall not be contingent upon the result in any case. (Ord. No. 2025, CC 1981 §72.090)

#### **SECTION 140.150:SUMMONING OF WITNESSES**

It shall be the duty of the Municipal Judge to summon all persons whose testimony may be deemed essential as witnesses at the trial, and to enforce their attendance by attachment, if necessary. The fees of witnesses shall be the same as those fixed for witnesses in trials before Associate Circuit Judges and shall be taxed as other costs in the case. When a trial shall be continued by a Municipal Judge it shall not be necessary to summon any witnesses who may be present at the continuance; but the Municipal Judge shall orally notify such witnesses as either party may require to attend before him on the day set for trial to testify in the case, and enter the names of such witnesses on his docket, which oral notice shall be valid as a summons. (Ord. No. 2025, CC 1981 §72.095)

#### **SECTION 140.160:TRANSFER OF COMPLAINT TO ASSOCIATE CIRCUIT JUDGE**

If, in the progress of any trial before a Municipal Judge, it shall appear to the Judge that the accused ought to be put upon trial for an offense against the criminal laws of the State and not cognizable before him as Municipal Judge, he shall immediately stop all further proceedings before him as Municipal Judge and cause the complaint to be made before some Associate Circuit Judge within the County.  
(Ord. No. 2025, CC 1981 §72.100)

#### **SECTION 140.170:JAILING OF DEFENDANTS**

If in the opinion of the Municipal Judge, the City has no suitable and safe place of confinement, the Municipal Judge may commit the defendant to the County Jail, and it shall be the duty of the Sheriff, if space for the prisoner is available in the County Jail, upon receipt of a Warrant of Commitment from the Judge to receive and safely keep such prisoner until discharged by due process of law. The municipality shall pay the board of such prisoner at the same rate as may not or hereafter be allowed to such Sheriff for the keeping of such prisoner in his custody. The same shall be taxed as cost. (Ord. No. 2025, CC 1981 §72.105)

#### **SECTION 140.180:RECOGNIZANCE**

- A. The Municipal Judge may require a defendant to enter into recognizance, with sufficient security, conditioned that he will appear before the Municipal Judge at the time and place appointed, then and there to answer the complaint alleged against him; and if he fail or

refuse to enter into such recognizance, the defendant may be committed to jail and held to answer such complaint as aforesaid.

- B. In case of a breach of any recognizance, the same shall be deemed forfeited, and the Mayor shall cause the same to be prosecuted against the principal and surety, or against either of them alone. Such action shall be in the name of the City as Plaintiff, and may be prosecuted before the Municipal Judge, and all the money recovered in any such action shall be paid over to the City Treasury to the credit of the general fund of the City. Judgments rendered under this Section may be appealed to the Circuit Court in like manner and within the same time as appeals from other Municipal Court judgments. (Ord. No. 2025, CC 1981 §72.110)

#### **SECTION 140.190:BOND, WHEN SET BY CHIEF OF POLICE**

- A. When a defendant is entitled to bail, the Municipal Judge shall admit him to bail, but if the Court is not in session, the Chief of Police of this City may admit the defendant to bail in an amount not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00).
- B. When a Police Officer of this City shall have a person under arrest and in custody by virtue of a warrant issued upon a complaint or information charging the commission of a misdemeanor, or upon a warrant of commitment for failure to furnish bail or failure to appear in Court when scheduled, the City Police may admit the defendant to bail in the amount specified upon the warrant or if the amount of bail is not so specified and the Municipal Court is not in session, the Chief of Police may admit the defendant to bail in an amount not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) by requiring the deposit with the Chief of Police of cash or a personal bond with sufficient sureties to be approved by the Chief of Police. (Ord. No. 2025, CC 1981 §72.115)

#### **SECTION 140.200:PAROLE AND PROBATION**

Any Judge hearing violations of municipal ordinances may, when in his judgment it may seem advisable, grant a parole or probation to any person who shall plead guilty or who shall be convicted after a trial before said Judge. (Ord. No. 2025, CC 1981 §72.200)

#### **SECTION 140.210:RIGHT OF APPEAL**

The defendant shall have a right to trial de novo, even from a plea of guilty, before a Circuit Judge or an Associate Circuit Judge. Such application for a trial de novo shall be filed within ten (10) days after the judgment and shall be in the form as provided by Supreme Court Rules. (Ord. No. 2025, CC 1981 §72.205)

## **SECTION 140.220: APPEAL FROM JURY VERDICTS**

In all cases in which a jury trial has been demanded, a record of the proceedings shall be made, and appeals may be had upon that record to the appropriate Appellant Court. (Ord. No. 2025, CC 1981 §72.210)

## **SECTION 140.230: BREACH OF RECOGNIZANCE**

In the case of a breach of any recognizance entered into before a Municipal Judge or an Associate Circuit Judge hearing a municipal ordinance violation case, the same shall be deemed forfeited and the Judge shall cause the same to be prosecuted against the principal and surety, or either of them, in the name of the municipality as plaintiff. Such action shall be prosecuted before a Circuit Judge or Associate Circuit Judge, and in the event of cases caused to be prosecuted by a Municipal Judge, such shall be on the transcript of the proceedings before the Municipal Judge. All monies recovered in such actions shall be paid over to the Municipal Treasury to the General Revenue Fund of the municipality.

(Ord. No. 2025, CC 1981 §72.215)

## **SECTION 140.240: DISQUALIFICATION OF MUNICIPAL JUDGE FROM HEARING PARTICULAR CASE**

A Municipal Judge shall be disqualified to hear any case in which he is anywise interested in, or, if before the trial is commenced, the defendant or the prosecutor files an affidavit that the defendant or the municipality, as the case may be, cannot have a fair and impartial trial by reason of the interest or prejudice of the Judge. Neither the defendant nor the municipality shall be entitled to file more than one (1) affidavit or disqualification in the same case. (Ord. No. 2025, CC 1981 §72.220)

## **SECTION 140.250: ABSENCE OF JUDGE -- PROCEDURE**

- A. If a Municipal Judge be absent, sick or disqualified from acting, the Mayor may designate some competent, eligible person to act as Municipal Judge until such absence or disqualification shall cease; provided however, that should a vacancy occur in the office of an elected Municipal Judge more than six (6) months before a general municipal election, then a special election shall be held to fill such vacancy; and in case of vacancy in the office of an elected Municipal Judge within less than six (6) months of a general municipal election, the office may be filled by a competent, eligible person designated by the Mayor.

- B. The governing body of the municipality shall provide by ordinance for the compensation of any person designated to act as Municipal Judge under the provisions of this Section. *State Law Reference -- See RSMo. §479.230.*

### **SECTION 140.260:CLERK OF THE MUNICIPAL COURT**

The Municipal Court Clerk is appointed by the Mayor, with the approval of the Board of Aldermen. The duties of said Clerk shall be as follows:

1. To collect such fines for violations of such offenses as may be described, and the Court cost thereof.
2. To take oaths and affirmations.
3. To accept signed complaints and allow the same to be signed and sworn to or affirmed before him.
4. Sign and issue subpoenas requiring the attendance of witnesses and sign and issue subpoenas duces tecum.
5. Accept the appearance, waiver of trial and plea of guilty and payment of fine and costs in Traffic Violation Bureau cases or as directed by the Municipal Judge.
6. Perform all other duties as provided for by ordinance, by rules of Practice and Procedure adopted by the Municipal Judge and by the Missouri Rules of Practice and Procedure in Municipal and Traffic Court and by Statute.
7. Maintain, properly certified by the City Clerk, a complete copy of the ordinances of the City of the municipality which shall constitute prima facie evidence of such ordinance before the Court. Further, to maintain a similar certified copy on file with the Clerk serving the Circuit Court of this County. (Ord. No. 2025, CC 1981 §72.230)

### **SECTION 140.270:COURT COSTS**

In addition to any fine that may be imposed by the Municipal Judge, there shall be assessed as costs in all cases the following:

1. Costs of Court in the amount of twenty dollars (\$20.00).
2. In all cases, except those for non-moving traffic violations, the sum of two dollars (\$2.00) for the training of Peace Officers. This fee shall be transmitted monthly to the Treasurer of the City.

3. In all cases, except those for non-moving traffic violations, the sum of one dollar (\$1.00) may be assessed. The fee shall be deposited with the Treasurer of the State in the Peace Officer Standards and Training Commission Fund to be used Statewide for training of Peace Officers.
4. Other costs, such as for the issuance of a warrant, a commitment or a summons as provided before the Associate Circuit Judge in criminal prosecutions.
5. Actual costs assessed against the City or the County Sheriff for apprehension or confinement in the County Jail.
6. Mileage, in the same amount as provided to the Sheriff in criminal violations, for each mile and fraction thereof the officer must travel (both directions) in order to serve any warrant or commitment or order of this Court. (Ord. No. 2025; CC 1981 §72.235; Ord. No. 3073 §§1–2, 12-9-96; Ord. No. 3090 §140.270, 1-12-98)

#### **SECTION 140.280:COURT COSTS -- ASSESS AGAINST PROSECUTING WITNESS**

The costs of any action may be assessed against the prosecuting witness and judgment be rendered against him that he pay the same and stand committed until paid in any case where it appears to the satisfaction of the Municipal Judge that the prosecution was commenced without probable cause and from malicious motives. (Ord. No. 2025, CC 1981 §72.240)

#### **SECTION 140.290:INSTALLMENT PAYMENT OF FINE**

When a fine is assessed for violating an ordinance, it should be within the discretion of the Judge assessing the fine to provide for the payment of a fine on an installment basis under such terms and conditions as he may deem appropriate. (Ord. No. 2025, CC 1981 §72.245)

#### **SECTION 140.300:FAILURE TO APPEAR–JUDGE TO ISSUE WARRANT**

- A. When a defendant who has been charged and summoned to Court and/or has appeared in Court and given a date to reappear in Court fails to appear in Court on said date or designated date, the Municipal Judge may, at his discretion, issue a warrant for the arrest of said defendant.
- B. Failure to appear in Court by any defendant when so notified of the Court date and time shall be a misdemeanor and shall carry a fine not to exceed five hundred dollars (\$500.00). (Ord. No. 3092 §§1–2, 6-8-98)

## **CHAPTER 145: PROCUREMENT PROCEDURES**

### **SECTION 145.010: PURCHASING AGENT DESIGNATED**

- A. The City Clerk is hereby designated as purchasing agent for the City and shall procure for the City bids for supplies and services needed by the City, in accordance with the procedures prescribed by this Chapter or required by law.
- B. Except as provided in this Chapter, it shall be unlawful for any City Officer or employee to order the purchase of any supplies or make any contract within the purview of this Chapter other than through the City Clerk, and any purchase ordered or contract made contrary to the provisions hereof shall not be approved by City Officials, and the City shall not be bound thereby. (Ord. No. 2025, CC 1981 §25.010)

### **SECTION 145.020: DUTIES GENERALLY**

In addition to the purchasing authority conferred in the preceding Section, and in addition to any other powers and duties conferred by this Code or other ordinance, the City Clerk shall:

1. Act to procure for the City the highest quality in supplies and contractual services at the least expense to the City.
2. Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases and sales.
3. Keep informed of current developments in the field of purchasing, prices, market conditions and new products, and secure for the City the benefits of research done in the field of purchasing by other governmental jurisdictions, national technical societies, trade associations, and by private businesses and organizations.
4. Prepare, adopt and maintain a vendor's catalog file. Said catalog shall be filed according to materials and shall contain descriptions of vendor's commodities, prices and discounts.
5. Exploit the possibilities of buying "in bulk" so as to take full advantage of discounts.
6. Act so as to procure for the City all Federal and State tax exemptions to which it is entitled.

7. Have the authority to declare vendors who default on their quotations irresponsible bidders and to disqualify them from receiving any business from the municipality for a stated period of time.  
(Ord. No. 2025, CC 1981 §25.020)

### **SECTION 145.030: REQUISITIONS AND ESTIMATES**

Each City department or agency shall file with the City Clerk detailed requisitions or estimates of their requirements in supplies and contractual services in such manner, at such times, and for such future periods as the City Clerk shall prescribe.

1. A City department or agency shall not be prevented from filing, in the same manner, with the City Clerk, at any time a requisition or estimate for any supplies and contractual services, the need for which was not foreseen when the detailed estimates were filed.
2. The City Clerk shall examine each requisition or estimate and shall have the authority to revise it as to quantity, quality or estimated cost. (Ord. No. 2025, CC 1981 §25.020)

### **SECTION 145.040:EXCEPTION**

The City Clerk may purchase on behalf of the City, supplies necessary for the day to day operation of his office and of the City Hall. (Ord. No. 2025, CC 1981 §25.035)

### **SECTION 145.050: CONFLICT OF INTEREST**

No officer or employee of the City shall transact any business in his official capacity with any business entity of which he is an officer, agent or member or in which he owns a substantial interest; nor shall he make any personal investments in any enterprise which will create a substantial conflict between his private interest and the public interest; nor shall he or any firm or business entity of which he is an officer, agent or member, or the owner of substantial interest, sell any goods or services to any business entity which is licensed by or regulated in any manner by the City. (Ord. No. 2025, CC 1981 §25.040)

### **SECTION 145.060:CONFLICT OF INTEREST -- OFFICERS AND EMPLOYEES NOT TO DEAL WITH CERTAIN ENTITIES**

No officer or employee of this City shall enter into any private business transaction with any person or entity that has a matter pending or to be pending upon which the officer or employee is or will be called upon to render a decision or pass judgment. If any officer or employee is already engaged in the business transaction at the time that a matter

arises, he shall be disqualified from rendering any decision or passing judgment upon the same. (Ord. No. 2025, CC 1981 §25.050)

#### **SECTION 145.070:CONFLICT OF INTEREST -- PENALTIES**

Any person who violates the provisions of Section 145.050 or Section 145.060 shall, upon conviction thereof, be punished as provided in Section 100.100 of this Code. (Ord. No. 2025, CC 1981 §25.060)

#### **SECTION 145.080:GIFTS AND REBATES**

The City Clerk and every other officer and employee of the City are expressly prohibited from accepting, directly or indirectly, from any person, company, firm or corporation to which any purchase order or contract is, or might be awarded, any rebate, gift, money, or anything of value whatsoever, except where given for the use and benefit of the City. Violation of the provisions of this Section shall upon conviction thereof be punished as provided in Section 100.100 of this Code. (Ord. No. 2025, CC 1981 §25.070)

#### **SECTION 145.090:COMPETITIVE BIDDING REQUIRED**

All purchases of, and contracts for supplies and contractual services, and all sales of personal property which has become obsolete and unusable shall, except as specifically provided herein, be based wherever possible on competitive bids. (Ord. No. 2025, CC 1981 §25.080)

#### **SECTION 145.100:FORMAL CONTRACT PROCEDURE**

All supplies and contractual services, except as otherwise provided in this Chapter, when the estimated cost thereof shall exceed five thousand dollars (\$5,000.00), shall be purchased by formal, written contract from the lowest responsible bidder, after due notice inviting proposals. All sales of personal property which has become obsolete and unusable, when the estimated value shall exceed five thousand dollars (\$5,000.00) shall be sold by formal written contract to the highest responsible bidder, after due notice inviting proposals.  
(Ord. No. 2025, CC 1981 §25.090)

## **SECTION 145.110:NOTICE DEFINED**

The notice required by the preceding Section shall consist of the following:

1. Notice inviting bids shall be published once in at least one (1) official newspaper of the City and at least five (5) days preceding the last day set for the receipt of proposals. The newspaper notice required herein shall include a general description of the articles to be purchased or sold, shall state where bid blanks and specifications may be secured, and the time and place for opening bids.
2. The City Clerk shall also solicit sealed bids from all responsible prospective suppliers who have requested their names to be added to a "*Bidders' List*" which the Clerk shall maintain, by sending them a copy of such newspaper notice or such other notice as will acquaint them with the proposed purchase or sale. In any case, invitations sent to the vendors on the bidders' list shall be limited to commodities that are similar in character and ordinarily handled by the trade group to which the invitations are sent.
3. The City Clerk shall also advertise all pending purchases or sales by a notice posted on the public bulletin board in the City Hall.
4. The City Clerk shall also solicit sealed bids by:
  - a. Direct mail request to prospective vendors, and
  - b. By telephone,

as may seem to him to be in the best interest of the City. (Ord. No. 2025, CC 1981 §25.100)

## **SECTION 145.120: BID OPENING PROCEDURE**

Bids shall be submitted sealed to the City Clerk and shall be identified as bids on the envelope. They shall be opened in public at the time and place stated in the public notices. A tabulation of all bids received shall be posted for public inspection. (Ord. No. 2025, CC 1981 §25.110)

## **SECTION 145.130: LOWEST RESPONSIBLE BIDDER**

Contracts shall be awarded to the lowest responsible bidder. Bids shall not be accepted from, nor contracts awarded, to a contractor who is in default on the payment of taxes, licenses or other monies due the City. In determining "lowest responsible bidder", in addition to price, the following shall be considered:

1. The ability, capacity and skill of the bidder to perform the contract or provide the service required;
2. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
3. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
4. The quality of performance of previous contracts or services;
5. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
6. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
7. The quality, availability and adaptability of the supplies, or contractual services to the particular use required;
8. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
9. The number and scope of conditions attached to the bid.  
(Ord. No. 2025, CC 1981 §25.120)

#### **SECTION 145.140: BIDS ACCEPTED**

All bids shall be accepted or rejected by the Board of Aldermen. When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be entered upon the journal of the Board. (Ord. No. 2025, CC 1981 §25.125)

#### **SECTION 145.150: TIE BIDS**

If all bids received or the lowest bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to a local bidder. (Ord. No. 2025, CC 1981 §25.130)

#### **SECTION 145.160: OPEN MARKET PROCEDURE**

All purchases of supplies and contractual services, and all sales of personal property which has become obsolete and unusable for which competitive bidding is not required

by Section 145.100 of this Code shall be made in the open market, without newspaper advertisement and without observing the procedure prescribed by Section 145.120 for the award of formal contracts.

1. All open market purchases shall, whenever possible, be based on at least three (3) competitive bids, and shall be awarded to the lowest responsible bidder in accordance with the standards set forth in Section 145.130.
2. The City shall solicit bids by:
  - a. Direct mail request to prospective vendors
  - b. By telephone, and
  - c. By public notice posted on the bulletin board of the City Hall.
3. The City Clerk shall keep a record of all open market orders and the bids submitted in competition thereon, and such records shall be open to public inspection. (Ord. No. 2025, CC 1981 §25.140)

#### **SECTION 145.170:AUTHORITY FOR PURCHASES**

All City purchases (whether bids are obtained through formal contract procedure of Section 145.100 et. seq. or through the open market procedure of Section 145.160) may be approved, and offers accepted, only as follows:

1. The City Clerk may purchase on his own authority up to three hundred dollars (\$300.00) in goods.
2. The commissioner of a particular department (Section 125.090) may authorize purchases of five hundred dollars (\$500.00).
3. All purchases of five hundred dollars (\$500.00) or more must be approved by the Board of Aldermen in advance, except those purchases or payments that have been previously determined.  
(Ord. No. 2025, CC 1981 §25.145)

#### **SECTION 145.180:EMERGENCY PURCHASES**

In case of an apparent emergency which requires immediate purchase of supplies or contractual services, the Board of Aldermen may authorize the purchase at the lowest obtainable price, any supplies or contractual services regardless of the amount of the expenditure. A full explanation of the circumstances of an emergency purchase shall be recorded in the journal of the Board of Aldermen. (Ord. No. 2025, CC 1981 §25.150)

## **SECTION 145.190:COOPERATIVE PROCUREMENT**

To the maximum extent practicable the purchases of this City shall be made under the provisions of the Missouri State - Local Technical Services Act. The provisions of this Chapter requiring competitive bidding at the local level shall not apply to such purchases. (Ord. No. 2025, CC 1981 §25.160)

## **CHAPTER 150: PARK BOARD**

### **SECTION 150.010: PARK BOARD ESTABLISHED**

There is hereby established a Park Board composed of nine (9) Directors, whose duty it shall be to supervise, manage and control the park or parks of this City as provided under Sections 90.500 through 90.570, RSMo. (Ord. No. 2025, CC 1981 §26.010)

### **SECTION 150.020: MEMBERSHIP**

The Directors of this Board shall hold office one-third (1/3) for one (1) year, one-third (1/3) for two (2) years and one-third (1/3) for three (3) years from June 1 following their appointment, and at their first regular meeting shall cast lots for their respective terms; and annually thereafter, the Mayor shall, before the first of June of each year, appoint as before three (3) Directors, who shall hold office for three (3) years and until their successors are appointed. The Mayor may, by and with the consent of the Board of Aldermen, remove any Director for misconduct or neglect of duty. (Ord. No. 2025, CC 1981 §26.020)

### **SECTION 150.030: PROCEDURE**

Said Directors shall immediately after their appointment, meet and organize by the election of one (1) of their number as President, and by the election of such officers as they may deem necessary. They shall make and adopt such by-laws, rules and regulations for their guidance and for the government of the parks as may be expedient, not inconsistent with Sections 90.500 to 90.570, RSMo. They shall have the exclusive control of the expenditures of all money collected to the credit of the Park Fund and of the supervision, improvement, care and custody of said park. All monies received for such parks shall be deposited in the Treasury of said City to the credit of the Park Fund and shall be kept separate and apart from the other monies of such City and drawn upon by the proper officers of said City upon the properly authenticated vouchers of the Park Board. Said Board shall have power to purchase or otherwise secure ground to be used for such parks, shall have power to appoint a suitable person to take care of said parks and necessary assistants for said person and fix their compensation, and shall have power to remove such appointees; and shall in general carry out the spirit and intent of Sections 90.500 to 90.570 RSMo in establishing and maintaining public parks. (Ord. No. 2025, CC 1981 §26.030)

### **SECTION 150.040: ANNUAL REPORT**

The said Board of Directors shall make, on or before the second Monday in June, an annual report to the Board of Aldermen stating the conditions of their trust on May 1 of that year, the various sums of money received from the Park Fund and other sources, and how much monies have been expended and for what purposes, with such other statistics, information and suggestions as they may deem of general interest. All such portions of such report as relate to the receipt and expenditure of money shall be verified by affidavit.

(Ord. No. 2025, CC 1981 §26.040)

#### **SECTION 150.050:DEVELOPMENT MEMBERS**

The Mayor is hereby authorized to appoint four (4) persons, residents of the rural area surrounding to the Park Board in the same manner as other members, to be known as "*Development Members*". Such members shall advise and assist the regular Park Board in the development of the City's parks.

(Ord. No. 2025, CC 1981 §26.050)

## **CHAPTER 155: CITY PARK REGULATIONS**

### **SECTION 155.010:SPEED LIMIT ON CITY PARKS**

No person shall operate a motor vehicle within any City park in the City of Bloomfield, Missouri, at a speed in excess of fifteen (15) miles per hour. (Ord. No. 2025, CC Amendment 1983 §26.080)

### **SECTION 155.020:MOTOR VEHICLES SHALL NOT BE ON GRASS**

No person shall operate or park a motor vehicle upon any area in any City park upon which there is grass without the permission of the Park Board. (Ord. No. 2025, CC Amendment 1983 §26.090)

### **SECTION 155.030:NO CAMPING IN CITY PARK**

No person shall camp within any City park without the permission of the Park Board. (Ord. No. 2025, CC Amendment 1983 §26.100)

### **SECTION 155.040:DESTRUCTION OF PROPERTY PROHIBITED**

No person shall maliciously injure, destroy or deface any grass, shrub, tree, post, marker, sign, can, hydrant, table bench, building or park property or equipment of any nature. (Ord. No. 2025, CC Amendment 1983 §26.110)

### **SECTION 155.050:HOURS OF OPERATION**

The City parks shall be open to the public only from sunrise to ten o'clock (10:00) P.M., and no person shall be within the City park between the hours of ten o'clock (10:00) P.M. and sunrise the following day, without the permission of the Park Board. (Ord. No. 2025, CC Amendment 1983 §26.120)

## **CHAPTER 160: LIBRARY BOARD**

### **SECTION 160.010:CREATED**

There is hereby created and established within the City a Library Board of Trustees.  
(Ord. No. 2025, CC 1981 §26.300)

### **SECTION 160.020:COMPOSITION**

The Library Board shall be composed of nine (9) trustees, chosen from the citizens of the City at large, with reference to their fitness for the office. No member of the City Government shall be a member of the Board. (Ord. No. 2025, CC 1981 §26.310)

### **SECTION 160.030:APPOINTMENT**

The Library Board of Trustees shall be appointed by the Mayor, subject to the approval of the Board of Aldermen. (Ord. No. 2025, CC 1981 §26.320)

### **SECTION 160.040:COMPENSATION**

No member of the Library Board shall receive any compensation as such.  
(Ord. No. 2025, CC 1981 §26.330)

### **SECTION 160.050:ORGANIZATION**

Immediately after their appointment, the members of the Library Board shall meet and organize by the election of one (1) of their number as president, and by election of such other officers as they may deem necessary. (Ord. No. 2025, CC 1981 §26.340)

### **SECTION 160.060:RULES AND REGULATIONS**

The Library Board shall make and adopt such by-laws, rules and regulations for their own guidance, and for the government of the Library, as may be expedient, and not inconsistent with State law.  
(Ord. No. 2025, CC 1981 §26.345)

**SECTION 160.070:LIBRARIAN**

The Library Board shall appoint a librarian. (Ord. No. 2025, CC 1981 §26.350)

**SECTION 160.080:POWERS, DUTIES, GENERALLY**

The Library Board shall have such powers and duties as are authorized by State law and given them by resolution or ordinance of the Board of Aldermen. (Ord. No. 2025, CC 1981 §26.355)

## **CHAPTER 165: CITY VEHICLES**

### **SECTION 165.010:CITY VEHICLES, OPERATION**

Motor vehicles and motorized equipment belonging to or acquired by the City of Bloomfield or any department thereof are to be placed in charge of and operated by authorized personnel only and to be used and operated strictly for municipal purposes or such operation that contributes to or is related to municipal service and the use of such vehicles for private purpose or convenience is strictly prohibited except in such cases as authorized by the Board of Aldermen or upon an arrangement providing a daily or hourly rental return to the City based upon the reasonable value of the service rendered. (Ord. No. 2025, CC 1981 §23.500)

### **SECTION 165.020:LOGS TO BE KEPT**

The person, officer or employee of the City of Bloomfield making use of a City owned motor vehicle, whether as an incident to, or in the regular performance of their occupation as an officer or employee of said City shall be required to maintain and keep in each vehicle an official log or record of the operation of such vehicle, duly entering therein the mileage record of hourly use of such motorized equipment together with the date, and any maintenance or repair service required before or during the operation thereof. That all purchases of fuels, oils, parts, or service shall be duly recorded in the vehicle log. (Ord. No. 2025, CC 1981 §23.510)

### **SECTION 165.030:REPORT TO CITY CLERK**

That the logs of each vehicle or piece of motorized equipment shall be turned in at least once a month to the City Clerk for reconciling the information therein and to compile a permanent record of the cost expense repairs and other pertinent information concerning the operation of the equipment and the keeping of the cost date for record and accounting purposes. (Ord. No. 2025, CC 1981 §23.520)

### **SECTION 165.040:PRIVATE USE, WHEN**

That the use and operation of any City owned vehicle or piece of motorized equipment in the service of a private individual or for non-municipal purposes may be authorized and arranged for upon an agreement for the reimbursing the City for the reasonable cost of the operation and maintenance thereof including operator's salary and a reasonable depreciation allowance. That a schedule of charges based upon these items may be

periodically set by the Board of Aldermen for use of the supervising personnel in such cases. (Ord. No. 2025, CC 1981 §23.530)

#### **SECTION 165.050:RENTAL OF CITY EQUIPMENT**

City equipment for rental shall only be used following a work order from the City Clerk and operated by a City employee while in the employ of the City. (Ord. No. 2025, CC 1981 §23.531)

#### **SECTION 165.060:EMERGENCY**

That nothing in this Chapter will prevent the use of any City vehicle in matters concerning a public or private emergency or in the Civil Defense activities in the community. (Ord. No. 2025, CC 1981 §23.540)

## **CHAPTER 170: DELINQUENT TAXES**

### **SECTION 170.010:TAX COLLECTOR TO MAKE DELINQUENT LISTS, BOARD TO APPROVE, COLLECTION OF DELINQUENT TAXES**

- A. The Board of Aldermen shall require the City Tax Collector, at the first meeting of the Board in April of each year, or as soon thereafter as may be, to make out, under oath, lists of delinquent taxes remaining due and uncollected for each year, to be known as "*The Land And Lot Delinquent List*" and "*The Personal Delinquent List*".
- B. The Board of Aldermen, at the meeting at which the delinquent lists are returned or as soon as may be thereafter, shall examine the lists carefully, and if it appears that all property and taxes contained in the lists are properly returned as delinquent, the Board shall approve the lists, enter a record thereof in the journal and credit the amount thereof to the account of the City Tax Collector.
- C. The Board shall return the delinquent list to the Tax Collector, charging him therewith, and the Tax Collector shall certify the said Land and Lot Delinquent List to be a true and correct list of delinquent taxes remaining due and uncollected for each year so stated on land and lots in the City of Bloomfield, Missouri, and said list shall be delivered to the Tax Collector of taxes for Stoddard County, Missouri, who shall proceed to collect the same in the same manner as provided by law for the State and County taxes.  
(Ord. No. 2092 §1)

### **SECTION 170.020:BACK TAX BOOK - CONTENTS**

- A. The Tax Collector shall prepare a back tax book which shall be made up as follows:
  - 1. All tracts of land or City lots on which back taxes are due shall be listed in numerical order with the legal description thereof;
  - 2. The name of the owner, if known, and if unknown, the name of the person to whom the land was last assessed shall be set forth opposite each tract of land or City or town lot;
  - 3. In appropriate columns shall be entered the year or years for which the land is delinquent, the amount of original tax due each fund, the interest due on tax at the time of making the back tax book, the clerk's fees then due, and the aggregate amount of taxes, interest and clerk's fees charged against the land for all the years delinquent.

- B. The City Tax Collector shall furnish the County Tax Collector with a copy of the back tax book at such time that delinquent tax lists are turned over to the County Tax Collector. (Ord. No. 2092 §2)

**SECTION 170.030:KEEP COPY OF DELINQUENT LAND LIST AND PERSONAL DELINQUENT LIST**

It shall be the duty of the City Clerk and City Tax Collector to keep on file in their office a true copy of the Delinquent Land List and Personal Delinquent List. (Ord. No. 2092 §3)

**SECTION 170.040:BOARD OF ALDERMEN TO COMPROMISE TAXES, WHEN**

Whenever it shall appear to the Board of Aldermen that any tract of land in said back tax book is not worth the amount of taxes, interest and costs due thereon, or that the same would not sell for the amount so charged, it shall be lawful for the Board of Aldermen to compromise said taxes with the owner which shall have the effect to release said land from the City's lien; it shall be the duty of the Tax Collector to distribute to its various funds to which said tax is due, in proportion to the amount received bears to the whole amount charged against such tract or lot. Provided however, such compromise shall only be made in such cases where improvements have been destroyed, which materially lower the value of the property, after the assessment is made and before the taxes are collected. (Ord. No. 2092 §4)

**SECTION 170.050:SURPLUS FUNDS; WHEN REAL ESTATE IS SOLD FOR TAXES**

When real estate is sold for taxes by the Stoddard County Collector for a greater amount than the debt or taxes and all costs, the balance over shall be paid to the owner or owners of such land; if such owner or owners cannot be found, then such surplus shall be paid into the treasury to be credited to the general fund, to be held in trust for twenty (20) years for the owners or their legal representatives. At the end of twenty (20) years, if such fund shall not be called for, then it shall become permanent funds of the City. The Board of Aldermen shall require satisfactory proof of any claim before refunding the money, and the City shall pay no interest to the claimant for any such fund. (Ord. No. 2092 §5)

**SECTION 170.060:TAXPAYER FAILS OR NEGLECTS TO PAY TAX; PENALTIES**

If any taxpayer shall fail or neglect to pay such tax when it becomes due, then it shall be the duty of the Tax Collector to collect and account for, as other taxes, an additional tax as penalty of ten percentum (10%) on such tax delinquent for the preceding year and an

additional annual ten percentum (10%) on taxes for each year prior to the preceding year; provided however, if taxes are paid on land or lots delinquent for the preceding year at any time prior to the sale thereof as in this Chapter provided, the percentum of penalty added shall not exceed one percentum (1%) per month or fractional part thereof of ten percentum (10%) annually. (Ord. No. 2092 §6)

#### **SECTION 170.070:TAX DELINQUENT LAND OR LOTS SUBJECT TO SALE**

All land and lots on which taxes are delinquent and unpaid shall be subject to sale to discharge the lien for said delinquent and unpaid taxes and said sale shall be conducted by the County Tax Collector at the same time and in the same manner as provided by law for State and County tax sales. (Ord. No. 2092 §7)

#### **SECTION 170.080:LOTS AND LAND SUBJECT TO SALE, WHEN**

- A. All lands and lots on which taxes are delinquent and unpaid are subject to sale to discharge the lien for the delinquent and unpaid taxes as provided for in this Chapter on the fourth Monday in August of each year by the Stoddard County Tax Collector.
- B. No real property shall be sold for City taxes without judicial proceedings, unless notice of sale contains the names of all record owners thereon, or the names of all owners appearing on the land tax book and all other information required by law. Delinquent taxes, with penalty, interest and costs, may be paid to the County Collector at any time before the property is sold therefore.
- C. The entry in the back tax book by the County Collector of the delinquent land and lots constitute a levy upon the delinquent land and lots for the purpose of enforcing the lien and unpaid taxes, together with penalty, interest and costs. (Ord. No. 2092 §8)

## **CHAPTER 175: CITY SALES TAX**

### **SECTION 175.010: IMPOSITION OF CITY SALES TAX**

- A. Pursuant to the authority granted by and subject to the provisions of Section 94.500 to 94.570 , RSMo., a tax for general revenue purposes is hereby imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the same manner as provided in Section 94.500 to 94.570 and 144.010 to 144.510. RSMo., and the rules and regulations of the Director of Revenue issued pursuant thereto.
- B. The rate of the tax shall be seven-eighths of one percent (7/8%) on the receipts from the sale at retail of all tangible personal property or taxable services of retail within the City of Bloomfield, Missouri, if such property and services are subject to taxation by the State of Missouri under the provision of Section 94.500 to 94.570 and 144.010 to 144.510 RSMo. (Ord. No. 2000 §§ 1,2)

### **SECTION 175.020:USE TAX**

- A. Pursuant to the authority granted by, and subject to, the provisions of Sections 144.600 through 144.760, RSMo., a use tax for general revenue purposes is imposed for the privilege of storing, using, or consuming within the City, any article of tangible personal property. This tax does not apply with respect to the storage, use or consumption of any article of tangible personal property purchased, produced or manufactured outside this State until the transportation of the article has finally come to rest within this City or until the article has become commingled with the general mass of property of this City.
- B. The rate of the tax shall be one percent (1%). If any City sales tax is repealed or the rate thereof is reduced or raised by voter approval, the City use tax rate shall also be deemed to be repealed, reduced or raised by the same action repealing, reducing or raising the City sales tax. (Ord. No. 3065 §§1–2, 6-10-96)

### **SECTION 175.030:CAPITAL IMPROVEMENTS TAX**

A City sales tax for the purpose of funding capital improvements which will include the funding of a City Library at the rate of 1/8 of one percent on the receipts of all retail sales within the City of Bloomfield is hereby imposed. This sales tax is also to apply to all sales of utilities for domestic use.

(Ord. No. (300.030) 3067 §1, 6-25-96; Ord. No. (300.030) 3079 §1, 3-12-97)