

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE CITY OF ANDERSON, COUNTY OF McDONALD, STATE OF MISSOURI; ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE OF ORDINANCES; PROVIDING PENALTY FOR THE VIOLATION THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE

Be it ordained by the Board of Aldermen of the City of Anderson, County of McDonald, State of Missouri, as follows:

Section 1. Approval, Adoption and Enactment of Code.

Pursuant to Section 71.943 of the Revised Statutes of Missouri, the codification of ordinances, as set out in Titles I through VII, each inclusive, of the "Code of Ordinances of the City of Anderson, County of McDonald, State of Missouri," is hereby adopted and enacted as the "Code of Ordinances of the City of Anderson"; which shall supersede all other general and permanent ordinances of the City passed on or before May 17, 2016, to the extent provided in Section 3 hereof.

Section 2. When Code Provisions Effective.

All provisions of such Code shall be in full force and effect from and after the effective date of this ordinance as set forth herein.

Section 3. Repeal of Legislation Not Contained in Code; Legislation Saved From Repeal; Matters Not Affected By Repeal.

- A. All ordinances of a general and permanent nature of the City adopted on final passage on or before May 17, 2016, and not included in such Code or recognized and continued in force by reference therein, are hereby repealed from and after the effective date of this ordinance, except those which may be specifically excepted by separate ordinance, and except the following which are hereby continued in full force and effect, unless specifically repealed by separate ordinance:
1. Ordinances promising or guaranteeing the payment of money for the City, or authorizing the issuance of any bonds or notes of the City or any other evidence of the City's indebtedness, or authorizing any contract or obligation assumed by the City.
 2. Ordinances levying taxes or making special assessments.
 3. Ordinances appropriating funds or establishing salaries and compensation, and providing for expenses.
 4. Ordinances granting franchises or rights to any person, firm or corporation.

5. Ordinances relating to the dedication, opening, closing, naming, establishment of grades, improvement, altering, paving, widening or vacating of streets, alleys, sidewalks or public places.
 6. Ordinances authorizing or relating to particular public improvements.
 7. Ordinances respecting the conveyances or acceptance of real property or easements in real property.
 8. Ordinances dedicating, accepting or vacating any plat or subdivision in the City or any part thereof, or providing regulations for the same.
 9. Ordinances annexing property to the City.
 10. All zoning and subdivision ordinances not specifically repealed and not included herein.
 11. Ordinances establishing TIF districts or redevelopment districts.
 12. Ordinances relating to traffic schedules (e.g., stop signs, parking limits, etc.).
 13. All ordinances relating to personnel regulations (e.g., pensions, retirement, job descriptions and insurance, etc.).
 14. Ordinances authorizing the establishment of industrial development corporations.
 15. Ordinances establishing tax rates for the City.
- B. The repeal provided for in this Section shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this ordinance.
- C. The repeal provided for in this Section shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to such date.

Section 4. Amendments To Code.

Any and all additions and amendments to such Code when passed in such form as to indicate the intention of the Board of Aldermen to make the same a part thereof shall be deemed to be incorporated in such Code so that reference to the "Code of Ordinances of the City of Anderson" shall be understood and intended to include such additions and amendments.

Section 5. Violations and Penalties.

- A. Except as hereinafter provided, whenever in any rule, regulation or order promulgated pursuant to such ordinances of the City, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such City ordinance, rule, regulation or order doing of any act is required or the failure to do any act is declared to

be unlawful, where no specific penalty is provided therefor, the violation of any such ordinance of the City, or of any rule, regulation or order promulgated pursuant to such City ordinance, shall be punished by a fine of not less than five dollars (\$5.00) and not more than five hundred dollars (\$500.00) or by imprisonment for a period not to exceed ninety (90) days, or by both such fine and imprisonment.

- B. Whenever any provision of the Revised Statutes of Missouri or other Statute of the State limits the authority of the City to punish the violation of any particular provision of these ordinances or rules, regulations or orders promulgated pursuant thereto to a fine of less amount than that provided in this Section or imprisonment for a shorter term than that provided in this Section, the violation of such particular provision of these ordinances or rules, regulations or orders shall be punished by the imposition of not more than the maximum fine or imprisonment so authorized, or by both such fine and imprisonment.
- C. Whenever any provision of the Revised Statutes of Missouri or other Statute of the State establishes a penalty differing from that provided by this Section for an offense similar to any offense established by these ordinances, rules, regulations or other orders of the City, the violation of such City law, ordinance, rule, regulation or order shall be punished by the fine or imprisonment established for such similar offense by such State law.
- D. Each day any violation of these ordinances, rules, regulations or orders promulgated pursuant thereto shall continue shall constitute a separate offense, unless otherwise provided.
- E. 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.

Section 6. Applicability of General Penalty.

In case of the amendment by the Board of Aldermen of any Section of such Code for which a penalty is not provided, the general penalty as provided in Section 5 of this ordinance shall apply to the Section as amended; or in case such amendment contains provisions for which a penalty other than the aforementioned general penalty is provided in another Section in the same Chapter, the penalty so provided in such other Section shall be held to relate to the Section so amended, unless such penalty is specifically repealed therein.

Section 7. Filing of Copy of Code; Codes To Be Kept Up-To-Date.

A copy of such Code shall be kept on file in the office of the City Clerk, preserved in loose-leaf form or in such other form as the City Clerk may consider most expedient. It shall be the express duty of the City Clerk, or someone authorized by said officer, to insert in their designated places all amendments and all ordinances or resolutions which indicate the intention of the Board of Aldermen to make the same part of such Code when the same have been printed or reprinted in page form and to extract from such Code all provisions which from time to time may be repealed by the Board of Aldermen. This copy of such Code shall be available for all persons desiring to examine the same.

Section 8. Altering or Tampering With Code; Violations and Penalties.

It shall be unlawful for any person to change or alter by additions or deletions any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Anderson to be misrepresented thereby. Any person violating this Section shall be punished as provided in Section 5 of this ordinance.

Section 9. Severability.

It is hereby declared to be the intention of the Board of Aldermen that the Sections, paragraphs, sentences, clauses and phrases of this ordinance and the Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph or Section of this ordinance or the Code hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and Sections of this ordinance or the Code hereby adopted.

Section 10. Effective Date.

This ordinance and the Code adopted hereby shall become effective July 19, 2016.

PASSED by the Board of Aldermen of the City of Anderson this 19th day of July 2016.

APPROVED by the Mayor of the City of Anderson this 19th day of July 2016.

John Sellers
Mayor of the City of Anderson

ATTEST:

Andrea Browning
City Clerk

Chapter DL

DISPOSITION LIST

**Section DL.010. Disposition of
Legislation.**

The following is a chronological listing of submitted ordinances of the City of Anderson adopted since the 1974 City Code, indicating for each either its inclusion in the 2016 Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] The Board of Aldermen Minutes of May 17, 2016, which included approval of substantive Code amendments, was the last legislation reviewed for the 2016 Code publication.

Section DL.010. Disposition of Legislation.

Ord. No.	Adoption Date	Subject	Disposition
45.042	2-8-1982	City officials: City Collector amendment	Ch. 115, Art. III
45.048	6-30-1982	City officials: Chief of Police amendment	Ch. 115, Art. IV
45.050	3-14-1983	Zoning amendment	Ch. 405
45.053	11-13-1984	Sewer regulations	Ch. 700
45.054	8-16-1986	Traffic Code: speed limits amendment	Traffic Sch. I
45.057	1-26-1987	Zoning amendment	Ch. 405
411-94	5-9-1994	Zoning amendment	Ch. 405
711-94	8-8-1994	General building provisions: miscellaneous provisions amendment	Ch. 500, Art. V
031715	3-17-2015	Taxation and finance: sales tax and applicability to utilities	Ch. 140, Art. IV
62915	6-29-2015	Annexation	NCM
21616	2-17-2016	General building provisions: miscellaneous provisions amendment	Ch. 500, Art. V
21616A	2-17-2016	Violations and penalties amendment	Ch. 100, Art. III; Ch. 130, Art. I; Ch. 130, Art. III; Ch. 300
41916	4-19-2016	Reestablishing City limits	NCM
Resolution	5-17-2016	Licenses and occupational taxes amendment	Ch. 605

Ord. No.	Adoption Date	Subject	Disposition
Motion	5-17-2016	Mayor and Board of Aldermen: meetings amendment	Ch. 110, Art. II
71916	7-19-2016	Adopting Ordinance	Front of Code

Chapter 100

GENERAL PROVISIONS

ARTICLE I City Incorporation and Seal

Section 100.010. Municipal Incorporation.

Section 100.020. City Seal.

ARTICLE II General Code Provisions

Section 100.030. Contents of Code.

Section 100.040. Citation of Code.

Section 100.050. Official Copies of Code.

Section 100.060. Altering or Amending
Code.

Section 100.070. Numbering of Code.

Section 100.080. Definitions and Rules of
Construction.

Section 100.090. Words and Phrases —
How Construed.

Section 100.100. Headings.

Section 100.110. Continuation of Prior
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Section 100.120. Effect of Repeal of
Ordinance.

Section 100.130. Repealing Ordinance
Repealed — Former
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— When.

Section 100.140. Severability.

Section 100.150. Tense.

Section 100.160. Notice.

Section 100.170. Notice — Exceptions.

Section 100.180. Computation of Time.

Section 100.190. Gender.

Section 100.200. Joint Authority.

Section 100.210. Number.

ARTICLE III Penalty

Section 100.220. General Penalty.

ARTICLE I City Incorporation and Seal

Section 100.010. Municipal Incorporation.

The inhabitants of the City of Anderson, as its limits now are or may hereafter be defined by law, shall be and continue a body corporate by the name of "The City of Anderson" and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatever; may receive and hold property, both real and personal, within such City and may purchase, receive and hold real estate within or without such City for the burial of the dead; and may purchase, hold, lease, sell or otherwise dispose of any property, real or personal, it now owns or may hereafter acquire; may receive bequests, gifts and donations of all kinds of property; and may have and hold one (1) common Seal and may break, change or alter the same at pleasure; and may do any act, exercise any power and render any service which contributes to the general welfare, and all courts of this State shall take judicial notice thereof.

Section 100.020. City Seal.**[CC 1995 §100.100; CC 1974 §20.010]**

- A. The Seal of the City shall, as heretofore, be the words "City Seal" in Roman capitals, inside of and surrounded by a scroll or circular impression having inscribed therein the words "City of Anderson, Missouri." 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.
- B. The City Clerk shall be the keeper of the common Seal of the City of Anderson, and any impression of said Seal to any contract or other writing shall have no validity or binding obligation upon the City unless such impression be accompanied by the attestation and signature of the City Clerk, and then only in cases authorized by law or the ordinances of this City.

ARTICLE II
General Code Provisions

Section 100.030. Contents of Code.

This Code contains all ordinances of a general and permanent nature of the City of Anderson, 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.

Section 100.040. Citation of Code.

This Code may be known and cited as the "Municipal Code of the City of Anderson, Missouri."

Section 100.050. Official Copies of Code.

At least three (3) copies of the published book shall be kept on file in the office of the City Clerk and kept available for inspection by the public at all reasonable business hours.

Section 100.060. Altering or Amending Code.

- A. 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 100.220 of this Code.
- B. This provision shall not apply to amendments, additions or deletions to this Code, duly passed by the Board of Aldermen, which may be prepared by the City Clerk for insertion in this Code.

Section 100.070. Numbering of Code.

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.

Section 100.080. Definitions and Rules of Construction.

- A. 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 the City of Anderson, Missouri.

CERTIFIED MAIL or CERTIFIED MAIL WITH RETURN RECEIPT REQUESTED — Includes certified mail carried by the United States Postal Service or any parcel or letter carried by an overnight, express or ground delivery service that allows a sender or recipient to electronically track its location and provides a record of the signature of the recipient.

CITY — The words "the City" or "this City" or "City" shall mean the City of Anderson, Missouri.

COUNTY — The words "the County" or "this County" or "County" shall mean the County of McDonald, Missouri.

DAY — A day of twenty-four (24) hours beginning at 12:00 Midnight.

MAY — Is permissive.

MAYOR — An officer of the City known as the Mayor of the Board of Aldermen of the City of Anderson, Missouri.

MONTH — A calendar month.

OATH — Includes 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."

OFFENSE — Shall mean and be the same as ordinance violation and is punishable as provided in Section 100.220 of this Code.

OWNER — The word "owner," as 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 — May extend and be applied to bodies politic and corporate, and to partnerships and other unincorporated associations.

PERSONAL PROPERTY — Includes money, goods, chattels, things in action and evidences of debt.

PRECEDING, FOLLOWING — When used by way of reference to any Section of this Code, shall mean the Section next preceding or next following that in which the reference is made, unless some other Section is expressly designated in the reference.

PROPERTY — Includes real and personal property.

PUBLIC WAY — Includes 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 hereditaments.

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.

STATE — The words "the State" or "this State" or "State" shall mean the State of Missouri.

STREET — Includes any public way, highway, street, avenue, boulevard, parkway, alley or other public thoroughfare, and each of such words shall include all of them.

TENANT, OCCUPANT — The words "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.

WRITTEN, IN WRITING and WRITING WORD FOR WORD — Includes printing, lithographing, or other mode of representing words and letters, but in all cases where the signature of any person is required, the proper handwriting of the person, or his/her mark, is intended.

YEAR — A calendar year, unless otherwise expressed, and the word "year" shall be equivalent to the words "year of our Lord."

- B. *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 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. Such newspaper shall not include an advertising circular or other medium for which no subscription list is maintained.
- C. *Delegation Of Authority.* Whenever a provision appears in this Code requiring the head of a department or an officer of the City to do some act or make certain inspections, it may be construed to authorize the head of the department or officer to designate, delegate and authorize subordinates to perform the required act or make the required inspections, unless the terms of the provision or Section designate otherwise.

Section 100.090. Words and Phrases — How Construed.

Words and phrases shall be taken in their plain or ordinary and usual sense, but technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

Section 100.100. 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.

Section 100.110. 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.

Section 100.120. Effect of Repeal of Ordinance.

No offense committed and no fine, penalty or forfeiture incurred, or prosecution commenced or pending previous to or at the time when any ordinance provision is repealed or amended, shall be affected by the repeal or amendment, but the trial and punishment of all such offenses and the recovery of the fines, penalties or forfeitures shall be had, in all respects, as if the provision had not been repealed or amended, except that all such proceedings shall be conducted according to existing procedural laws.

Section 100.130. Repealing Ordinance Repealed — Former Ordinance Not Revived — When.

When an ordinance repealing a former ordinance, clause or provision is itself repealed, it does not revive the former ordinance, clause or provision, unless it is otherwise expressly provided; nor shall any ordinance repealing any former ordinance, clause or provision abate, annul or in anywise affect any proceedings had or commenced under or by virtue of the ordinance so repealed, but the same is as effectual and shall be proceeded on to final judgment and termination as if the repealing ordinance had not passed, unless it is otherwise expressly provided.

Section 100.140. 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.

Section 100.150. 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.

Section 100.160. Notice.

- A. 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 person to be served personally or by leaving the same at his/her residence, office or place of business with some person of his/her family over the age of fifteen (15) years;
 2. By mailing said notice by certified or registered mail to such person to be served at his/her last known address; or
 3. If the person to be served is unknown or may not be notified under the requirements of this Section, then by posting said notice in some conspicuous place 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.

Section 100.170. 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.

Section 100.180. Computation of Time.

In computing any period of time prescribed or allowed by this Code or by a 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 Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

Section 100.190. 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.

Section 100.200. Joint Authority.

Words importing joint authority to three (3) or more persons shall be construed as authority to a majority of such persons unless otherwise declared in the law giving the authority.

Section 100.210. Number.

When any subject matter, party or person 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 included.

ARTICLE III**Penalty****Section 100.220. General Penalty.**

- A. 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/her or it, any act is prohibited or is declared to be unlawful or an offense, misdemeanor or ordinance violation or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense, misdemeanor or ordinance violation, 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 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. 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.
- D. *Minor Traffic Violations.* The punishment of a "minor traffic violation," as defined by Section 300.010 of the Anderson Municipal Code, shall be subject to the following:
[Ord. No. 21616A, §2, 2-17-2016]
 1. The maximum fine and Court costs that can be imposed for the violation of any minor traffic violation shall be three hundred dollars (\$300.00). This does not include additional fees that may be added, i.e., warrant fees and deferred payment fees.

2. Minor traffic violations shall not be punishable by imprisonment, unless the violation:
 - a. Involved alcohol or controlled substances,
 - b. Endangered the health or welfare of others, or
 - c. Involved eluding or giving false information to a law enforcement officer.
3. A person convicted of a minor traffic violation shall not be placed in confinement for failure to pay a fine unless such nonpayment violates the terms of the person's probation.
4. Court costs shall be assessed against such person unless the Court finds that the defendant is indigent.

Chapter 105

ELECTIONS

ARTICLE I In General

Section 105.010. Conformance of City Elections With State Law.

Section 105.020. Date of Municipal Election.

Section 105.030. Declaration of Candidacy — Dates for Filing.

Section 105.035. Disqualification as Candidate for Elective Public Office, When — Disqualification From

Participation in Election, When — Affidavit To Be Filed, Requirements — Investigation of Alleged Delinquency.

Section 105.040. Declaration of Candidacy — Notice to Public.

Section 105.050. Notice of Elections.

ARTICLE II Wards

Section 105.060. Wards.

ARTICLE I In General

Section 105.010. Conformance of City Elections With State Law.

All City elections shall be conducted and held in conformance with the provisions of Chapter 115, RSMo.

Section 105.020. Date of Municipal Election.

- A. A municipal election for the qualified voters of this City shall be held on the first (1st) Tuesday after the first (1st) Monday in April of each year.
- B. On the first (1st) Tuesday after the first (1st) Monday in April of even-numbered years, a municipal election of the qualified voters of the City of Anderson shall be held for the purpose of electing a Mayor who shall hold his/her office for a term of two (2) years and until his/her successor is elected and qualified.
- C. On the first (1st) Tuesday after the first (1st) Monday in April of odd-numbered years, a municipal election of the qualified voters of the City of Anderson shall be held for the purpose of electing one (1) Alderman from each ward who shall hold his/her office for a term of two (2) years and until his/her successor is elected and qualified.
- D. On the first (1st) Tuesday after the first (1st) Monday in April of even-numbered years, a municipal election of the qualified voters of the City of Anderson shall be held for the

purpose of electing one (1) Alderman from each ward who shall hold his/her office for a term of two (2) years and until his/her successor is elected and qualified.

Section 105.030. Declaration of Candidacy — Dates for Filing.

Any person who desires to become a candidate for an elective City office at the general City election shall file with the City Clerk, not prior to the hour of 8:00 A.M., on the sixteenth (16th) Tuesday prior to, nor later than 5:00 P.M., on the eleventh (11th) Tuesday prior to the next City municipal election, a written declaration of his/her intent to become a candidate at said election. The City Clerk shall keep a permanent record of the names of the candidates, the offices for which they seek election, and the date of their filing, and their names shall appear on the ballots in that order.

Section 105.035. Disqualification as Candidate for Elective Public Office, When — Disqualification From Participation in Election, When — Affidavit To Be Filed, Requirements — Investigation of Alleged Delinquency.

- A. No person shall qualify as a candidate for elective public office in the State of Missouri who has been found guilty of or pled guilty to a felony or misdemeanor under the Federal laws of the United States of America or to a felony under the laws of this State or an offense committed in another state that would be considered a felony in this State.
- B. Any person who files as a candidate for election to a public office shall be disqualified from participation in the election for which the candidate has filed if such person is delinquent in the payment of any State income taxes, personal property taxes, municipal taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the State.
- C. Each potential candidate for election to a public office shall file an affidavit with the Department of Revenue and include a copy of the affidavit with the declaration of candidacy required under Section 115.349, RSMo. Such affidavit shall be in substantially the form as set out in Section 115.306, RSMo.
- D. Upon receipt of a complaint alleging a delinquency of the candidate in the filing or payment of any State income taxes, personal property taxes, municipal taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the State, the Department of Revenue shall investigate such potential candidate to verify the claim contained in the complaint. If the Department of Revenue finds a positive affirmation to be false, the Department shall contact the Secretary of State, or the election official who accepted such candidate's declaration of candidacy, and the potential candidate. The Department shall notify the candidate of the outstanding tax owed and give the candidate thirty (30) days to remit any such outstanding taxes owed which are not the subject of dispute between the Department and the candidate. If the candidate fails to remit such amounts in full within thirty (30) days, the candidate shall be disqualified from participating in the current election and barred from refiling for an

entire election cycle even if the individual pays all of the outstanding taxes that were the subject of the complaint.

Section 105.040. Declaration of Candidacy — Notice to Public.

The City Clerk shall, on or before the sixteenth (16th) Tuesday prior to any election at which City offices are to be filled by said election, 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 City.

Section 105.050. Notice of Elections.

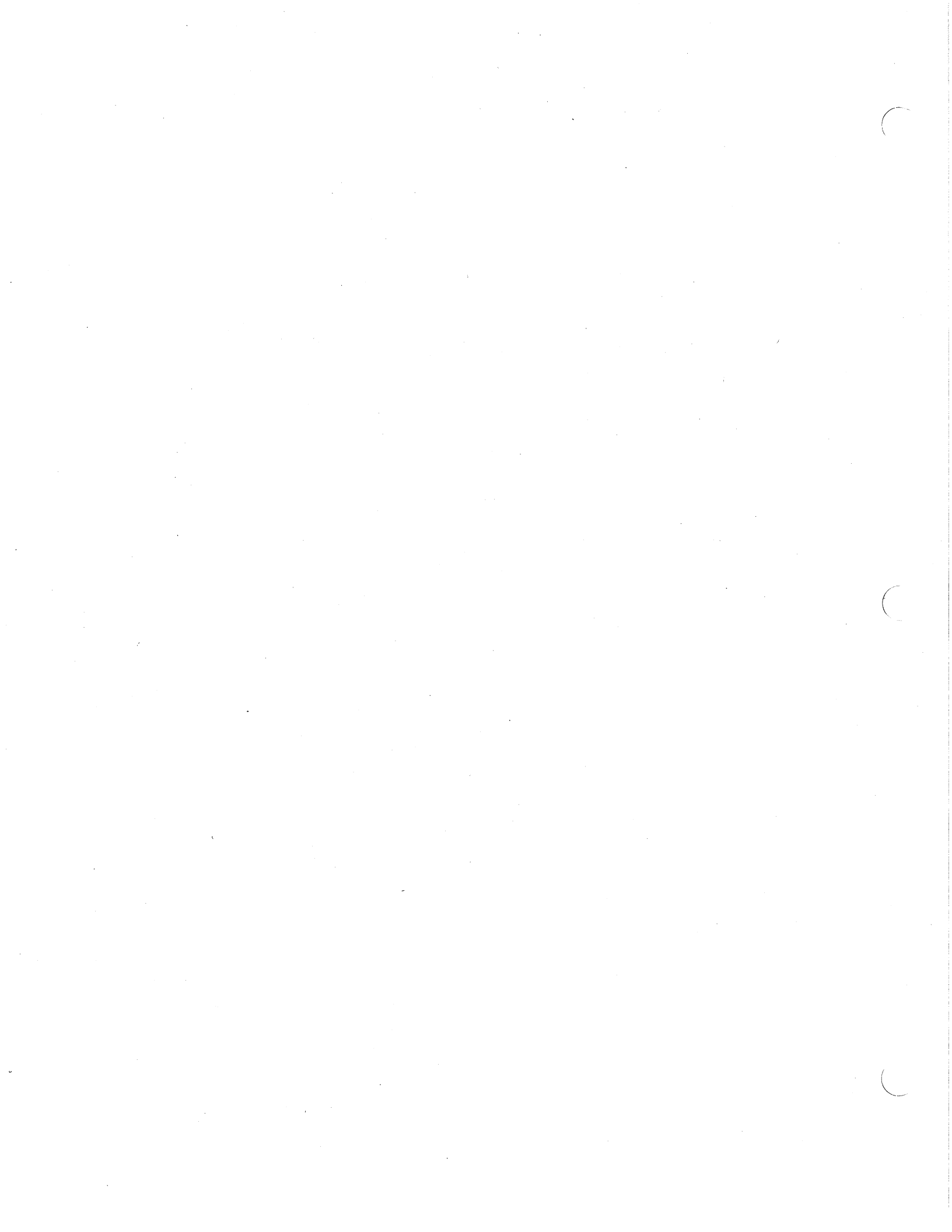
In City elections, the City Clerk shall notify the County Clerk prior to 5:00 P.M. on the tenth (10th) Tuesday prior to any City election except as noted in Section 115.125.1, RSMo. The notice shall be in writing, shall specify that the Board of Aldermen is calling the election, the purpose of the election, the date of the election, and shall include a certified copy of the legal notice to be published including the sample ballot. The notice and any other information required by this Section may, with the prior notification to the election authority receiving the notice, be accepted by facsimile transmission prior to 5:00 P.M. on the tenth (10th) Tuesday prior to the election, provided that the original copy of the notice and a certified copy of the legal notice to be published shall be received in the office of the election authority within three (3) business days from the date of the facsimile transmission.

**ARTICLE II
Wards**

Section 105.060. Wards.

[CC 1995 §120.010; CC 1974 §§30.010 — 30.030]

- A. The City is hereby divided into two (2) Wards, as hereinafter delineated.
1. *Ward Number One.* Ward Number One shall be comprised of that portion of the City east of the railroad tracks.
 2. *Ward Number Two.* Ward Number Two shall be comprised of that portion of the City west of the railroad tracks.



Chapter 110

MAYOR AND BOARD OF ALDERMEN

ARTICLE I

Mayor and Board of Aldermen — Generally

- Section 110.010. Aldermen —
Qualifications.
- Section 110.020. Mayor — Qualifications.
- Section 110.025. Duties of Mayor as
President of Board.
- Section 110.030. Board to Select an
Acting President —
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- Section 110.040. Acting President to
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— When.
- Section 110.050. Mayor and Board —
Duties.
- Section 110.060. Mayor May Sit in Board.
- Section 110.070. Ordinances — Procedure
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- Section 110.080. Bills Must Be Signed —
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- Section 110.090. Board to Keep Journal
of Proceedings.
- Section 110.100. Board Shall Publish
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- Section 110.110. No Money of City to Be
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— Penalty.
- Section 110.120. Board May Compel
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— Mayor to Administer
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- Section 110.130. Mayor to Sign
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- Section 110.140. Mayor Shall Have the
Power to Enforce Laws.

- Section 110.150. Mayor —
Communications to
Board.
- Section 110.160. Mayor May Remit Fine
— Grant Pardon.
- Section 110.170. Proclamations, Meetings,
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- Section 110.180. Appoint Certain Officers
— Control Police.
- Section 110.190. (Reserved)

ARTICLE II

Board of Aldermen Meetings

- Section 110.200. Regular Meetings.
- Section 110.210. Special Meetings.
- Section 110.220. Quorum Must Be
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- Section 110.230. Compelling Attendance.
- Section 110.240. Effect of Adjourned
Meetings.
- Section 110.250. Rules of Order.
- Section 110.260. Decorum.
- Section 110.270. Voting.
- Section 110.280. Permission Required for
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Chamber.
- Section 110.290. Order of Business.
- Section 110.300. Expression of Dissent or
Protest by Member.
- Section 110.310. Procedure as to
Objections Upon Second
Reading of Bill.
- Section 110.320. When Bills May Be
Amended.
- Section 110.330. Rules of Procedure.

**Section 110.340. Amendment or
Suspension of Rules.****Section 110.350. Alderman — To Attend
Meetings Unless
Excused.**

**ARTICLE I
Mayor and Board of Aldermen — Generally****Section 110.010. Aldermen — Qualifications.**

No person shall be an Alderman unless he/she be at least eighteen (18) years of age, a citizen of the United States, and an inhabitant and resident of the City for one (1) year next preceding his/her election, and a resident, at the time he/she files and during the time he/she serves, of the ward from which he/she is elected.

Section 110.020. Mayor — Qualifications.

No person shall be Mayor unless he/she 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/her election.

Section 110.025. Duties of Mayor as President of Board.

[CC 1995 §115.060; CC 1974 §24.050]

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

Section 110.030. Board to Select an Acting President — Term.

The Board shall elect one (1) 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.

Section 110.040. Acting President to Perform Duties of Mayor — When.

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 Acting President of the Board of Aldermen shall, for the time being, perform the duties of Mayor, with all the rights, privileges, powers and jurisdiction of the Mayor, until such vacancy be filled or such disability be removed; or, in case of temporary absence, until the Mayor's return.

Section 110.050. Mayor and Board — Duties.

The Mayor and Board of Aldermen of each City governed by this Chapter shall have the care, management and control of the City and its finances and shall have power to enact and ordain any and all ordinances not repugnant to the Constitution and laws of this State, and such as they shall deem expedient for the good government of the City, the preservation of peace and good order, the benefit of trade and commerce, and the health of the inhabitants thereof, and such other ordinances, rules and regulations as may be deemed necessary to carry such powers into effect and to alter, modify or repeal the same.

Section 110.060. Mayor May Sit in Board.

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/she preside or vote in cases when he/she is an interested party. He/she shall exercise a general supervision over all the officers and affairs of the City and shall take care that the ordinances of the City, and the State laws relating to such City, are complied with.

Section 110.070. Ordinances — Procedure to Enact.

- A. The style of the ordinances of the City shall be: "Be it ordained by the Board of Aldermen of the City of Anderson, as follows:" No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its final passage a majority of the members elected to the Board of Aldermen shall vote for it, and the "ayes" and "nays" be entered on the journal. Every proposed ordinance shall be introduced to the Board of Aldermen in writing and shall be read by title or in full two (2) times prior to passage, both readings may occur at a single meeting of the Board of Aldermen. If the proposed ordinance is read by title only, copies of the proposed ordinance shall be made available for public inspection prior to the time the bill is under consideration by the Board of Aldermen. No bill shall become an ordinance until it shall have been signed by the Mayor, or person exercising the duties of the Mayor's office, or shall have been passed over the Mayor's veto as herein provided.
- B. The provisions of this Section shall not apply to ordinances proposed or passed under Section 79.135, RSMo.

Section 110.080. Bills Must Be Signed — Mayor's Veto.

Every bill duly passed by the Board of Aldermen and presented to the Mayor and by him/her 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 and with like effect as if it had received the approval of the Mayor. The Mayor shall have power to sign or veto any ordinance passed by the Board of Aldermen; provided, that should he/she neglect or refuse to sign any ordinance and return the same with his/her objections, in writing, at the next regular meeting of the Board of Aldermen, the same shall become a law without his/her signature.

Section 110.090. Board to Keep Journal of Proceedings.

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 two (2) members. The Board of Aldermen may prescribe and enforce such rules as it may find necessary for the expeditious transaction of its business.

Section 110.100. Board Shall Publish Semi-Annual Statements.

The Board of Aldermen shall semi-annually each year, at times to be set by the Board of Aldermen, make out and spread upon their records a full and detailed account and statement of the receipts and expenditures and indebtedness of the City for the half year ending with the last day of the month immediately preceding the date of such report, which account and statement shall be published in some newspaper in the City.

Section 110.110. No Money of City to Be Disbursed Until Statement Is Published — Penalty.

In the event the financial statement of the City is not published as required by Section 110.100, the Treasurer of the City shall not pay out any money of the City on any warrant or order of the Board of Aldermen after the end of the month in which such financial statement should have been published until such time as such financial statement is published. Any Treasurer violating the provisions of this Section shall be deemed guilty of a ordinance violation.

Section 110.120. Board May Compel Attendance of Witnesses — Mayor to Administer Oaths.

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. The officer making such service shall be allowed to 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.

Section 110.130. Mayor to Sign Commissions.

The Mayor shall sign the commissions and appointments of all City Officers elected or appointed in the City and shall approve all official bonds unless otherwise prescribed by ordinance.

Section 110.140. Mayor Shall Have the Power to Enforce Laws.

The Mayor shall be active and vigilant in enforcing all laws and ordinances for the government of the City, and he/she shall cause all subordinate officers to be dealt with promptly for any neglect or violation of duty; and he/she is hereby authorized to call on every male inhabitant of the City over eighteen (18) years of age and under fifty (50) to aid in enforcing the laws.

Section 110.150. Mayor — Communications to Board.

The Mayor shall, from time to time, communicate to the Board of Aldermen such measures as may, in his/her opinion, tend to the improvement of the finances, the Police, health, security, ornament, comfort and general prosperity of the City.

Section 110.160. Mayor May Remit Fine — Grant Pardon.

The Mayor shall have power to remit fines and forfeitures and to grant reprieves and pardons for offenses arising under the 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 said City by reason of any prosecution under the laws or ordinances of such City.

Section 110.170. Proclamations, Meetings, Elections.

[CC 1995 §110.140; CC 1974 §21.220]

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.

Section 110.180. Appoint Certain Officers — Control Police.

[CC 1995 §110.160; CC 1974 §21.250]

The Mayor, with the advice and consent of the Board of Aldermen, shall have the power to appoint all appointive officers of the City except the City Clerk. He/she shall have authority to give such orders to the Chief of Police and Policemen of the City as in his/her judgment the public good may require, and it shall be the duty of the Chief of Police and Police Officers to obey such orders.

Section 110.190. (Reserved)

ARTICLE II
Board of Aldermen Meetings

Section 110.200. Regular Meetings.

[CC 1995 §115.010; CC 1974 §24.010; 5-17-2016]

- A. The Board of Aldermen of this City shall meet in regular session in the Board Room of the City Hall at the hour of 6:00 P.M. on the third Tuesday of each month.
1. 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.
 2. 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.

Section 110.210. 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 in conformance with Chapter 120, Open Meetings and Records Policy, of this Code.

Section 110.220. Quorum Must Be Present.

At the hour appointed, the Mayor, or in his/her absence the Acting President of the Board of Aldermen, shall call the Board to order, the Clerk shall call the roll of members and announce whether or not a quorum is present. A majority of the members elected to the Board shall constitute a quorum. If a quorum not be present, a smaller number may lawfully adjourn the meeting from day to day until a quorum is present.

Section 110.230. Compelling Attendance.

[CC 1995 §115.040; CC 1974 §24.040]

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. It shall be prima facie evidence that any member who has not attended three (3) consecutive meetings shall have vacated his/her office.

Section 110.240. Effect of Adjourned Meetings.

[CC 1995 §115.050; CC 1974 §24.045]

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.

Section 110.250. Rules of Order.**[CC 1995 §115.090; CC 1974 §24.065]**

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.

Section 110.260. Decorum.**[CC 1995 §115.100; CC 1974 §24.070]**

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/her reason for the same and the Presiding Officer may briefly express his/her 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.

Section 110.270. Voting.**[CC 1995 §115.110; CC 1974 §24.075]**

Every member of the Board shall vote upon every question and when requested by any two (2) members the vote upon any question shall be taken by "ayes" and "nays" and be recorded.

Section 110.280. Permission Required for Members to Leave Chamber.**[CC 1995 §115.120; CC 1974 §24.080]**

No member of the Board of Aldermen may leave the Board Chamber while in regular or special session without permission from the Presiding Officer.

Section 110.290. Order of Business.**[CC 1995 §115.130; CC 1974 §24.090]**

A. 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. Opening of bids.
5. Public hearing as required by law or ordinance.
6. Reading and acting upon unapproved minutes of previous meetings.
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. Reading of bills requiring a second (2nd) reading for passage.
12. Introduction and first (1st) reading of bills.
13. Miscellaneous business.
14. Adjournment.

Section 110.300. Expression of Dissent or Protest by Member.

[CC 1995 §115.140; CC 1974 §24.100]

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.

Section 110.310. Procedure as to Objections Upon Second Reading of Bill.

[CC 1995 §115.170; CC 1974 §24.130]

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.

Section 110.320. When Bills May Be Amended.

[CC 1995 §115.180; CC 1974 §24.140]

Any bill shall be subject to amendment until the vote upon final passage.

Section 110.330. Rules of Procedure.**[CC 1995 §115.210; CC 1974 §24.180]**

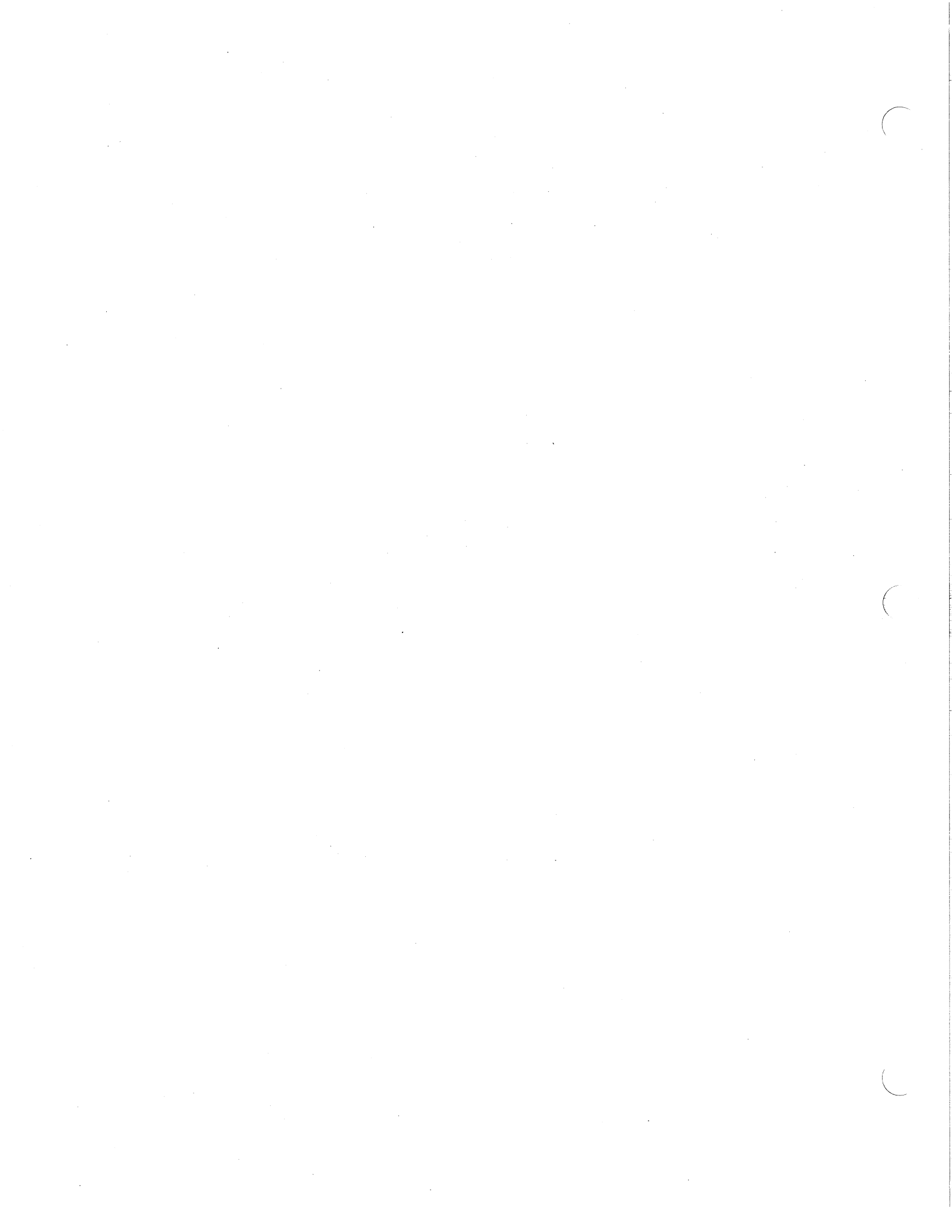
The Board of Aldermen may by resolution prescribe and enforce such rules as it may find necessary for the expeditious transaction of its business, but such rules shall not contravene the requirements of this Code or other ordinance.

Section 110.340. Amendment or Suspension of Rules.**[CC 1995 §115.230; CC 1974 §24.200]**

Any rule of the Board of Aldermen 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 of Aldermen before being voted upon except by the unanimous consent of all elected members of the Board of Aldermen (including the Mayor). Any rule may be suspended by a majority vote of the members of the Board, or quorum being present by unanimous consent.

Section 110.350. Alderman — To Attend Meetings Unless Excused.**[CC 1995 §115.240]**

The members of the Board of Aldermen shall attend all meetings of the Board unless leave of absence be granted or unless excused for illness or other special reasons.



Chapter 115

CITY OFFICIALS

ARTICLE I General Provisions

- Section 115.010. Elective Officers — Terms.
- Section 115.020. Appointive Officers.
- Section 115.030. Removal of Officers.
- Section 115.040. Officers to Be Voters and Residents — Exceptions.
- Section 115.050. Officers' Oath — Bond.
- Section 115.060. Salaries Fixed by Ordinance.
- Section 115.070. Vacancies in Certain Offices — How Filled.
- Section 115.080. Powers and Duties of Officers to Be Prescribed by Ordinance.

ARTICLE II City Clerk

- Section 115.090. City Clerk — Election — Duties — Term.
- Section 115.100. Duties Generally.
- Section 115.110. Compensation.
- Section 115.120. Temporary City Clerk.
- Section 115.130. (Reserved)

ARTICLE III City Collector

- Section 115.140. Appointment.
- Section 115.150. Duties Generally.
- Section 115.160. Compensation.
- Section 115.170. Deputy Collector.

Section 115.180. through Section 115.230.
(Reserved)

ARTICLE IV Chief of Police

- Section 115.240. Duties.
- Section 115.250. Appointment of Reserve Officers by Chief of Police.
- Section 115.260. Chief of Police to Make Report.

ARTICLE V City Attorney

- Section 115.270. Appointment — Term.
- Section 115.280. Qualifications.
- Section 115.290. Duties Generally.
- Section 115.300. Report to Board of Aldermen.
- Section 115.310. Temporary Absence — Acting City Attorney.
- Section 115.320. Compensation.

ARTICLE VI Miscellaneous Provisions

- Section 115.330. Officers To Report Receipts and Expenditures.
- Section 115.340. Mayor or Board May Inspect Books and Records of Officers.

ARTICLE I
General Provisions

Section 115.010. Elective Officers — Terms.

The elective officers of the City and their terms shall be those set out in Section 105.020 of this Code.

Section 115.020. Appointive Officers.

The Mayor, with the consent and approval of the majority of the members of the Board of Aldermen, shall have power to appoint a City Treasurer, City Attorney, Municipal Judge, Chief of Police, City Engineer, Fire Chief, City Collector and such other officers as he/she may be authorized by ordinance to appoint, and if deemed for the best interests of the City, the Mayor and Board of Aldermen may, by ordinance, employ special counsel to represent the City, either in a case of a vacancy in the office of City Attorney or to assist the City Attorney, and pay reasonable compensation therefor.

Section 115.030. Removal of Officers.

- A. The Mayor may, with the consent of a majority of all the members elected to the Board of Aldermen, remove from office, for cause shown, any elective officer of the City, such officer being first given opportunity, together with his/her witnesses, to be heard before the Board of Aldermen sitting as a Board of Impeachment. Any elective officer, including the Mayor, may in like manner, for cause shown, be removed from office by a two-thirds (2/3) vote of all members elected to the Board of Aldermen, independently of the Mayor's approval or recommendation. The Mayor may, with the consent of a majority of all the members elected to the Board of Aldermen, remove from office any appointive officer of the City at will, and any such appointive officer may be so removed by a two-thirds (2/3) vote of all the members elected to the Board of Aldermen, independently of the Mayor's approval or recommendation. The Board of Aldermen may pass ordinances regulating the manner of impeachments and removals.
- B. Nothing in this Section shall be construed to authorize the Mayor, with the consent of the majority of all the members elected to the Board of Aldermen, or the Board of Aldermen by a two-thirds (2/3) vote of all its members, to remove or discharge any chief, as that term is defined in Section 106.273, RSMo.

Section 115.040. Officers to Be Voters and Residents — Exceptions.

All officers elected to offices or appointed to fill a vacancy in any elective office under the City Government shall be voters under the laws and Constitution of this State and the ordinances of the City except that appointed officers need not be voters of the City. No person shall be elected or 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 officers, shall be residents of the City.

Section 115.050. Officers' Oath — Bond.

Every officer of the City and his/her assistants and every Alderman, before entering upon the duties of his/her office, shall take and subscribe to an oath or affirmation before some court of record in the County, or the City Clerk, that he/she possesses all the qualifications prescribed for his/her office by law; that he/she will support the Constitution of the United States and of the State of Missouri, the provisions of all laws of this State affecting Cities of this class, and the ordinances of the City, and faithfully demean himself/herself while in office; which official oath or affirmation shall be filed with the City Clerk. Every officer of the City, when required by law or ordinance, shall, within fifteen (15) days after his/her appointment or election, and before entering upon the discharge of the duties of his/her office, give bond to the City in such sum and with such sureties as may be designated by ordinance, conditioned upon the faithful performance of his/her duty, and that he/she will pay over all monies belonging to the City, as provided by law, that may come into his/her 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/her 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. The bond provisions of this Section may be satisfied by the securing of a blanket bond or blanket bonds, approved by the Board of Aldermen, covering such officers by name or position.

Section 115.060. Salaries Fixed by Ordinance.

[CC 1995 §110.080; CC 1974 §21.150]

The Board of Aldermen shall fix the compensation of all the officers and employees of the City by ordinance. The salary of an officer shall not be changed during the time for which he/she was elected or appointed. 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.

Section 115.070. Vacancies in Certain Offices — How Filled.

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 by appointment by the Mayor with the advice and consent of a majority of the remaining members of the Board of Aldermen. If the vacancy is in the office of Mayor, nominations of a successor may be made by any member of the Board of Aldermen and selected with the consent of a majority of the members of the Board of Aldermen. The Board of Aldermen may adopt procedures to fill vacancies consistent with this Section. 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 (1st) regular meeting of the Board of Aldermen thereafter, at which time such vacancy shall be permanently filled.

Section 115.080. Powers and Duties of Officers to Be Prescribed by Ordinance.

The duties, powers and privileges of officers of every character in any way connected with the City Government, not herein defined, shall be prescribed by ordinance. Bonds may be required of any such officers for faithfulness in office in all respects.

**ARTICLE II
City Clerk****Section 115.090. City Clerk — Election — Duties — Term.**

The Board of Aldermen shall elect a Clerk for such Board, to be known as "the City Clerk", whose duties and term of office shall be fixed by ordinance. Among other things, the City Clerk shall keep a journal of the proceedings of the Board of Aldermen. He/she shall safely and properly keep all the records and papers belonging to the City which may be entrusted to his/her care; he/she shall be the general accountant of the City; he/she is hereby empowered to administer official oaths and oaths to persons certifying to demands or claims against the City.

Section 115.100. Duties Generally.

[CC 1995 §110.300; CC 1974 §21.420]

- A. The City Clerk shall, in addition to other duties which are or may be required of him/her by this Code or other ordinance, attend all meetings of the Board of Aldermen.
1. He/she shall have the custody of the books, records, papers and documents belonging to the City.
 2. He/she shall prepare all certificates of election or appointment of the City Officers, and deliver the same to the persons elected or appointed.
 3. He/she 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 Treasurer 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/she shall record the certificates, oaths and bonds of all the City Officers.
 5. He/she shall keep an index of the records of the proceedings of the Board of Aldermen.
 6. He/she 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/she 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/her name and affixing the Seal of the City thereto, and shall keep an account with the Collector for such licenses and the amount of the license tax thereon.

8. He/she shall furnish without delay to any person, when called upon during business hours to do so, certified copies of any records, books, or papers which are in his/her 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.

Section 115.110. Compensation.

[CC 1995 §110.310; CC 1974 §21.430]

The salary of the City Clerk shall be such as from time to time the Board of Aldermen shall fix by ordinance as a certain amount per month.

Section 115.120. Temporary City Clerk.

[CC 1995 §110.320; CC 1974 §21.440]

- A. Upon temporary disability or inability of the City Clerk to perform his/her 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 Section 115.090, 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.
- B. 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.

Section 115.130. (Reserved)**ARTICLE III
City Collector****Section 115.140. Appointment.**

The Mayor with the approval of a majority of the members of the Board of Aldermen shall appoint a City Collector.

Section 115.150. Duties Generally.

[CC 1995 §110.330; CC 1974 §21.520; Ord. No. 45-042 §21.550, 2-8-1982]

- A. The 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.
- B. The hours of the City Collector's position are from 9:00 A.M. to 4:30 P.M., Monday through Friday.

Section 115.160. Compensation.

[CC 1995 §110.340; CC 1974 §21.530]

The City Collector shall receive as compensation for his/her services a fee or percentage, as may be fixed by ordinance.

Section 115.170. Deputy Collector.

[CC 1995 §110.350; CC 1974 §21.540]

The Mayor may appoint a Deputy Collector to be approved by the Board of Aldermen, and when such Deputy Collector shall have taken and subscribed to the oath provided by this Code, he/she shall possess all the qualifications and powers and be charged with the same duties as the Collector.

Section 115.180. through Section 115.230. (Reserved)

ARTICLE IV
Chief of Police

Section 115.240. Duties.

[CC 1995 §110.420; CC 1974 §21.800]

The Chief of Police shall perform all duties required of the City Marshal by law.

Section 115.250. Appointment of Reserve Officers by Chief of Police.

[CC 1995 §110.430; Ord. No. 45-048 §21.850, 6-30-1982]

- A. The Chief of Police may appoint, subject to the approval of a majority of the Board of Aldermen, one (1) or more assistants, not to exceed four (4) in number, who shall have the same police powers as the Marshal, and shall perform any and all duties proposed upon them, and whose term of office shall continue at the pleasure of the Board of Aldermen, and shall be entitled to such compensation as a majority of the Board of Aldermen shall fix.
- B. Upon appointment, a police commission card shall be issued to the officers, signed jointly by the Chief of Police and the Mayor.
 1. The Chief of Police may further appoint, subject to the approval of a majority of the Board of Aldermen, one (1) or more assistants, not to exceed twelve (12) in number, who shall serve as Reserve Police Officers, and who shall have the same police powers as the Marshal, and shall perform any and all duties imposed upon them, and whose term of office shall continue at the pleasure of the Board of Aldermen.
 2. Upon appointment, a police commission card shall be issued to the officers, signed jointly by the Chief of Police and the Mayor.

Section 115.260. Chief of Police to Make Report.**[CC 1995 §110.440]**

The Chief of Police shall attend and make a report to the Board of Aldermen of his/her department's activities during the preceding month at the formal meeting of the Board of Aldermen. In the event the Chief of Police is unable to attend, he/she shall cause a member of his/her department to attend and deliver said report.

**ARTICLE V
City Attorney****Section 115.270. Appointment — Term.****[CC 1995 §110.220; CC 1974 §21.300]**

The Mayor, with the advice and consent of the Board of Aldermen, at the first (1st) 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/her successor is appointed and qualified.

Section 115.280. Qualifications.**[CC 1995 §110.230; CC 1974 §21.310]**

No person shall be appointed to the office of City Attorney unless he/she be a licensed and practicing attorney at law in this State.

Section 115.290. Duties Generally.**[CC 1995 §110.240; CC 1974 §21.320]**

A. The City Attorney shall, in addition to his/her other duties which are or may be required by this Code or other ordinance, prepare all charges or complaints against any party, or parties, charged with violation of this Code or other ordinance of the City, and, 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.
2. The City Attorney shall make, and he/she 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/her opinion to all City Officials.

Section 115.300. Report to Board of Aldermen.**[CC 1995 §110.250; CC 1974 §21.330]**

- A. The City Attorney shall attend meetings of the Board of Aldermen when called upon to do so 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.
- B. The City Attorney may be requested to report to the Board of Aldermen the condition of any matters pending or unsettled in the City Municipal Court, or any other proceeding pending in any other court of which he/she may have charge under orders of the Mayor or Board of Aldermen.

Section 115.310. Temporary Absence — Acting City Attorney.**[CC 1995 §110.260; CC 1974 §21.340]**

In case of absence, sickness or other inability of the City Attorney to attend court, or when, before assuming his/her official duties, he/she shall have been counsel adverse to the City, he/she 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 to such cases, who shall receive the compensation allowed to the City Attorney for like services.

Section 115.320. Compensation.**[CC 1995 §110.270; CC 1974 §21.350]**

- A. The City Attorney shall be allowed compensation such as from time to time shall 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.
- B. 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.

ARTICLE VI
Miscellaneous Provisions

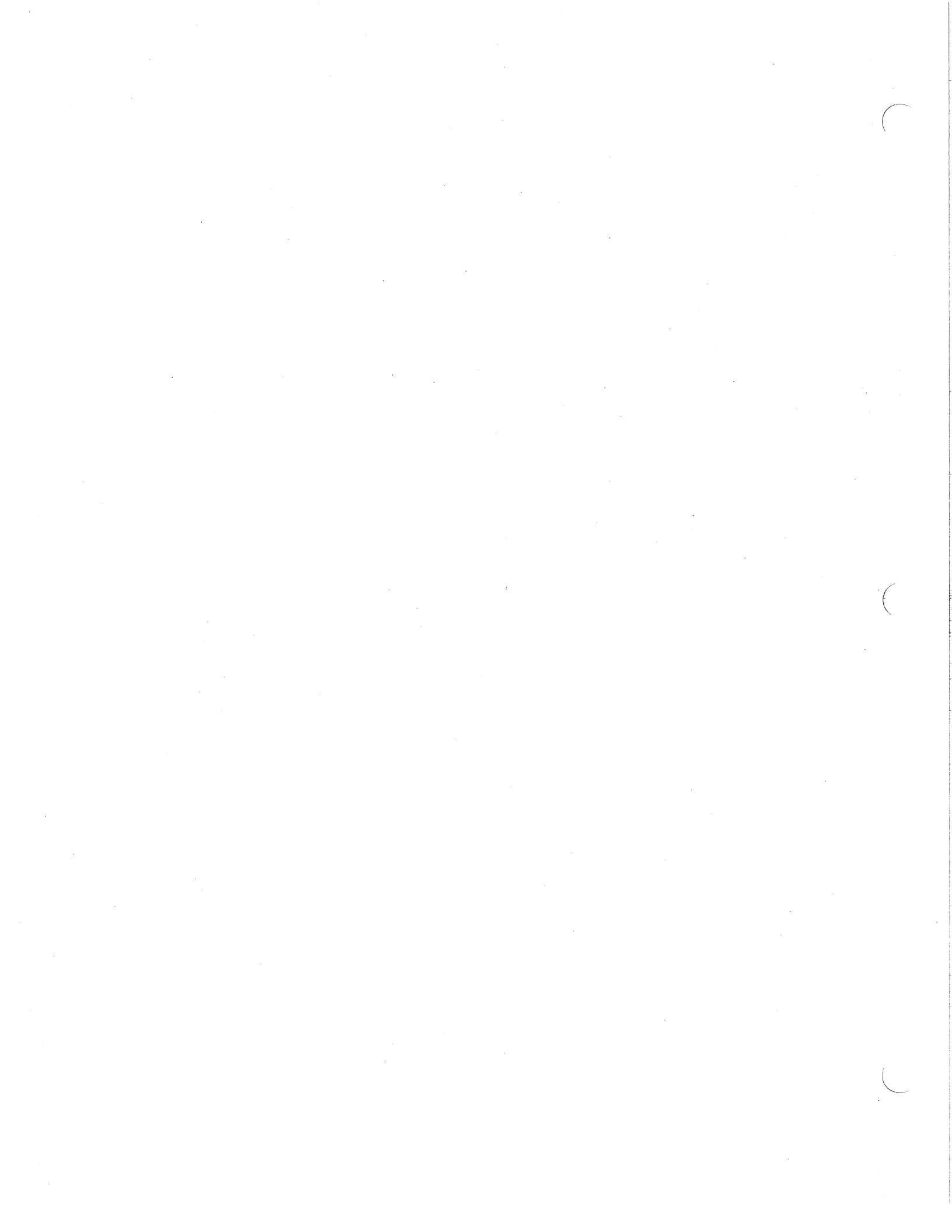
Section 115.330. Officers To Report Receipts and Expenditures.

It shall be the duty of all the officers of the City to report annually to the Board of Aldermen, such reports to embrace a full statement of the receipts and expenditures of their respective

offices and such other matters as may be required by the Board of Aldermen by ordinance, resolution or otherwise.

Section 115.340. Mayor or Board May Inspect Books and Records of Officers.

The Mayor or Board of Aldermen shall have power, as often as he/she or they may deem it necessary, to require any officer of the City to exhibit his/her accounts or other papers or records and to make report to the Board of Aldermen, in writing, touching any matter relating to his/her office.



Chapter 120

OPEN MEETINGS AND RECORDS POLICY

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ARTICLE II

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ARTICLE I In General

Section 120.010. Definitions.

As used in this Chapter, unless the context otherwise indicates, the following terms mean:

CLOSED MEETING, CLOSED RECORD or CLOSED VOTE — Any meeting, record or vote closed to the public.

COPYING — If requested by a member of the public, copies provided as detailed in Section 120.100 of this Chapter, if duplication equipment is available.

PUBLIC BUSINESS — All matters which relate in any way to performance of the City's functions or the conduct of its business.

PUBLIC GOVERNMENTAL BODY — Any legislative, administrative or governmental entity created by the Constitution or Statutes of this State, orders or ordinances of the City, judicial entities when operating in an administrative capacity or by executive order, including:

1. Any advisory committee or commission appointed by the Mayor or Board of Aldermen.
2. Any department or division of the City.
3. Any other legislative or administrative governmental deliberative body under the direction of three (3) or more elected or appointed members having rulemaking or quasi-judicial power.
4. Any committee appointed by or at the direction of any of the entities and which is authorized to report to any of the above-named entities, any advisory committee appointed by or at the direction of any of the named entities for the specific purpose of recommending, directly to the public governmental body's governing board or its Chief Administrative Officer, policy or policy revisions or expenditures of public funds.
5. Any quasi-public governmental body. The term "quasi-public governmental body" means any person, corporation or partnership organized or authorized to do business in this State pursuant to the provisions of Chapters 352, 353 or 355, RSMo., or unincorporated association which either:
 - a. Has as its primary purpose to enter into contracts with public governmental bodies or to engage primarily in activities carried out pursuant to an agreement or agreements with public governmental bodies; or
 - b. Performs a public function, as evidenced by a statutorily or ordinance-based capacity, to confer or otherwise advance, through approval, recommendation or other means, the allocation or issuance of tax credits, tax abatement, public debt, tax exempt debt, rights of eminent domain, or the contracting of lease-back agreements on structures whose annualized payments commit public tax revenues; or any association that directly accepts the appropriation of money from the City, but only to the extent that a meeting, record or vote relates to such appropriation.

PUBLIC MEETING — Any meeting of a public governmental body subject to this Chapter at which any public business is discussed, decided or public policy formulated, whether such meeting is conducted in person or by means of communication equipment including, but not limited to, conference call, video conference, Internet chat or Internet message board. The term "public meeting" shall not include an informal gathering of members of a public governmental body for ministerial or social purposes when there is no intent to avoid the purposes of this Chapter, but the term shall include a vote of all or a majority of the members of a public governmental body, by electronic communication or any other means, conducted in lieu of holding a public meeting with the members of the public governmental body gathered at one (1) location in order to conduct public business.

PUBLIC RECORD — Any record, whether written or electronically stored, retained by or of any public governmental body including any report, survey, memorandum, or other document

or study prepared for the public governmental body by a consultant or other professional service paid for in whole or in part by public funds, including records created or maintained by private contractors under an agreement with a public governmental body or on behalf of a public governmental body. The term "public record" shall not include any internal memorandum or letter received or prepared by or on behalf of a member of a public governmental body consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of said body, unless such records are retained by the public governmental body or presented at a public meeting. Any documents or study prepared for a public governmental body by a consultant or other professional service as described in this Subdivision shall be retained by the public governmental body in the same manner as any other public record.

PUBLIC VOTE — Any vote, whether conducted in person, by telephone, or by any other electronic means, cast at any public meeting of any public governmental body.

Section 120.020. Meetings, Records and Votes To Be Public — Exceptions.

- A. All meetings, records and votes are open to the public, except that any meeting, record or vote relating to one (1) or more of the following matters, as well as other materials designated elsewhere in this Chapter, shall be closed unless the public governmental body votes to make them public:
1. 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 minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public governmental body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of Section 610.011, RSMo., however, the amount of any monies paid by, or on behalf of, the public governmental body shall be disclosed; 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.
 2. Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes or vote or public record approving a contract relating to the leasing, 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.
 3. Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or

recorded. 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 shall be made available with a record of how each member voted to the public 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 of such decision during the seventy-two (72) hour period before such decision is made available to the public. As used in this Subsection, the term "personal information" means information relating to the performance or merit of individual employees.

4. Non-judicial mental or physical health proceedings involving an identifiable person, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment.
5. Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again.
6. Welfare cases of identifiable individuals.
7. Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups.
8. Software codes for electronic data processing and documentation thereof.
9. Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid.
10. Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected.
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.
12. Records which are protected from disclosure by law.
13. Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest.
14. Records relating to municipal hotlines established for the reporting of abuse and wrongdoing.
15. Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this Chapter.
16. Operational guidelines, policies and specific response plans 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. Financial records related to the procurement of or expenditures relating to operational guidelines, policies or plans 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.

17. 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.
 - a. Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open.
 - b. 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.
 - c. Records that are voluntarily submitted by a non-public entity shall be reviewed by the receiving agency within ninety (90) days of submission to determine if retention of the document is necessary in furtherance of a State security interest. If retention is not necessary, the documents shall be returned to the non-public governmental body or destroyed.
18. The portion of a record that identifies security systems or access codes or authorization codes for security systems of real property.
19. 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.
20. 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.

Section 120.030. Electronic Transmissions — Public Record — When.

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 exception of Section 610.021, RSMo.

Section 120.040. Notices of Meetings.

- A. All public governmental bodies shall give notice of the time, date and place of each meeting and its tentative agenda in a manner reasonably calculated to advise the public of the matters to be considered, and if the meeting will be conducted by telephone or other electronic means, the notice of the meeting shall identify the mode by which the meeting will be conducted and the designated location where the public may observe and attend the meeting. If a public body plans to meet by Internet chat, Internet message board or other computer link, it shall post a notice of the meeting on its website in addition to its principal office and shall notify the public how to access that meeting. Reasonable notice shall include making available copies of the notice to any representative of the news media who requests notice of meetings of a particular public governmental body concurrent with the notice being made available to the members of the particular governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.
- B. Notice conforming with all of the requirements of Subsection (A) of this Section shall be given at least twenty-four (24) hours, exclusive of weekends and holidays when City Hall is closed, prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given.
- C. The City shall allow for the recording by audiotape, videotape or other electronic means of any open meeting. The City 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 120.020 shall be permitted without permission of the City; any person who violates this provision shall be guilty of an ordinance violation.

- D. Each governmental body proposing to hold a closed meeting or vote shall give notice of the time, date and place of such closed meeting or vote and the reason for holding it by reference to a specific exception allowed pursuant to Section 120.020 hereof. The notice shall be the same as described in Subsection (A) herein.
- E. 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.

Section 120.045. Notice Required for Public Meeting on Tax Increases, Eminent Domain, Creation of Certain Districts, and Certain Redevelopment Plans.

For any public meeting where a vote of the Board of Aldermen is required to implement a tax increase, or with respect to a retail development project when the Board of Aldermen votes to utilize the power of eminent domain, create a transportation development district or a community improvement district, or approve a redevelopment plan that pledges public funds as financing for the project or plan, the Board of Aldermen, or any entity created by the City, shall give notice conforming with all the requirements of Subsection (1) of Section 610.020, RSMo., at least four (4) days before such entity may vote on such issues, exclusive of weekends and holidays when the facility is closed; provided that this Section shall not apply to any votes or discussion related to proposed ordinances which require a minimum of two (2) separate readings on different days for their passage. The provisions of Subsection (4) of Section 610.020, RSMo., shall not apply to any matters that are subject to the provisions of this Section. No vote shall occur until after a public meeting on the matter at which parties in interest and citizens shall have an opportunity to be heard. If the notice required under this Section is not properly given, no vote on such issues shall be held until proper notice has been provided under this Section. Any legal action challenging the notice requirements provided herein shall be filed within thirty (30) days of the subject meeting, or such meeting shall be deemed to have been properly noticed and held. For the purpose of this Section, a tax increase shall not include the setting of the annual tax rates provided for under Sections 67.110 and 137.055, RSMo.

Section 120.050. Closed Meetings — How Held.

- A. Except as set forth in Subsection (D) of Section 120.040, no meeting or vote may be closed without an affirmative public vote of the majority of a quorum of the public governmental body. The vote of each member of the governmental body on the question of closing a public meeting or vote and the specific reason for closing that public meeting or vote by reference to a specific Section of this Chapter shall be announced publicly at an open meeting of the governmental body and entered into the minutes.
- B. Any meeting or vote closed pursuant to Section 120.020 shall be closed only to the extent necessary for the specific reason announced to justify the closed meeting or vote. Public governmental bodies shall not discuss any business in a closed meeting, record or vote which does not directly relate to the specific reason announced to justify the closed meeting or vote. Public governmental bodies holding a closed meeting shall 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.

Section 120.060. Journals of Meetings and Records of Voting.

- A. Except as provided in Section 120.020, rules authorized pursuant to Article III of the Missouri Constitution and as otherwise provided by law, all votes shall be recorded, and if a roll call is taken, as to attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body. Any votes taken during a closed meeting shall be taken by roll call. All public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication. All votes taken by roll call in meetings of a public governmental body, consisting of members who are all elected, shall be cast by members of the public governmental body who are physically present and in attendance at the meeting or who are participating via video-conferencing. When it is necessary to take votes by roll call in a meeting of the public governmental body, due to an emergency of the public body, with a quorum of the members of the public body physically present and in attendance and less than a quorum of the members of the public governmental body participating via telephone, facsimile, Internet, or any other voice or electronic means, the nature of the emergency of the public body justifying that departure from the normal requirements shall be stated in the minutes. Where such emergency exists, the votes taken shall be regarded as if all members were physically present and in attendance at the meeting.
- B. A journal or minutes of open and closed meetings shall be taken and retained by the public governmental body including, but not limited to, a record of any vote taken at such meeting. The minutes shall include the date, time, place, members present, members absent, and a record of votes taken. When a roll call vote is taken, the minutes shall attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body.

Section 120.070. Accessibility of Meetings.

- A. Each meeting shall be held at a place reasonably accessible to the public and of sufficient size to accommodate the anticipated attendance by members of the public and at a time reasonably convenient to the public unless for good cause such a place or time is impossible or impractical. Every reasonable effort shall be made to grant special access to the meeting to handicapped or disabled individuals.
- B. 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.

Section 120.080. Segregation of Exempt Material.

If a public record contains material which is not exempt from disclosure, as well as material which is exempt from disclosure, the custodian shall separate the exempt and non-exempt material and make the non-exempt material available for examination and copying in accord with the policies provided herein. When designing a public record the custodian shall, to the extent practicable, facilitate a separation of exempt from non-exempt information. If the separation is readily apparent to a person requesting to inspect or receive copies of the form, the custodian shall generally describe the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

Section 120.090. Custodian Designated — Response to Request for Access to Records.

- A. The City Clerk shall be the custodian of records and will be responsible for maintenance and control of all records. The custodian may designate deputy custodians in operating departments of the City and such other departments or offices as the custodian may determine. Deputy custodians shall conduct matters relating to public records and meetings in accord with the policies enumerated herein.
- B. Each public governmental body shall make available for inspection and copying by the public of that body's public records. No person shall remove original public records from the office of a public governmental body or its custodian without written permission of the designated custodian. No public governmental body shall, after August 28, 1998, grant to any person or entity, whether by contract, license or otherwise, the exclusive right to access and disseminate any public record unless the granting of such right is necessary to facilitate coordination with, or uniformity among, industry regulators having similar authority.
- C. Each request for access to a public record shall be acted upon as soon as possible, but in no event later than the end of the third (3rd) business day following the date the request is received by the custodian of records of a public governmental body. If records are requested in a certain format, the public body shall provide the records in the requested format, if such format is available. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. This period for document production may exceed three (3) days for reasonable cause.
- D. 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 that the request for the statement is received.

Section 120.100. Fees for Copying Public Records — Limitations.

- A. Except as otherwise provided by law, each public governmental body shall provide access to and, upon request, furnish copies of public records subject to the following:

1. Fees for copying public records, except those records restricted under Section 32.091, RSMo., shall not exceed ten cents (\$.10) per page for a paper copy not larger than nine (9) by fourteen (14) inches, with the hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff of the public governmental body. Research time required for fulfilling records requests may be charged at the actual cost of research time. Based on the scope of the request, the public governmental body shall produce the copies using employees of the body that result in the lowest amount of charges for search, research, and duplication time. Prior to producing copies of the requested records, the person requesting the records may request the public governmental body to provide an estimate of the cost to the person requesting the records. Documents may be furnished without charge or at a reduced charge when the public governmental body determines that waiver or reduction of the fee is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the public governmental body and is not primarily in the commercial interest of the requester.
2. 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 cost of such programming.

B. Payment of such copying fees may be requested prior to the making of copies.

ARTICLE II

Law Enforcement Arrest Reports and Records, Incident Reports, Etc.

Section 120.110. Definitions.

As used in this Article, the following terms shall have the following definitions:

ARREST — An actual restraint of the person of the defendant, or by his/her submission to the custody of the officer, under authority of a warrant or otherwise for a criminal violation which results in the issuance of a summons or the person being booked.

ARREST REPORT — A record of a law enforcement agency of an arrest and of any detention or confinement incident thereto together with the charge therefor.

INACTIVE — An investigation in which no further action will be taken by a law enforcement agency or officer for any of the following reasons:

1. A decision by the law enforcement agency not to pursue the case.
2. Expiration of the time to file criminal charges pursuant to the applicable statute of limitations or ten (10) years after the commission of the offense, whichever date earliest occurs.
3. Finality of the convictions of all persons convicted on the basis of the information contained in the investigative report, by exhaustion of or expiration of all rights of appeal of such persons.

INCIDENT REPORT — A record of a law enforcement agency consisting of the date, time, specific location, name of the victim, and immediate facts and circumstances surrounding the initial report of a crime or incident, including any logs of reported crimes, accidents and complaints maintained by that agency.

INVESTIGATIVE REPORT — A record, other than an arrest or incident report, prepared by personnel of a law enforcement agency inquiring into a crime or suspected crime either in response to an incident report or in response to evidence developed by Law Enforcement Officers in the course of their duties.

Section 120.120. Police Department Records.

- A. The Police Department of the City shall maintain records of all incidents reported to the Police Department and investigations and arrests made by the Police Department. All incident reports and arrest reports shall be open records. Notwithstanding any other provision of law other than the provisions of Subsection (C) of this Section or Section 320.083, RSMo., investigative reports of the Police Department are closed records until the investigation becomes inactive. If any person is arrested and not charged with an offense against the law within thirty (30) days of the person's arrest, the arrest report shall thereafter be a closed record except that the disposition portion of the record may be accessed and except as provided in Section 120.140.
- B. Except as provided in Subsections (C) and (D) of this Section, if any portion of a record or document of a Police Department Officer or the Police Department, other than an arrest report which would otherwise be open, contains information that is reasonably likely to pose a clear and present danger to the safety of any victim, witness, undercover officer or other person; or jeopardize a criminal investigation, including records which would disclose the identity of a source wishing to remain confidential or a suspect not in custody; or which would disclose techniques, procedures or guidelines for Police Department investigations or prosecutions, that portion of the record shall be closed and shall be redacted from any record made available pursuant to this Chapter.
- C. Any person, a family member of such person within the first degree of consanguinity of such person if deceased or incompetent, attorney for a person, or insurer of a person involved in any incident or whose property is involved in an incident may obtain any records closed pursuant to this Section or Section 120.140 for purposes of investigation

of any civil claim or defense as provided by this Subsection. Any individual, his/her attorney, or insurer involved in an incident or whose property is involved in an incident, upon written request, may obtain a complete unaltered and unedited incident report concerning the incident and may obtain access to other records closed by the Police Department pursuant to this Section. Within thirty (30) days of such request, the Police Department shall provide the requested material or file a motion pursuant to this Subsection with the Circuit Court having jurisdiction over the Police Department stating that the safety of the victim, witness or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized. Pursuant to Section 610.100(4), RSMo., if, based on such motion, the court finds for the Police Department, the court shall either order the record closed or order such portion of the record that should be closed to be redacted from any record made available pursuant to this Subsection.

- D. Any person may apply pursuant to this Subsection to the Circuit Court having jurisdiction for an order requiring a Law Enforcement Agency to open incident reports and arrest reports being unlawfully closed pursuant to the Section. If the court finds by a preponderance of the evidence that the Law Enforcement Officer or Agency has knowingly violated this Section, the officer or agency shall be subject to a civil penalty in an amount up to one thousand dollars (\$1,000.00). If the court finds that there is a knowing violation of this Section, the court may order payment by such officer or agency of all costs and attorneys' fees, as provided by Section 610.027, RSMo. If the court finds by a preponderance of the evidence that the Law Enforcement Officer or Agency has purposely violated this Section, the officer or agency shall be subject to a civil penalty in an amount up to five thousand dollars (\$5,000.00) and the court shall order payment by such officer or agency of all costs and attorney fees, as provided in Section 610.027, RSMo. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the Law Enforcement Officer or Agency has violated this Section previously.
- E. The victim of an offense as provided in Chapter 566, RSMo., may request that his/her identity be kept confidential until a charge relating to such incident is filed.

Section 120.130. Effect of Nolle Pros, Dismissal and Suspended Imposition of Sentence on Records.

- A. If the person arrested is charged but the case is subsequently nolle prossed, dismissed, or the accused is found not guilty, or imposition of sentence is suspended in the court in which the action is prosecuted, official records pertaining to the case shall thereafter be closed records when such case is finally terminated, except as provided in Subsection (B) of this Section and Section 120.140 and except that the court's judgment or order or the final action taken by the prosecutor in such matters may be accessed. If the accused is found not guilty due to mental disease or defect pursuant to Section 552.030, RSMo., official records pertaining to the case shall thereafter be closed records upon such findings, except that the disposition may be accessed only by law enforcement agencies, child care agencies, facilities as defined in Section 198.006, RSMo., and in-home services provider agencies as defined in Section 660.250, RSMo., in the manner established by Section 120.140.

- B. If the person arrested is charged with an offense found in Chapter 566, RSMo., Sections 568.045, 568.050, 568.060, 568.065, 568.080, 568.090 or 568.175, RSMo., and an imposition of sentence is suspended in the court in which the action is prosecuted, the official records pertaining to the case shall be made available to the victim for the purpose of using the records in his/her own judicial proceeding or if the victim is a minor to the victim's parents or guardian, upon request.

Section 120.140. Public Access of Closed Arrest Records.

- A. Except as otherwise provided under Section 610.124, RSMo., records required to be closed shall not be destroyed; they shall be inaccessible to the general public and to all persons other than the defendant except as provided in this Section and Section 43.507, RSMo. The closed records shall be available to: criminal justice agencies for the administration of criminal justice pursuant to Section 43.500, RSMo., criminal justice employment, screening persons with access to criminal justice facilities, procedures and sensitive information; to law enforcement agencies for issuance or renewal of a license, permit, certification, or registration of authority from such agency including, but not limited to, watchmen, security personnel, private investigators, and persons seeking permits to purchase or possess a firearm; those agencies authorized by Section 43.543, RSMo., to submit and when submitting fingerprints to the central repository; the Sentencing Advisory Commission created in Section 558.019, RSMo., for the purpose of studying sentencing practices in accordance with Section 43.507, RSMo.; to qualified entities for the purpose of screening providers defined in Section 43.540, RSMo.; the Department of Revenue for driver license administration; the Department of Public Safety for the purposes of determining eligibility for crime victims' compensation pursuant to Sections 595.010 to 595.075, RSMo.; Department of Health and Senior Services for the purpose of licensing and regulating facilities and regulating in-home services provider agencies and Federal agencies for purposes of criminal justice administration, criminal justice employment, child, elderly, or disabled care, and for such investigative purposes as authorized by law or presidential executive order.
- B. These records shall be made available only for the purposes and to the entities listed in this Section. A criminal justice agency receiving a request for criminal history information under its control may require positive identification, to include fingerprints of the subject of the record search, prior to releasing closed record information. Dissemination of closed and open records from the Missouri criminal records repository shall be in accordance with Section 43.509, RSMo. All records which are closed records shall be removed from the records of the Police Department and Municipal Court which are available to the public and shall be kept in separate records which are to be held confidential and, where possible, pages of the public record shall be retyped or rewritten omitting those portions of the record which deal with the defendant's case. If retyping or rewriting is not feasible because of the permanent nature of the record books, such record entries shall be blacked out and recopied in a confidential book.

Section 120.150. "911" Telephone Reports.

Except as provided by this Section, any information acquired by the Police Department or a first responder agency by way of a complaint or report of a crime made by telephone contact using the emergency number "911" shall be inaccessible to the general public. However, information consisting of the date, time, specific location, and immediate facts and circumstances surrounding the initial report of the crime or incident shall be considered to be an incident report and subject to Section 120.120. Any closed records pursuant to this Section shall be available upon request by law enforcement agencies or the Division of Workers' Compensation or pursuant to a valid court order authorizing disclosure upon motion and good cause shown.

Section 120.160. Daily Log or Record Maintained by Police Department of Crimes, Accidents or Complaints — Public Access to Certain Information.

- A. The City of Anderson Police Department, if it maintains a daily log or record that lists suspected crimes, accidents or complaints, shall make available the following information for inspection and copying by the public:
1. The time, substance and location of all complaints or requests for assistance received by the Police Department;
 2. The time and nature of the Police Department's response to all complaints or requests for assistance; and
 3. If the incident involves an alleged offense or infraction:
 - a. The time, date and location of occurrence;
 - b. The name and age of any victim, unless the victim is a victim of a crime under Chapter 566, RSMo.;
 - c. The factual circumstances surrounding the incident; and
 - d. A general description of any injuries, property or weapons involved.

Chapter 125

PERSONNEL

Section 125.010. Federal Old-Age and Survivors Insurance.

Section 125.020. Workers' Compensation.

Section 125.010. Federal Old-Age and Survivors Insurance.

[CC 1995 §125.010; CC 1974 §§23.010 — 23.050]

- A. *Policy.* It is hereby declared to be the policy and purpose of the City of Anderson, Missouri, to extend to all eligible employees and officials of said City who are not excluded by law or by this Section and whether employed in connection with a governmental or proprietary function of said City the benefits of the system of Federal Old-Age and Survivors Insurance as authorized by the Social Security Act Amendments of 1950, and by Senate Committee Substitute for Senate Bill No. 3 of the 66th General Assembly of the State of Missouri and amendments thereof, as the same may be now and hereafter in effect.
- B. *Plan Authorized.* The Mayor and City Clerk of the City of Anderson, Missouri, are hereby authorized and directed, on behalf of this City, to prepare, execute and submit to the Office of Administration, Division of Accounting, as State Agency of the State of Missouri, a plan and agreement for extending said benefits to said eligible employees and officials of the City of Anderson, Missouri, in the form prepared by the State Agency and hereby approved and adopted by the Board of Aldermen of this City, which plan and agreement are to become effective upon approval thereof by the State Agency, and are further authorized and directed to execute agreements and modifications and amendments thereof with said State Agency, providing for the extension of said benefits to said employees and officials as set forth in said plan and agreement, as provided for in Subsection (A) hereof, said plan and agreement to provide that said extension of benefits is to be effective on January 1, 1957.
- C. Commencing on the first (1st) day of the month following the date of the approval of the plan and agreement of this City by the State Agency, there shall be deducted from the wages of all employees and officials of the City of Anderson, Missouri, to whom the benefits of said system of Federal Old-Age and Survivors Insurance are extended, by virtue of the plan and agreement hereinbefore provided for, the amount of each of said employees' and officials' contributions, as determined by the applicable State and Federal laws and by said plan and agreement, the aggregate amount of said deductions to be paid into the Contributions Fund created by Senate Committee Substitute for Senate Bill No. 3 of the 66th General Assembly of the State of Missouri; provided however, that from the first (1st) payment of wages made to each of said employees and officials after the benefits of said system have been extended to such employees and officials, there shall be deducted a sum equal to the amount which would have been due and payable from each of said employees and officials had said extension of benefits been provided and effective on January 1, 1957.

- D. Commencing on the first (1st) day of the month following the date of the approval of the plan and agreement of this City by the State Agency, there is hereby authorized to be appropriated from the General Fund of the City of Anderson, Missouri, and there is, and shall be, appropriated the sum or sums of money necessary to pay the contributions of the City of Anderson, Missouri, which shall be due and payable by virtue of the extension of the benefits of the Federal Old-Age and Survivors Insurance System to the eligible employees and officials of said City, said sum or sums of money to be paid into the Contributions Fund created by Senate Committee Substitute for Senate Bill No. 3 of the 66th General Assembly of the State of Missouri; provided however, that in making the first (1st) payment to said Contributions Fund, after the benefits of said system have been extended to such employees and officials, said first (1st) payment shall include a sum equal to the amount which would have been due and payable had said extension of benefits been provided and effective on January 1, 1957. The fund from which said appropriation is made will, at all times, be sufficient to pay the contributions of the City by this Section directed to be paid to said Contributions Fund.
- E. The City of Anderson, Missouri, from and after the approval of the plan and agreement of this City by the State Agency, shall fully comply with, and shall keep such records, make such reports and provide such methods of administration of said plan and agreement as may be required by all applicable State and Federal laws, rules and regulations, now and hereafter in effect with respect to the extension of the benefits of the Federal Old-Age and Survivors Insurance System to the employees and officials of this City. For the purpose of administering said plan and agreement, the City Clerk of this City shall be the official who shall make all required reports, keep all records, and be responsible for the administration of said plan and agreement on behalf of this City, and any and all notices and communications from the State Agency to this City with respect to said plan and agreement shall be addressed to "City Clerk of Anderson, Missouri".

Section 125.020. Workers' Compensation.

[CC 1995 §125.020; CC 1974 §23.060]

The City of Anderson, Missouri, hereby elects to accept the Workers' Compensation Law of the State of Missouri.

Chapter 130

MUNICIPAL COURT

ARTICLE I General Provisions

- Section 130.010. Court Established.
- Section 130.020. Jurisdiction.
- Section 130.030. Selection of Municipal Judge.
- Section 130.040. Municipal Judge — Vacation of Office.
- Section 130.050. Municipal Judge — Qualifications for Office.
- Section 130.060. Superintending Authority.
- Section 130.070. Report to Board of Aldermen.
- Section 130.080. Docket and Court Records.
- Section 130.090. Municipal Judge — Powers and Duties Generally.
- Section 130.100. Prosecutions Based on Information Only, Proceedings.
- Section 130.110. Violations Bureau.
- Section 130.120. Issuance and Execution of Warrants.
- Section 130.130. Arrests Without Warrants.
- Section 130.140. Jury Trials.
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- Section 130.160. Summoning of Witnesses.
- Section 130.170. Municipal Judge Without Jurisdiction, When.
- Section 130.180. Jailing of Defendants.

- Section 130.190. Parole and Probation.
- Section 130.200. Right of Appeal.
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- Section 130.220. Breach of Recognizance.
- Section 130.230. Disqualification of Municipal Judge From Hearing a Particular Case.
- Section 130.240. Absence of Judge — Procedure.
- Section 130.250. Failure To Appear in Municipal Court.
- Section 130.260. (Reserved)

ARTICLE II Court Clerk

- Section 130.270. Office Established.
- Section 130.280. Selection and Term of Court Clerk.
- Section 130.290. Hours and Authorization of Compensation.
- Section 130.300. Bond.
- Section 130.310. Clerk of Court — Duties.
- Section 130.320. Clerk of Court — Powers.

ARTICLE III Fines and Court Costs

- Section 130.330. Installment Payment of Fine.
- Section 130.340. Court Costs.

ARTICLE I
General Provisions¹

Section 130.010. Court Established.

There is hereby established in the City of Anderson a Municipal Court to be known as the "Anderson Municipal Court, a Division of the 40th Judicial Circuit Court of the State of Missouri." In the event a Police Court existed prior to the establishment of a Municipal Court, this Court is a continuation of the Police Court of the City as previously established and is termed herein "The Municipal Court."

Section 130.020. Jurisdiction.

Violations of municipal ordinances shall be heard and determined only before Divisions of the Circuit Court as hereinafter provided in this Chapter. "Heard and determined," for purposes of this Chapter, shall mean any process under which the Court in question retains the final authority to make factual determinations pertaining to allegations of a municipal ordinance violation.

Section 130.030. Selection of Municipal Judge.

[CC 1995 §130.040]

- A. The Judge of the City's Municipal Court shall be known as a Municipal Judge of the 39th Judicial Circuit Court and shall be selected by appointment to the position by the Mayor with approval of a majority of the members of the Board of Aldermen for a term as specified herein.
- B. The Municipal Judge shall hold his/her office for a period of two (2) years and shall take office biannually from April, 1994. If for any reason a Municipal Judge vacates his/her office, his/her successor shall complete that term of office, even if the same be for less than two (2) years.

Section 130.040. Municipal Judge — Vacation of Office.

- A. The Municipal Judge shall vacate his/her office under the following conditions:
 - 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;
 - 2. Upon attaining his/her seventy-fifth (75th) birthday; or

1. State Law Reference — As to certain violations concerning an accused with special needs, §479.040, RSMo.

3. If he/she should lose his/her license to practice law within the State of Missouri or if he/she should fail to complete the course of instruction as required by Section 130.060, Subsection (A)(1) hereof.

Section 130.050. Municipal Judge — Qualifications for Office.

- A. The Municipal Judge shall possess the following qualifications before he/she shall take office:
 1. He/she must be a licensed attorney, qualified to practice law within the State of Missouri or within six (6) months after selection for the position, each Municipal Judge who is not licensed to practice law in this State shall satisfactorily complete the course of instruction for Municipal Judges prescribed by the Supreme Court.
 2. He/she need not reside within the City.
 3. He/she must be a resident of the State of Missouri.
 4. He/she must be between the ages of twenty-one (21) and seventy-five (75) years.
 5. He/she may serve as a Municipal Judge for any other municipality.
 6. He/she may not hold any other office within the City Government.
 7. The Municipal Judge shall be considered holding a part-time position and as such may accept other employment.

Section 130.060. 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/her directives.

Section 130.070. Report to Board of Aldermen.

The Municipal Judge shall cause the Court Clerk to prepare, within the first ten (10) days of every month, a report indicating the following:

A list of all cases heard or tried before the Judge during the preceding month, giving in each case the name of the defendant, the fine imposed if any, the amount of costs, the names of defendants committed, and the cases in which there was an application for trial de novo, respectively. The Court Clerk or the Judge shall verify such lists and statements by affidavit and shall file the same with the City Clerk who shall lay the same before the Board of Aldermen of the City for examination at its first (1st) session thereafter. The Municipal Court shall, within the ten (10) days after the first (1st) of the month, pay to the Municipal Treasurer the full amount of all fines collected during the preceding month, if not previously paid to the Municipal Treasurer.

Section 130.080. Docket and Court Records.

The Municipal Judge shall be a conservator of the peace. He/she shall keep a docket in which he/she shall enter every case commenced before him/her and the proceedings therein and he/she shall keep such other records as may be required. Such docket and records shall be records of the Circuit Court of McDonald County. The Municipal Judge shall deliver said docket, records and all books and papers pertaining to his/her office to his/her successor in office or to the Presiding Judge of the Circuit.

Section 130.090. Municipal Judge — Powers and Duties Generally.

A. The Municipal Judge shall be and is hereby authorized to:

1. Establish a Violations Bureau as provided for in the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and Section 479.050, RSMo.
2. Administer oaths and enforce due obedience to all orders, rules and judgments made by him/her and may fine and imprison for contempt committed before him/her while holding Court in the same manner and to the same extent as a Circuit Judge.
3. 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.
4. 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.
5. 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.

B. In addition to such other authority as exists to order conditions of probation, the Court may order such conditions as the Court believes will serve to compensate the victim, any dependent of the victim, or society.² [Ord. No. 21616A, §7, 2-17-2016]

1. Such conditions may include, but shall not be limited to:
 - a. Restitution to the victim or any dependent of the victim, in an amount to be determined by the Court;
 - b. The performance of a designated amount of free work for a public or charitable purpose, or purposes, as determined by the Court;
 - c. The assessment of shock jail time, so long as such jail time is within the range of punishment authorized by ordinance or law for the offense charged;

2. Editor's Note: See also §130.190 of this Chapter.

- d. The assessment of a shock fine so long as such amount is within the range of punishment authorized by ordinance or law for the offense charged;
 - e. Completion of alcohol or substance abuse education, evaluation or treatment programs at the expense of the defendant; and
 - f. Completion of anger management, evaluation or treatment programs at the expense of the defendant.
2. The defendant may refuse probation conditioned on the performance of free work. If he/she does so, the Court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. Any County, City, person, organization, agency, or employee of a County, City, organization or agency charged with the supervision of such free work or who benefits from its performance shall be immune from any suit by the defendant or any person deriving a cause of action from him/her if such cause of action arises from such supervision of performance, except for an intentional tort or gross negligence. The services performed by the defendant shall not be deemed "employment" within the meaning of the provisions of Chapter 288, RSMo.

Section 130.100. Prosecutions Based on Information Only, Proceedings.

All prosecutions for the violation of municipal ordinances shall be instituted by information and may be based upon a complaint. Proceedings shall be in accordance with the Supreme Court Rules governing practice and procedure in proceedings before Municipal Judges.

Section 130.110. Violations Bureau.

Should the Municipal Judge determine that there shall be a Violations Bureau, the City shall provide all expenses incident to the operation of the same.

Section 130.120. Issuance and Execution of Warrants.

- A. All Courts must issue a summons prior to the issuance of a warrant. A uniform citation is not a warrant. [Ord. No. 21616A, §4, 2-17-2016]
- B. In the event an arrest is made due to a traffic stop, a warrant must be issued within twenty-four (24) hours or the offender is to be released. Only the Judge may order and sign a warrant. Time runs from the time the offender is taken into custody. Once a warrant is issued, defendants must appear before a Judge within forty-eight (48) hours if the offense is a "minor traffic violation" and within seventy-two (72) hours for all other offenses or be released. [Ord. No. 21616A, §4, 2-17-2016]
- C. In the event a warrant is issued, the Court may assess a warrant fee in the amount of fifty dollars (\$50.00) for each warrant issued to be added to the balance of any fines and costs due and collected in the same manner as provided by law. [Ord. No. 21616A, §3, 2-17-2016]

- D. All warrants issued by a Municipal Judge shall be directed to the City Marshal, Chief of Police or any other Police Officer of the municipality or to the Sheriff of the County. The warrants shall be executed by the Marshal, Chief of Police, Police Officer or Sheriff at 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 in warrants in criminal cases.

Section 130.130. Arrests Without Warrants.

The City Marshal, 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/her presence, but such officer shall, before the trial, file a written complaint with the Judge hearing violations of municipal ordinances.

Section 130.140. 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 Court Judge. Whenever a defendant accused of a violation of a municipal ordinance has a right to and demands such trial by jury, the Municipal Court shall certify the case to the Presiding Judge of the Circuit Court for reassignment.

Section 130.150. Duties of the City's Prosecuting Attorney.

It shall be the duty of an attorney designated by the City 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/her necessary expenses incurred in such prosecutions shall be paid by the City. The compensation of such attorney shall not be contingent upon the number of cases tried, the number of guilty verdicts reached, or the amount of fines imposed or collected.

Section 130.160. 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 Court 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/her on the day set for trial to testify in the case and enter the names of such witnesses on his/her docket, which oral notice shall be valid as a summons.

Section 130.170. Municipal Judge Without Jurisdiction, When.

- A. If, in the progress of any trial before the 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/her as Municipal Judge, he/she shall immediately stop all further proceedings before him/her as Municipal Judge and cause the complaint to be made before some Associate Circuit Court Judge of the County.
- B. For purposes of this Section, any offense involving the operation of a motor vehicle in an intoxicated condition as defined in Section 577.001, RSMo., shall not be cognizable in Municipal Court, if the defendant has been convicted, found guilty, or pled guilty to two (2) or more previous intoxication-related traffic offenses as defined in Section 577.023, RSMo., or has had two (2) or more previous alcohol-related enforcement contacts as defined in Section 302.525, RSMo.

Section 130.180. 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 now or hereafter be allowed by law to such Sheriff for the keeping of other prisoners in his/her custody. The same shall be taxed as cost.

Section 130.190. Parole and Probation.³

- A. Any Judge hearing violations of municipal ordinances may, when in his/her 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 such Judge. When a person is placed on probation, he/she shall be given a certificate explicitly stating the conditions on which he/she is being released.
- B. In addition to such other authority as exists to order conditions of probation, the Court may order conditions which the Court believes will serve to compensate the victim of the crime, any dependent of the victim, or society in general. Such conditions may include, but need not be limited to:
 1. Restitution to the victim or any dependent of the victim in an amount to be determined by the Judge; and
 2. The performance of a designated amount of free work for a public or charitable purpose or purposes as determined by the Judge.
- C. A person may refuse probation conditioned on the performance of free work. If he/she does so, the Court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. Any County, City, person, organization or

3. Editor's Note: See also §130.090(B) of this Chapter.

agency or employee of a County, City, organization or agency charged with the supervision of such free work or who benefits from its performance shall be immune from any suit by the person placed on parole or probation or any person deriving a cause of action from him/her if such cause of action arises from such supervision of performance, except for intentional torts or gross negligence. The services performed by the probationer or parolee shall not be deemed employment within the meaning of the provisions of Chapter 288, RSMo.

- D. The Court may modify or enlarge the conditions of probation at any time prior to the expiration or termination of the probation term.

Section 130.200. Right of Appeal.

In any case tried before the Municipal Judge, except where there has been a plea of guilty or where the case has been tried with a jury, the defendant shall have a right of trial de novo before a Circuit Court Judge or upon assignment before an Associate Circuit Court Judge. An application for a trial de novo shall be filed within ten (10) days after judgment and shall be filed in such form and perfected in such manner as provided by Supreme Court rule.

Section 130.210. Appeal From Jury Verdicts.

In any case tried with a jury before an Associate Circuit Judge, a record of the proceedings shall be made, and appeals may be had upon that record to the appropriate Appellate Court.

Section 130.220. Breach of Recognizance.

In the case of a breach of any recognizance entered into before a Municipal Judge or an Associate Circuit Court 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 Court Judge or Associate Circuit Court 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 Municipal Treasury to the General Revenue Fund of the municipality.

Section 130.230. Disqualification of Municipal Judge From Hearing a Particular Case.

A Municipal Judge shall be disqualified to hear any case in which he/she is in any way interested 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.

Section 130.240. Absence of Judge — Procedure.

If the Municipal Judge or Provisional Judge be absent, sick or disqualified from acting pursuant to the general administrative authority of the Presiding Judge of the Circuit Court over the Municipal Divisions within the Circuit contained in Section 478.240, RSMo., a special Municipal Judge may be designated in accordance with the provisions of Section 479.230, RSMo., until such absence or disqualification shall cease.

Section 130.250. Failure To Appear in Municipal Court.

- A. A person commits the offense of failure to appear in Municipal Court if:
1. He/she has been issued a summons for a violation of any ordinance of the City of Anderson and fails to appear before the Judge of the Municipal Court at the time and on the date on which he/she was summoned, or at the time or on the date to which the case was continued;
 2. He/she has been released upon recognition of bond and fails to appear before the Judge of the Municipal Court at the time and on the date on which he/she was summoned, or at the time or on the date to which the case was continued;
 3. He/she has been placed on Court supervised probation and fails to appear before the Judge of the Municipal Court at the time specified by said Judge as a condition of the probation.
- B. The Court cannot apply failure to appear charges for "minor traffic violations." This does not include fees and costs associated with the initial offense. [Ord. No. 21616A, §3, 2-17-2016]
- C. Nothing in this Section shall prevent the exercise of the Municipal Court of its power to punish for contempt.

Section 130.260. (Reserved)**ARTICLE II
Court Clerk****Section 130.270. Office Established.**

There is hereby established the office of Court Clerk for the City of Anderson Municipal Division of the McDonald County Circuit Court.

Section 130.280. Selection and Term of Court Clerk.

The Court Clerk shall be appointed by the Mayor with the consent of a majority of the members of the Board of Aldermen to serve for an unspecified term at the will of the Mayor and Board of Aldermen.

Section 130.290. Hours and Authorization of Compensation.

The Court Clerk shall attend all sessions of the Anderson Municipal Division of the 39th Judicial Circuit Court and may be required to be present at the Anderson City Hall to perform the duties of the office at such additional times as the Mayor or Board of Aldermen may specify. Compensation for the Court Clerk shall be established by ordinance from time to time.

Section 130.300. Bond.

Within fifteen (15) days after appointment and before entering upon the discharge of the above- described duties of office, the Court Clerk shall give bond to the City in the sum of fifty thousand dollars (\$50,000.00) conditioned upon the faithful performance of said duties and the said Court Clerk will pay over all monies belonging to the City, as provided by law, that may come into the Court Clerk's hands.

Section 130.310. Clerk of Court — Duties.

[CC 1995 §130.180; CC 1974 §72.160]

- A. The duties of the Clerk of the Municipal Court shall be as follows:
1. To prepare, under the supervision of the City Attorney, the following:
 - a. Complaints under this Code or other City ordinances;
 - b. Trial dockets;
 - c. All necessary appeal and recognizance forms;
 - d. Transcripts of records; and
 - e. Any and all other forms necessary in any action pending in the Municipal Court.
 2. To maintain permanent files and records of the Municipal Court proceedings and to have the care and custody of same.
 3. To prepare, under the supervision of the Municipal Judge, all reports required of the Municipal Judge or of the Municipal Court by State Statutes, this Code or other City ordinances.
 4. To keep complete records regarding fines, penalties, costs and any other charges arising out of any action in the Municipal Court.
 5. To assist the Chief of Police in the preparation of any reports or records required of him/her in connection with the operation of the Municipal Court.
 6. To tax all costs, make out all bills and executions and make out and issue all processes of the Municipal Court.

7. To keep an appeal docket in which shall be recorded the proceedings in any Municipal Court case appealed to the Circuit Court.
8. To fulfill such other duties as may be assigned to him/her by the Mayor or Board of Aldermen.

Section 130.320. Clerk of Court — Powers.

[CC 1995 §130.190; CC 1974 §72.170]

- A. The Clerk of the Municipal Court, and any Deputy Clerk that may serve under him/her, shall be and is hereby authorized to:
 1. Take oaths and affirmations.
 2. Accept and sign complaints signed and sworn to or affirmed before him/her.
 3. Sign and issue warrants.
 4. Sign and issue commitments to jail.
 5. Sign and issue subpoenas requiring the attendance of a witness and sign and issue subpoenas duces tecum.
 6. Fix the amount of bail and admit to bail.
 7. Accept the appearance, waiver of trial and plea of guilty and payment of fine and costs in Traffic Violations Bureau cases or as directed by the Municipal Judge; generally act as Violations Clerk of the Traffic Violations Bureau.
 8. Perform such other duties as provided for by ordinance, by rules of practice and procedure adopted by the Municipal Judge; and as provided for by the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts.

ARTICLE III

Fines and Court Costs

Section 130.330. Installment Payment of Fine.

- A. When a fine is assessed for violation of an ordinance, it shall be within the discretion of the Judge assessing the fine to provide for the payment of the fine on an installment basis under such terms and conditions as he/she may deem appropriate.
- B. If installments or deferred payment is allowed, the defendant shall be placed on probation until the total fines and Court costs are paid in full. **[Ord. No. 21616A, §6, 2-17-2016]**
- C. If the total amount due is not paid within one (1) month of the agreement to pay, there shall be an additional administrative fee of fifty dollars (\$50.00). **[Ord. No. 21616A, §6, 2-17-2016]**

Section 130.340. Court Costs.

- A. In addition to any fine that may be imposed by the Municipal Judge in any case filed in the Anderson Municipal Division of the 39th Judicial Circuit Court, and in addition to all other fees authorized or required by law, there shall be assessed as costs the following:
1. Costs of Court in the amount of twelve dollars (\$12.00).
 2. *Police Officer training fee.* A fee of three dollars (\$3.00) is hereby established and assessed as additional Court costs in each Court proceeding, except that no such fee shall be collected when the proceedings against the defendant have been dismissed.
 - a. Two dollars (\$2.00) of each such Court cost shall be transmitted monthly to the Treasurer of the City and used to pay for Police Officer training as provided by Sections 590.100 to 590.180, RSMo. The City shall not retain for training purposes more than one thousand five hundred dollars (\$1,500.00) of such funds for each certified Law Enforcement Officer or candidate for certification employed by the City. Any excess funds shall be transmitted quarterly to the City's General Fund.
 - b. One dollar (\$1.00) of each such Court cost shall be sent to the State Treasury to the credit of the Peace Officers Standards and Training Commission Fund created by Section 590.178, RSMo.
 3. *Crime Victims' Compensation Fund.* An additional sum of seven dollars fifty cents (\$7.50) shall be assessed and added to the basic costs in Subsection (1) of this Section, provided that no such cost shall be collected in any proceeding when the proceeding or the defendant has been dismissed by the Court. All sums collected pursuant to this Subsection shall be paid at least monthly as follows:
 - a. Ninety-five percent (95%) of such fees shall be paid to the Director of Revenue of the State of Missouri for deposit as provided in Section 595.045.5, RSMo.
 - b. Five percent (5%) shall be paid to the City Treasury.
 4. There may also be assessed a cost of up to four dollars (\$4.00) per case for each criminal case, including violations of any County or municipal ordinance for the purpose of providing operating expenses for shelters for battered persons as set out in Section 488.607, RSMo.
 5. 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.
 6. Actual costs assessed against the City by the County Sheriff for apprehension or confinement in the County Jail or costs assessed against the City by any other detention facility.
 7. 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.

8. Any other reasonable cost as may be otherwise provided by ordinance including, but not limited to, costs of confinement, including any necessary transportation related thereto, medical costs incurred by the City while a defendant is in City custody, and costs related to the arrest and testing of any person for any intoxication-related traffic offense as set out in Section 130.340(9) hereof.
9. *Reimbursement of certain costs of arrest.*
 - a. Upon a plea or a finding of guilty of violating the provisions of Sections 342.020 or 342.030 of this Code or any ordinance of the City of Anderson involving alcohol- or drug- related traffic offenses, the Court may, in addition to imposition of any penalties provided by law, order the convicted person to reimburse the Police Department for the costs associated with such arrest.
 - b. Such costs hereby authorized shall include the reasonable cost of making the arrest, including the cost of any chemical test made as authorized or required by law or ordinance to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking and holding such person in custody.
 - c. The Chief of Police may establish a schedule of such costs hereby authorized and shall submit the same to the Municipal Judge. However, the Court may order the costs reduced if it determines that the costs are excessive.
10. *Judicial Education Fund.* Cities by ordinance may provide for fees in an amount per case to be set pursuant to Sections 488.010 to 488.020, RSMo., for each municipal ordinance violation case filed before a Municipal Judge, and in the event a defendant pleads guilty or is found guilty, the Judge may assess costs against the defendant except in those cases where the defendant is found by the Judge to be indigent and unable to pay the costs. The fees authorized in this Subsection are in addition to service charges, witness fees and jail costs that may otherwise be authorized to be assessed, but are in lieu of other Court costs. The fees provided by this Subsection shall be collected by the Municipal Division Clerk in municipalities electing or required to have violations of municipal ordinances tried before a Municipal Judge pursuant to Section 479.020, RSMo., or to employ judicial personnel pursuant to Section 479.060, RSMo., and disbursed as provided in Subsection (1) of Section 479.080, RSMo. Any other Court costs required in connection with such cases shall be collected and disbursed as provided in Sections 488.010 to 488.020, RSMo.; provided that each Municipal Court may establish a Judicial Education Fund and an Appointed Counsel Fund, each in separate accounts under the control of the Municipal Court to retain one dollar (\$1.00) of the fees collected on each case. The fees collected shall be allocated between the two (2) funds as determined by the Court. The Judicial Education Fund shall be used only to pay for the continuing education and certification required of the Municipal Judges by law or Supreme Court Rule; and judicial education and training for the Court Administrator and Clerks of the Municipal Court.

The Appointed Counsel Fund shall be used only to pay the reasonable fees approved by the Court for the appointment of an attorney to represent any

defendant found by the Judge to be indigent and unable to pay for legal representation, and where the Supreme Court rules or the law prescribes such appointment. Provided further, that no Municipal Court shall retain more than one thousand five hundred dollars (\$1,500.00) in the Judicial Education Fund for each Judge, Administrator or Clerk of the Municipal Court and no more than five thousand dollars (\$5,000.00) in the Appointed Counsel Fund. Any excess funds shall be transmitted quarterly to the General Revenue Fund of the County or Municipal Treasury.

11. *Inmate Security Fund.*

- a. A surcharge of two dollars (\$2.00) shall be assessed as costs in each Court proceeding filed in any Court in any City adopting such a surcharge, in all violations of any municipal ordinance; except that no such fee shall be collected in any proceeding in any Court when the proceeding or the defendant has been dismissed by the Court or when costs are to be paid by the City. A surcharge of two dollars (\$2.00) shall be assessed as costs in a Juvenile Court proceeding in which a child is found by the Court to come within the applicable provisions of Subdivision (3) of Subsection (1) of Section 211.031, RSMo.
 - b. The Treasurer shall deposit funds generated by the surcharge into the "Inmate Prisoner Detainee Security Fund." Funds deposited shall be utilized to acquire and develop biometric verification systems and information sharing to ensure that inmates, prisoners, or detainees in a holding cell facility or other detention facility or area which holds persons detained only for a shorter period of time after arrest or after being formally charged can be properly identified upon booking and tracked within the local law enforcement administration system, criminal justice administration system, or the local jail system. Upon the installation of the information sharing or biometric verification system, funds in the Inmate Prisoner Detainee Security Fund may also be used for the maintenance, repair, and replacement of the information sharing or biometric verification system, and also to pay for any expenses related to detention, custody, and housing and other expenses for inmates, prisoners, and detainees.
- B. The Municipal Court may request the Director of the Department of Revenue to intercept a person's tax refund for delinquent Court costs, fines and fees or other sums ordered by Municipal Court in excess of twenty-five dollars (\$25.00) in accordance with any rules developed by the Department of Revenue. [Ord. No. 21616A, §5, 2-17-2016]

Chapter 135

PROCUREMENT, CONFLICT OF INTEREST

Section 135.010. Purchasing Agent Designated.

Section 135.020. Duties Generally.

Section 135.030. Requisitions and Estimates.

Section 135.040. Conflict of Interest.

Section 135.050. Conflict of Interest — Officers and Employees Not To Deal With Certain Entities.

Section 135.060. Conflict of Interest — Penalties.

Section 135.070. Gifts and Rebates.

Section 135.080. Competitive Bidding Required.

Section 135.090. Formal Contract Procedure.

Section 135.100. Notice Defined.

Section 135.110. Bid Opening Procedure.

Section 135.120. Lowest Responsible Bidder.

Section 135.130. Tie Bids.

Section 135.140. Open Market Procedure.

Section 135.150. Emergency Purchases.

Section 135.160. Cooperative Procurement.

Section 135.010. Purchasing Agent Designated.

[CC 1995 §135.010; CC 1974 §25.010]

- A. The City Clerk and Public Works Director are hereby designated as Purchasing Agents for the City. They, when authorized, 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.

Section 135.020. Duties Generally.

[CC 1995 §135.020; CC 1974 §25.020]

- A. In addition to the purchasing authority conferred in Section 135.010, and in addition to any other powers and duties conferred by this Code or other ordinance, the Purchasing Agents 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 vendors' catalog file. Said catalog shall be filed according to materials and shall contain descriptions of vendors' 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 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.

Section 135.030. Requisitions and Estimates.

[CC 1995 §135.030; CC 1974 §25.030]

- A. Each City department or agency shall file with a Purchasing Agent 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 Purchasing Agent shall examine each requisition or estimate and shall have the authority to revise it as to quantity, quality, or estimated cost.

Section 135.040. Conflict of Interest.

[CC 1995 §135.040; CC 1974 §25.040]

No officer or employee of the City shall transact any business in his/her official capacity with any business entity of which he/she is an officer, agent or member or in which he/she owns a substantial interest; nor shall he/she make any personal investments in any enterprise which will create a substantial conflict between his/her private interest and the public interest; nor shall he/she or any firm or business entity of which he/she 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.

Section 135.050. Conflict of Interest — Officers and Employees Not To Deal With Certain Entities.

[CC 1995 §135.050; CC 1974 §25.050]

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/she shall be disqualified from rendering any decision or passing any judgment upon the same.

Section 135.060. Conflict of Interest — Penalties.

[CC 1995 §135.060; CC 1974 §25.060]

Any person who violates the provisions of Sections 135.040 — 135.050 shall, upon conviction thereof, be punished as provided in Section 100.220 of this Code.

Section 135.070. Gifts and Rebates.

[CC 1995 §135.070; CC 1974 §25.070]

The Purchasing Agents 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 100.220 of this Code.

Section 135.080. Competitive Bidding Required.

[CC 1995 §135.080; CC 1974 §25.080]

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.

Section 135.090. Formal Contract Procedure.

[CC 1995 §135.090; CC 1974 §25.090]

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.

Section 135.100. Notice Defined.**[CC 1995 §135.100; CC 1974 §25.100]**

A. The notice required by Section 135.090 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 Purchasing Agents shall also solicit sealed bids from all responsible prospective suppliers who have requested their names to be added to a "Bidders' List", which the Purchasing Agents 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 Purchasing Agents shall also advertise all pending purchases or sales by a notice posted on the public bulletin board in the City Hall.
4. The Purchasing Agents shall also solicit sealed bids by:
 - a. Direct mail request to prospective vendors, or
 - b. Internet, or
 - c. By telephone,

as may seem to them to be in the best interest of the City.

Section 135.110. Bid Opening Procedure.**[CC 1995 §135.110; CC 1974 §25.110]**

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.

Section 135.120. Lowest Responsible Bidder.**[CC 1995 §135.120; CC 1974 §§25.120 — 25.125]**

A. 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.
- B. *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.

Section 135.130. Tie Bids.

[CC 1995 §135.130; CC 1974 §25.130]

- A. 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.
- B. Where there is no local low bidder, the award shall be made on the basis of a drawing of lots, to be held in public.

Section 135.140. Open Market Procedure.

[CC 1995 §135.140; CC 1974 §25.140]

- A. 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 135.090 of this Code shall be made in the open market, without newspaper advertisement and without observing the procedure prescribed by Section 135.110 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 135.120.
2. The City shall solicit bids by:
 - a. Direct mail request to prospective vendors;
 - b. By telephone;
 - c. By public notice posted on the bulletin board of the City Hall; and
 - d. By internet.
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.

Section 135.150. Emergency Purchases.

[CC 1995 §135.150; CC 1974 §25.150]

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.

Section 135.160. Cooperative Procurement.

[CC 1995 §135.160; CC 1974 §25.160]

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.

Chapter 140

TAXATION AND FINANCE

ARTICLE I Fiscal Year

Section 140.010. Fiscal Year.

ARTICLE II Budget

Section 140.020. Budget Required — Contents — Expenditures Not to Exceed Revenues.

Section 140.030. Budget Officer.

Section 140.040. Board of Aldermen May Revise Budget, Limits — Approval.

Section 140.050. Increase of Expenditure Over Budgeted Amount to Be Made Only on Formal Resolution.

ARTICLE III Levy of Taxes

Section 140.060. Board to Provide for Levy and Collection of Taxes — Fix Penalties.

Section 140.070. Fixing Ad Valorem Property Tax Rates, Procedure.

Section 140.080. Assessment — Method of.

Section 140.090. Clerk to Prepare Tax Books.

Section 140.100. Taxes Delinquent — When.

ARTICLE IV Taxation

Section 140.110. Sales Tax Imposed.

Section 140.120. Utility Tax.

Section 140.130. One-Half Cent Sales Tax for Streets and Transportation.

ARTICLE I Fiscal Year

Section 140.010. Fiscal Year.

[CC 1995 §140.010; CC 1974 §22.010]

The fiscal year of this City shall begin on October first (1st) and end on September thirtieth (30th) of the next succeeding year.

ARTICLE II
Budget

Section 140.020. Budget Required — Contents — Expenditures Not to Exceed Revenues.

- A. 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.
- B. The annual budget shall present a complete financial plan for the ensuing fiscal year and shall include at least the following information:
 - 1. A budget message describing the important features of the budget and major changes from the preceding year;
 - 2. Estimated revenues to be received from all sources for the budget year, with a comparative statement of actual or estimated revenues for the two (2) years next preceding, itemized by year, fund and source;
 - 3. Proposed expenditures for each department, office, commission, and other classification for the budget year, together with a comparative statement of actual or estimated expenditures for the two (2) years next preceding, itemized by year, fund, activity and object;
 - 4. The amount required for the payment of interest, amortization and redemption charges on the debt of the City; and
 - 5. A general budget summary.
- C. In no event shall the total proposed expenditures from any fund exceed the estimated revenues to be received plus any unencumbered balance or less any deficit estimated for the beginning of the budget year; provided that nothing herein shall be construed as requiring the City to use any cash balance as current revenue or to change from a cash basis of financing its expenditures.

Section 140.030. Budget Officer.

- A. The budget shall be prepared under the direction of a Budget Officer. Except as otherwise provided by law or ordinance, the Budget Officer shall be designated by the Board of Aldermen of the City. All officers and employees shall cooperate with and provide to the Budget Officer such information and such records as he/she shall require in developing the budget. The Budget Officer shall review all the expenditure requests and revenue estimates, after which he/she shall prepare the proposed budget as defined herein.
- B. After the Budget Officer has prepared the proposed budget, he/she shall submit it, along with such supporting schedules, exhibits, and other explanatory material as may be necessary for the proper understanding of the financial needs and position of the City, to the Board of Aldermen. He/she shall submit at the same time complete drafts of such orders, motions, resolutions or ordinances as may be required to authorize the proposed expenditures and produce the revenues necessary to balance the proposed budget.

Section 140.040. Board of Aldermen May Revise Budget, Limits — Approval.

The Board of Aldermen may revise, alter, increase or decrease the items contained in the proposed budget, subject to such limitations as may be provided by law; provided that in no event shall the total authorized expenditures from any fund exceed the estimated revenues to be received plus any unencumbered balance or less any deficit estimated for the beginning of the budget year. Except as otherwise provided by law, the Board of Aldermen shall, before the beginning of the fiscal year, approve the budget and approve or adopt such orders, motions, resolutions or ordinances as may be required to authorize the budgeted expenditures and produce the revenues estimated in the budget.

Section 140.050. Increase of Expenditure Over Budgeted Amount to Be Made Only on Formal Resolution.

After the City has approved the budget for any year and has approved or adopted the orders, motions, resolutions or ordinances required to authorize the expenditures proposed in the budget, the City shall not increase the total amount authorized for expenditure from any fund, unless the Board of Aldermen adopts a resolution setting forth the facts and reasons making the increase necessary and approves or adopts an order, motion, resolution or ordinance to authorize the expenditures.

ARTICLE III
Levy of Taxes ¹

Section 140.060. Board to Provide for Levy and Collection of Taxes — Fix Penalties.

The Board of Aldermen shall, from time to time, provide by ordinance for the levy and collection of all taxes, licenses, wharfage and other duties not herein enumerated and, for neglect or refusal to pay the same, shall fix such penalties as are now or may hereafter be authorized by law or ordinance.

Section 140.070. Fixing Ad Valorem Property Tax Rates, Procedure.

The Board of Aldermen shall hold at least one (1) public hearing on the proposed rates of taxes at which citizens shall be heard prior to their approval. The Board of Aldermen shall determine the time and place for such hearing. A notice stating the hour, date and place of the hearing shall be published in at least one (1) newspaper qualified under the laws of the State of Missouri of general circulation in the County within which all or the largest portion of the City is situated, or such notice shall be posted in at least three (3) public places within the City; except that in any County of the First Class having a Charter form of government, such notice may be published in a newspaper of general circulation within the City even though such newspaper is not qualified under the laws of Missouri for other legal notices. Such notice shall be published or posted at least seven (7) days prior to the date of the hearing. The notice shall include the assessed valuation by category of real, personal and other tangible property

1. Cross Reference — As to notice required for public meeting on tax increases, eminent domain, creation of certain districts, and certain redevelopment plans, §120.045.

in the City for the fiscal year for which the tax is to be levied as provided by Subsection (3) of Section 137.245, RSMo., the assessed valuation by category of real, personal and other tangible property in the City for the preceding taxable year, for each rate to be levied the amount of revenue required to be provided from the property tax as set forth in the annual budget adopted as provided by Chapter 67, RSMo., and the tax rates proposed to be set for the various purposes of taxation. The tax rates shall be calculated to produce substantially the same revenues as required in the annual budget adopted as provided in this Chapter. Following the hearing the Board of Aldermen shall fix the rates of taxes, the same to be entered in the tax book. Failure of any taxpayer to appear at such hearing shall not prevent the taxpayer from pursuit of any other legal remedy otherwise available to the taxpayer. Nothing in this Section absolves the City of responsibilities under Section 137.073, RSMo., nor to adjust tax rates in event changes in assessed valuation occur that would alter the tax rate calculations.

Section 140.080. Assessment — Method of.

In the absence of a City Assessor, and until such City Assessor is duly appointed and qualified, it shall be the duty of the Mayor of the City to procure from the County Clerk of McDonald County, Missouri, on or before the first (1st) day of October of each year a certified abstract from his/her assessment books of all property within the corporate limits of the City made taxable by law for State purposes and the assessed valuation thereof as agreed upon by the Board of Equalization, which abstract shall be immediately transmitted to the Board of Aldermen, and it shall be the duty of the Board of Aldermen to establish by ordinance the rate of taxes for the year.

Section 140.090. Clerk to Prepare Tax Books.

When the Board of Aldermen shall have fixed the rate of taxation for any given year, it shall be the duty of the City Clerk to cause to be prepared appropriate and accurate tax books and shall therein set out in suitable columns, opposite the name of each person and the item of taxable property, as returned by the Assessor and Board of Equalization, the amount of taxes, whether general or special, due thereon and shall charge the City Collector with the full amount of taxes levied and to be collected.

Section 140.100. Taxes Delinquent — When.

- A. On the first (1st) day of January of each year, all unpaid City taxes shall become delinquent and the taxes on real estate are hereby made a lien thereon.
- B. Each tract of land in the back tax book, in addition to the amount of tax delinquent, shall be charged with a penalty of eighteen percent (18%) of each year's delinquency except that the penalty on lands redeemed prior to sale shall not exceed two percent (2%) per month or fractional part thereof.

ARTICLE IV

Taxation

Section 140.110. Sales Tax Imposed.

[CC 1995 §140.120; CC 1974 §54.500; Ord. No. 031715, 3-17-2015]

From and after October 1, 1971, pursuant to the authority granted by and subject to the provisions of Sections 94.500 to 94.577, RSMo., a tax for general 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 manner provided in Sections 144.010 to 144.525, RSMo., and the rules and regulations of the Director of Revenue issued pursuant thereto. The rate of the tax shall be one percent (1%) on the receipts from the sales at retail of all tangible personal property or taxable services at retail within the City of Anderson, Missouri, if such property and taxable services are subject to taxation by the State of Missouri under the provisions of Sections 144.010 to 144.525, RSMo., and Subsection (4) of Section 94.510, RSMo., and shall be collected pursuant to the provisions of Sections 94.500 to 94.577, RSMo.

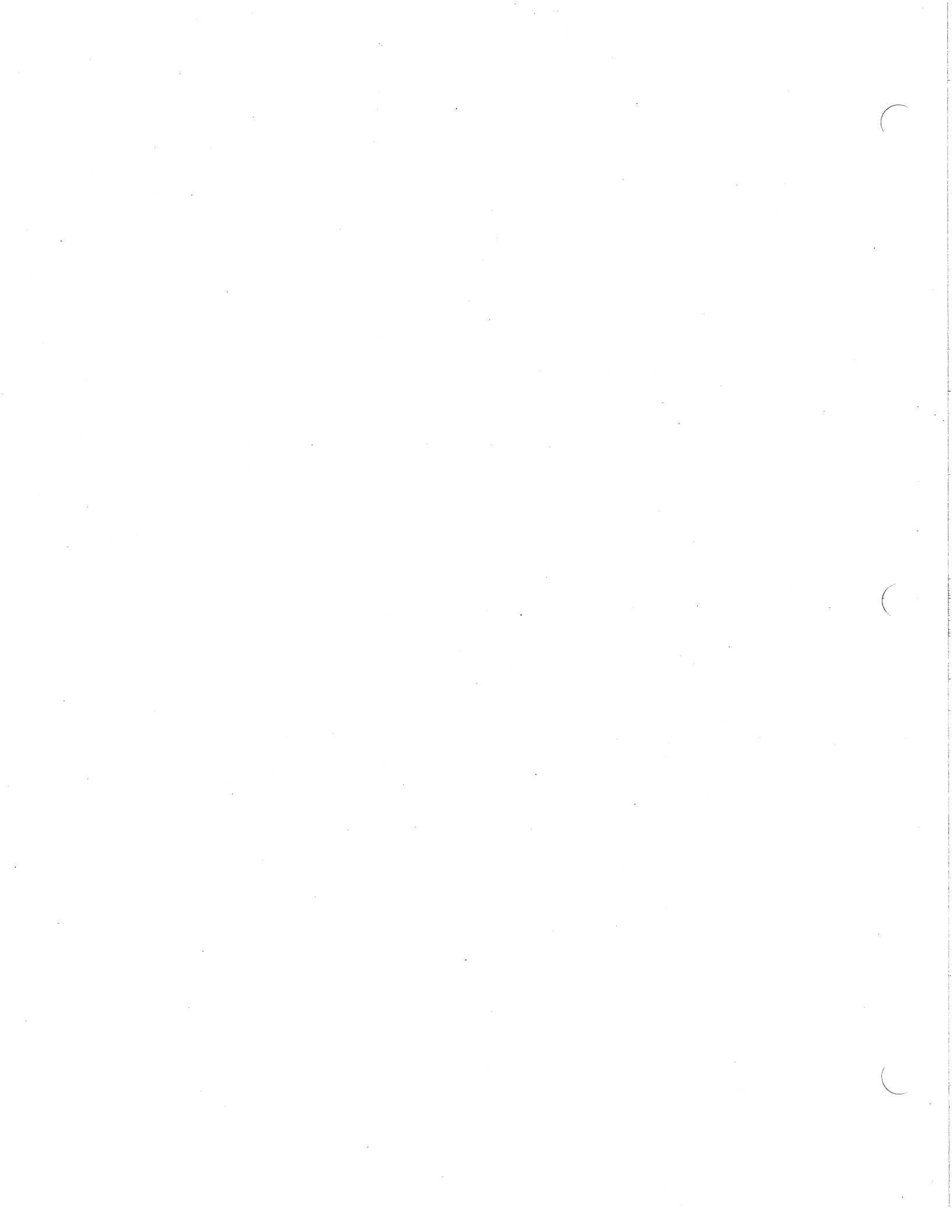
Section 140.120. Utility Tax.

[Ord. No. 031715, 3-17-2015]

The sales tax also applies to all sales of metered water services, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use.

Section 140.130. One-Half Cent Sales Tax for Streets and Transportation.

There is hereby imposed a transportation sales tax of one-half of one percent (0.5%) as authorized by Section 94.700, et seq., RSMo. Said transportation sales tax of one-half of one percent (0.5%) shall be imposed upon all receipts from sale at retail of all tangible personal property or taxable services. Said tax shall be in the manner and to the extent provided in Sections 144.010 to 144.525, RSMo., and the rules and regulations of the Director of Revenue issued pursuant thereto. The said sales tax shall be imposed for transportation purposes, including but not limited to, the planning, acquisition of rights-of-way, and construction, reconstruction, repair and maintenance of streets, roads and bridges.



Chapter 145

CONFLICTS OF INTEREST

Section 145.010. Declaration of Policy.

Section 145.020. Conflicts of Interest.

Section 145.030. Disclosure Reports of Each Alderman, the Mayor and City Clerk.

Section 145.040. Additional Disclosures by the Mayor and City Clerk.

Section 145.050. Filing of Disclosure Reports.

Section 145.060. Financial Interest Statement — When Filed.

Section 145.010. Declaration of Policy.

The proper operation of municipal government requires that public officials and employees be independent, impartial and responsible to the people; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials of the City of Anderson (the "City") of personal or private interests in matters affecting the City.

Section 145.020. Conflicts of Interest.

- A. The Mayor or any member of the Board of Aldermen who has a substantial personal or private interest in any bill introduced to the Board of Aldermen shall disclose to the Board of Aldermen the nature of such interest which disclosure shall be recorded in the minutes of the proceedings. Such person shall disqualify himself or herself from voting on any bill relating to such interest. "Substantial or private interest" is defined as ownership by the individual, his or her spouse, or his or her dependent children, where singularly or collectively, directly, or indirectly of:
1. Ten percent (10%) or more of any business entity; or
 2. An interest having a value of ten thousand dollars (\$10,000.00) or more; or
 3. The receipt of a salary, gratuity, or other compensation or remuneration of five thousand dollars (\$5,000.00) or more per year from any individual, partnership, organization or association within any calendar year.

Section 145.030. Disclosure Reports of Each Alderman, the Mayor and City Clerk.

- A. Each Alderman, the Mayor and the City Clerk shall disclose in writing the following information by May first (1st) if any such transactions were engaged in during the previous calendar year:

1. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars (\$500.00), if any, that such person had with the City, other than compensation received as a fee or salary or payment of any tax, fee or penalty due to the City, and other than transfers for no consideration to the City; and
2. The date and the identities of the parties to each transaction known to such person with a total value in excess of five hundred dollars (\$500.00), if any, that any business entity in which such person had a substantial interest, had with the City, other than payment of any tax, fee or penalty due to the City or transactions involving payment for providing utility service to the City, and other than transfers for no consideration to the City.

Section 145.040. Additional Disclosures by the Mayor and City Clerk.

- A. The Mayor and the City Clerk also shall disclose in writing by May first (1st) for the previous calendar year the following information:
 1. The name and address of each of the employers of such person from whom income of one thousand dollars (\$1,000.00) or more was received during the year covered by the statement.
 2. The name and address of each sole proprietorship that he or she owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he or she was a partner or participant; the name and address of each partner or coparticipant for each partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent (10%) or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed in a regulated stock exchange or automated quotation system in which the person owned two percent (2%) or more of any class of outstanding stock, limited partnership units or other equity interests.
 3. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

Section 145.050. Filing of Disclosure Reports.

Disclosure reports shall be filed with the City Clerk and with the Missouri Ethics Commission on forms prescribed by the City Attorney. The reports shall be available for public inspection and copying during normal business hours.

Section 145.060. Financial Interest Statement — When Filed.

- A. The financial interest statements shall be filed at the following times, but no person is required to file more than one (1) financial interest statement in any calendar year:

1. Each person required to file a financial interest statement under this Section shall file such statement within thirty (30) days of appointment or election;
2. Every other person required to file a financial interest statement shall file the statement annually not later than May first (1st) and the statement shall cover the calendar year ending the immediately preceding December thirty-first (31st); provided that any member of the Board of Aldermen may supplement the financial interest statement to report additional interests acquired after December thirty-first (31st) of the covered year until the date of filing of the financial interest statement.

