

Chapter 2

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*State law reference(s)--Constitutional charter cities, RSMo ch. 82.

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ARTICLE I. IN GENERAL**Sec. 2-1. Title.**

This chapter may be known and cited as the “St. Joseph Municipal Administrative Code.”
(Admn. C., § 1.01(A))

Charter reference(s)--Administrative code required, § 5.1.

Sec. 2-2. Implementation of council policies.

It is the intent of this chapter to facilitate the operation of the city government by providing, through the Code, an implement for the city council’s policy-making responsibility and the translation of that policy into effective and efficient administration thereof by the city manager. Under the direction of the city manager, the city employee’s principal responsibility is to implement the policy-making function of the city council.

(Admn. C., § 2.01)

Sec. 2-3. Reserved.

Editor's note: G.O. 1563, passed 10/6/97, repealed this section and incorporated its contents in Article XI. "Policy of Open Meetings and Open Records".

Sec. 2-4. City datum.

(a) A benchmark is hereby established as follows:

Brass monument located at the northwest corner of the south entrance of city hall--
Elevation $76.532 + 812.64 = 889.172$ USGCS.

(b) All grades fixed or established shall have reference to the datum established in this section.

(Admn. C., § 1.06)

Sec. 2-5. City seal.

(a) The seal used by and for the city, the impression of which is circular in form, is hereby established, ordained and declared to have been and to be the official seal of the city; to be affixed, in every instance, where it is by law necessary in order to give effect to the municipal acts of the city.

(b) The seal of the city shall be and remain in the exclusive custody of the city clerk.

(c) Except where otherwise provided by state law, the seal of the city, when used, shall be affixed by the city clerk only.

(Admn. C., § 1.07)

Sec. 2-6. Official flag.

The flag represented as a light, bright blue field or background with circular design of the official seal of the city in the upper lefthand corner area, with the silhouette of a Pony Express rider approaching the distant city horizon, in dark (flag) blue and edged with gold fringe is established and declared to be the official flag of the city.

(Code 1969, § 2-2.)

Sec. 2-7. Rules and regulations of boards, officers and departments filed with city clerk.

(a) *Generally.* A true and accurate copy of all rules and regulations authorized to be established and promulgated by each and every board, officer and department of the city shall be filed in the office of the city clerk at the time such rules and regulations may be issued.

(b) *Alterations.* Whenever any change or alteration of any kind shall be made in any such rule or regulation which is on file in the office of the city clerk, the copy of the rule or regulation filed in the office of the city clerk shall be immediately corrected in order to conform to the established rule or regulation, and until copies of the rules and regulations and all corrections, alterations or additions thereto shall be so filed or corrected in the office of the city clerk, no such rule or regulation shall become effective.

(c) *Exception.* The provisions of this section shall not apply to the rules and regulations established and promulgated under the building code when the rules and regulations are on file in the department of public works and transportation.
(Code 1969, § 2-61)

Cross reference(s)--City clerk, § 2-141 et seq.; departments, § 2-186 et seq.; boards and commissions, § 2-471 et seq.

Sec. 2-8. General fees and interest.

(a) *General fees.* When this code does not specify a fee charged for a good or service, including research completed by the city, the director of the department providing the good or

service may establish a reasonable fee for such good or service, provided such fee does not exceed ten cents per page of letter-sized documents provided and an hourly fee that does not exceed the average hourly rate of pay for clerical staff. Such hourly rate shall be established annually by the director of administrative services, or his or her designee.

(b) *Interest.* When this code does not specify an interest charge for delinquent fees owed to the city, the director of administrative services, or his or her designee, shall charge interest on such delinquent fees, up to eight percent per annum or the maximum amount allowed by law.
(G.O. 2922, 9-23-19)

Sec. 2-9. Failure to obtain required permits (Chapters 25 and 29).

(a) *Penalty; double fee.* Any business, entity, or person commencing any activity, prior to obtaining a permit required by Chapter 25 or Chapter 29 may be charged double the normal required permit fee in order to obtain the required permit. The payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work, nor from any other penalties presented herein.

(b) *Violations.* Any business, entity, or person who refuses to obtain a permit required by Chapter 25 or Chapter 29, or otherwise fails to obtain said permit, may be issued a municipal ticket for each day they remain in violation of this section, which shall be punishable upon conviction under the guidelines set forth in Section 1-14 of the Code of Ordinances.

(c) *Stop work order.* The director of public works and transportation, or his or her designee, may issue a stop work order for any activity being completed without a permit required by Chapter 25 or Chapter 29. Failure to comply with a stop work order shall constitute a separate violation in addition to the violation for completing work without a required permit.

(d) *Other available remedies.* The violations and remedies available in this section are in addition to any other violation or remedy otherwise available in Chapter 25 or Chapter 29.
(G.O. 2927, 10-7-19)

Sec. 2-10. Payment processing fees.

A surcharge or convenience fee to offset costs associated with the acceptance of electronic payments may be applied to any payment received by the city when the city accepts alternative methods of payment at no cost. When a surcharge or convenience fee is required, notice of the surcharge or convenience fee must be posted at the point of sale and the surcharge or convenience fee must be reflected on the payment receipt.
(G.O. 2952, 5-4-20; G.O. 2977, 2-22-21)

Secs. 2-11--2-35. Reserved.

ARTICLE II. CITY COUNCIL*

DIVISION 1. GENERALLY

Sec. 2-36. Compensation.

(a) Members of the council, other than the mayor, shall receive a compensation of \$550.00 per month, until such amount is changed by the council in accordance with Section 3.3 of the Charter.

(b) The mayor shall receive a compensation of \$700.00 per month, until such amount is changed by the council in accordance with Section 3.3 of the Charter.

(Admn. C., § 2.10; G.O. 2828, 3-27-17)

Charter reference(s)--Initial salaries, § 17.7.

Sec. 2-37. Regular meetings.

(a) The regular meetings of the city council shall be held every other Monday at the hour of 5:30 p.m. at the city hall or by teleconference or vide conference, unless otherwise ordered by resolution or approved by motion at any prior regular or special meeting of the council.

(b) If a natural or any caused disaster occurs, five councilmembers are hereby authorized to designate the place of regular or special council meetings.

***Charter reference(s)**--City council, art. III.

Cross reference(s)--Open meetings and records, § 2-3; elections, ch. 14.

(c) When a legal holiday or the day upon which such holiday is legally celebrated occurs on the same day as the regular meeting of the council, the regular meeting shall be held the following day. (Admn. C., § 2.02; G.O. 2951, 5-4-20; G.O. 2953, 6-1-20)

Charter reference(s)--Regular meetings, § 3.9(a).

Sec. 2-38. Special meetings.

(a) Any five members or more of the council may cause a special meeting of the council by filing a written request for the special meeting with the city clerk stating the time and purpose of such meeting. The call for such special meeting shall be issued by the city clerk and shall state the time and place of such special meeting and shall include in the matters to be considered all matters set forth in the request for such special meeting. No matter may be considered at a special meeting of the council, except such as are set forth in the call.

(b) The city clerk shall post a copy of the call for the special meeting on the bulletin board in the office of the city clerk, make copies available to any representative of the news media upon request and deliver a copy to the office of the mayor and city manager and mail copies to the other members of the council. Notice of the special meeting shall be given at least 24 hours prior to the commencement of the special meeting, unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given. When it is necessary to hold a special meeting on less than 24 hours' notice, the nature of the good cause justifying that departure from normal requirements shall be stated in the minutes of such special meeting.

(c) The city clerk shall, upon receipt of such written request, make diligent effort to notify each member of the council in person, either by telephone or otherwise, of such special meeting, but no failure to give or receive such personal notice shall affect the validity of any such special meeting or of any proceedings had at such meeting.

(Admn. C., § 2.03)

Charter reference(s)--Special meetings, § 3.9(a).

State law reference(s)--Notice of public meetings, RSMo 610.020.

Sec. 2-39. Work sessions--Call of city manager.

(a) The city manager is authorized to call work sessions with the councilmembers by mailing a written request for the work session to each councilmember at his residence address. The call for such work session shall state the time, date and place where the work session is to be held and the agenda, which shall include all of the matters to be considered that were set forth in the request for such work session. No matters may be considered at the work session except those set forth in the call for the work session. Councilmembers' attendance at such work sessions, so requested and called, is discretionary, and no formal action by vote or resolution of the council shall be taken at any such work session, except to adjourn.

(b) Notice in the city manager's call for the work session conforming with all the requirements of RSMo 610.020, as amended, shall be given at least 24 hours prior to the commencement of any work session unless such notice is impossible or impractical for good cause detailed specifically in the city manager's request, in which case as much notice as is reasonably possible shall be given.

(c) No work session requested by the city manager shall be closed to the public in any manner.

(Admn. C., § 2.03.1)

State law reference(s)--Notice of meetings, RSMo 610.020.

Sec. 2-40. Same--Call of mayor or councilmembers.

(a) The mayor or five or more councilmembers are authorized to call work sessions with the councilmembers by mailing a written request for the work session to each councilmember at his residence address and delivering a copy to the office of the city manager. The call for such work session shall state the time, date and place where the work session is to be held and the agenda, which shall include all of the matters to be considered that were set forth in the request for such work session. No matters may be considered at the work session except those set forth in the call for the work session. Councilmembers' attendance at such work sessions, so requested and called, is discretionary, and no formal action by vote or resolution of the council shall be taken at any such work session, except to adjourn.

(b) Notice in the mayor's or five or more councilmembers' call for the work session conforming with all of the requirements of RSMo 610.020, as amended, shall be given at least 24 hours prior to the commencement of any work session unless such notice is impossible or impractical for good cause detailed specifically in the mayor's or five or more councilmembers' request, in which case as much notice as is reasonably possible shall be given.

(c) No work session so requested shall be closed to the public in any manner.

(Admn. C., § 2.03.2)

State law reference(s)--Notice of meetings, RSMo 610.020.

Sec. 2-41. Agenda.

All business desired to be placed on the prepared agenda of matters to be considered by the city council at any regular meeting must be presented to the city clerk, in writing, prior to 10:00 a.m. Wednesday next preceding such meeting. Matters not appearing on the agenda may be presented by members of the city council or the city manager under other business. The consent agenda shall be prepared by the city clerk.

(Admn. C., § 2.04)

Sec. 2-42. Voting rotation.

(a) The roll call vote for all matters on the council agenda which requires a vote of the majority of the councilmembers for adoption shall be rotated at each regularly scheduled meeting of the council. For purposes of illustration, the councilmember whose name is first on the alphabetized list shall be the first to vote on all matters at the initial regularly scheduled meeting; at the next regularly scheduled meeting of the council, the councilmember whose name is second on the alphabetized list shall be the first to vote on all matters at the second regularly scheduled meeting; at the next regularly scheduled meeting of the council, the councilmember whose name is third on the alphabetized list shall be the first to vote on all matters at the third regularly scheduled meeting, etc. This procedure shall be employed through the alphabetized list of all nine councilmembers or a lesser number if all nine members are not present at such regularly scheduled meetings. After going through the list of the councilmembers present, the procedure shall commence again with the first councilmember on the list and continue through subsequent regularly scheduled meetings of the council in the same manner.

(b) Failure to comply with the rotating for roll call vote provided in this section shall be considered a procedural and not a substantive defect and shall not void any appointment, nomination, resolution, ordinance or motion in connection therewith which otherwise complies with this Code and the Charter.

(Admn. C., § 2.07.1)

Charter reference(s)--Council voting, § 3.9(c).

§2-8

Sec. 2-43. Mayor's signature.

All ordinances and resolutions passed by the city council shall be signed by the mayor and filed with the city clerk.

(Admn. C., § 2.08)

Sec. 2-44. Reports from city manager.

For the purpose of uniformity, reports of matters brought before the council by the city manager shall be made up substantially as follows: date, subject, date referred, discussion, conclusions, recommendations. Following the recommendations, the manager shall provide a draft of the motion to put before the council for inclusion of the matter.

(Admn. C., § 2.09)

Sec. 2-45. Council voting; ayes and nays; mayor's vote.

The passage of any ordinance for whatever purpose, and of any resolution or motion to create any liability against the city or for the expenditure or appropriation of its money, shall require the concurrence of five members of the council. The vote of the majority of the councilmembers shall be required to pass an ordinance or resolution. The ayes and the nays shall be taken upon the passage of the designated ordinances, resolutions, or motions and recorded in the minutes of the council. Likewise, the ayes and the nays shall be taken upon the question of the passage of any other resolution or motion at the request of any councilmember and shall be recorded in the minutes.

(Admn. C., § 2.07)

Charter reference(s)--Similar provisions, § 3.9(c).

Secs. 2-46--2-55. Reserved.

DIVISION 2. RULES OF ORDER*

Sec. 2-56. Suspension of rules.

The rules of the council set out in this division, except those set out in sections 2-58, 2-74, 2-75, 2-81 and 2-84 may be temporarily suspended at any meeting by a vote of two-thirds of the councilmembers present.

(Admn. C., § 2.06(FF))

***Charter reference(s)**--Authority to determine rules and order of business, § 3.9(b).

(4/1/21)

Sec. 2-57. Rules of order.

The rules of parliamentary practice comprised in Robert's Rules of Order, Newly Revised, 11th Edition, shall govern the council in all cases to which they are applicable and which they are not inconsistent with this division.

(Admn. C., § 2.06(EE); G.O. 2705, 9-30-13)

Sec. 2-58. Order of business.

(a) The order of business stipulated in this subsection shall be followed in all meetings of the city council, unless suspended by majority consent of the members present. At the hour selected for the meeting, the mayor, if present, or, in his absence, the deputy mayor shall instruct the clerk to call the roll of members, mark the absentees and announce whether a quorum is present. If a quorum is present, the council shall be called to order. If a quorum does not appear, the council shall not thereby stand adjourned unless by a vote of the members present. When a quorum is present the council shall then proceed to the business before it, which shall be conducted in the following order:

- (1) Roll call.
- (2) Minutes of the proceedings of the last preceding meeting; approval of the minutes as published or as amended, if amendment is made.
- (3) Special recognitions.
- (4) Introduction of the docket; approval of the docket as published.
- (5) Public hearings.
- (6) Consent agenda. The purpose of the consent agenda is to allow the approval or passage, with a single motion, of nominations and appointments, ordinances (second reading) or resolutions which are noncontroversial in nature and require no discussion at the council meeting.
- (7) Nominations and appointments.
- (8) Ordinances (second reading).
- (9) Emergency ordinances.

- (10) Resolutions.
 - (11) Ordinances (first reading).
 - (12) Reports of boards and commissions.
 - (13) Council work sessions and committee meetings - city clerk's office.
 - (14) Reports and recommendations of the city manager.
 - (15) Delegations, petitions.
 - (16) Communications.
 - (17) Other business, which includes, but is not limited to, late ordinances and resolutions which will be added to the docket, provided they are sponsored by the mayor or a councilmember and reports from the city manager.
 - (18) Public comment.
 - (19) Adjourn.
- (b) The following ordinances shall not be placed on the consent agenda:
- (1) Emergency ordinances, with the following exceptions:
 - a. Emergency ordinances authorizing contracts for public improvements.
 - b. Emergency ordinances authorizing contracts for consulting or engineering services providing for payment beyond the end of the fiscal year.
 - c. Emergency ordinances authorizing any lease providing for payment beyond the end of the fiscal year.

Emergency ordinances must contain justification to the city council in clear and specific terms the facts and reasons constituting the emergency.
 - (2) Ordinances requesting zoning changes where a protest has been filed of record.
 - (3) Ordinances requesting conditional use permits where a protest has been filed of record.
- (c) Finalization of the consent agenda shall proceed in the following manner in the order of business: Subsequent to "public hearings" and prior to "ordinances, second reading," the mayor shall state, "Now is the time for finalization of the consent agenda. Are there any nominations or appointments to be removed from the consent agenda and heard? Are there any ordinances to be removed from the consent agenda and heard for second reading? Are there any resolutions to be removed from the consent agenda and heard?" Any councilmember may then request removal of any nomination and appointment, ordinance or resolution from the consent agenda without discussion. The city clerk shall then remove such nominations and appointments, ordinances and resolutions from the consent agenda. However, any councilmember may abstain from voting on any consent agenda item without requesting its removal from the consent agenda, and the city clerk shall be instructed to record such abstentions in the minutes. The city clerk shall then place such nominations and appointments after "nominations and appointments", such ordinances after "ordinances, second reading" and such resolutions after "resolutions." The clerk or the clerk's designated representative shall then read each nomination and appointment, ordinance and resolution remaining on the consent agenda by title. The mayor will then ask for a motion for adoption on the consent agenda. After the motion is made and seconded, the roll shall be called and all nominations and appointments, ordinances and resolutions on the finalized consent agenda shall be adopted with the affirmative vote of five councilmembers; provided, however, if any emergency ordinances are on the consent agenda, they shall be adopted only if they receive the vote of two-thirds of the members of the council or the unanimous vote of those members present, whichever is less. Nominations and appointments, ordinances and resolutions removed from the consent agenda will then be heard and considered as they now appear in the order of business. (Admn. C., § 2.06(A); G.O. 1430, 7-1-96; G.O. 1671, 11-30-98; G.O. 1698, 5-3-99; G.O. 2168, 5-22-06; G.O. 2383, 6-1-10)

Sec. 2-59. Priority of business.

All questions relating to the priority of business of the council shall be decided by the chair without debate, subject to appeal to the council. (Admn. C., § 2.06(B))

Sec. 2-60. Preservation of order.

The presiding officer of the council shall preserve order and a quorum and may speak to points of order in preference to other members. (Admn. C., § 2.06(C))

Sec. 2-61. Points of order.

The presiding officer of the council shall decide all questions of order, subject to an appeal to the council. In case of appeal, no member shall speak more than once without the unanimous consent of the council. (Admn. C., § 2.06(D))

Sec. 2-62. Admission within bar.

During the session of the council, only city officers shall be admitted within the bar of the council chamber, except upon invitation of the presiding officer. (Admn. C., § 2.06(E))

Sec. 2-63. Addressing council.

No person not a member of the council, except the city manager, shall address the council without the consent of the presiding officer. No person shall speak longer than five minutes at one time, except by consent of the council. (Admn. C., § 2.06(F))

Sec. 2-64. Clearing council chamber.

In case of any disturbance or disorderly conduct, the presiding officer shall have the power to require the council chamber to be cleared, if necessary. (Admn. C., § 2.06(G))

Sec. 2-65. Executive sessions, closed meetings.

(a) Before going into executive session or closed meeting, the council shall vote on the questions of closing the meeting, and the questions must receive an affirmative vote of a majority of the quorum of the council. The vote of each member of the council and the reason for closing the session, by reference to the specific exemption authorized by statute, must be announced at the meeting and entered into the minutes. The closed meeting shall be held only for the specific, announced reason. Other business, which does not relate directly to the reason as justification for the closed meeting, shall not be discussed. Whenever possible, notice must be given at least 24 hours prior to the closed meeting in the manner enumerated in Section 2-38 for special meetings.

(b) Only those persons who, in the opinion of a majority of the quorum of the council, are necessary to conduct the business of the closed meeting shall attend, except that the members of the council, the city manager and city clerk shall attend all closed meetings. (Admn. C., § 2.06(H))

Sec. 2-66. Limitations on debate.

No councilmember, without leave of the council, shall speak more than once upon the same subject, until every member desirous of speaking shall have had an opportunity to speak. No councilmember shall speak longer than five minutes at any one time, except by consent of the council. (Admn. C., § 2.06(I))

Sec. 2-67. Private discourse.

While a councilmember is speaking, no member shall hold any private discourse. (Admn. C., § 2.06(J))

Sec. 2-68. Leaving during sessions.

A councilmember should notify the presiding officer before leaving the council meeting. (Admn. C., § 2.06(K))

Sec. 2-69. Special order of business.

Any matter before the council may be set down as a special order of business at a certain time if two-thirds of the councilmembers present vote in the affirmative, but not otherwise.

(Admn. C., § 2.06(L))

Sec. 2-70. Motions.

No motion shall be put or debated before the council unless it is seconded. When a motion is seconded, it shall be stated by the presiding officer before debate, and, if required by the council, any such motion shall be reduced to writing by the proposer and the proposer of the motion shall first be entitled to the floor.

(Admn. C., § 2.06(M))

Sec. 2-71. Voting procedures.

Voting by the council shall be by roll call, except on procedural motions, and the ayes and nays shall be recorded in the journal. A

councilmember may pass on any vote and may state the reason therefor. Except as otherwise provided by law or in the Charter, the affirmative vote of five members of the council shall be necessary to adopt any ordinance or resolution. A procedural motion shall require a majority of the councilmembers present for passage.
(Admn. C., § 2.06(N))

Sec. 2-72. Division of question.

If the question under consideration of the council contains several distinct propositions, any councilmember may have the question divided when the sense admits.
(Admn. C., § 2.06(O))

Sec. 2-73. Names of persons moving and seconding.

In all cases where a resolution or motion is entered on the minutes of the council, the names of the councilmembers moving and seconding the resolution or motion shall also be entered on the minutes.
(Admn. C., § 2.06(P))

Sec. 2-74. Resolutions.

All resolutions and all proposed amendments to rules or ordinances, before being presented at any council meeting, shall be reduced to writing and handed to the clerk, who shall read them aloud, unless otherwise ordered by the council.
(Admn. C., § 2.06(Q))

Sec. 2-75. Motions of order.

When a motion is under debate, the only motions in order shall be:

- (1) To adjourn to a day certain;
- (2) To adjourn;
- (3) To lay on the table;
- (4) The previous question;
- (5) To refer;
- (6) To amend or amend the amendment;
- (7) To substitute; or

- (8) To postpone indefinitely or to a day certain.

Of these motions, those in Subsections (2), (3) and (4) of this section shall be decided without debate.

(Admn. C., § 2.06(R))

Sec. 2-76. Motions to adjourn.

(a) A motion to adjourn the council shall always be in order except:

- (1) When a councilmember is in possession of the floor;
- (2) While the ayes and nays are being called;
- (3) When the councilmembers are voting;
- (4) When the adjournment was the last preceding motion; and
- (5) When it has been decided that the previous question shall be taken.

(b) An unqualified motion to adjourn cannot be amended, but a motion to adjourn to a time named may be and is open to debate. No adjourned meeting shall extend past the next regular meeting of the council.

(Admn. C., § 2.06(S))

Sec. 2-77. Moving to previous question.

When the previous question before the council is moved and seconded, it shall be put in this form: "I move the previous question on (specify)." If this is carried, all further amendments and all further motions and debate shall be in order.

(Admn. C., § 2.06(T))

Sec. 2-78. Laying matter on table; taking matter from table.

In council meetings, an unqualified motion to lay a question on the table is not debatable, but a motion to lay on the table and published or with other conditions is subject to amendment and debate. A motion to take a subject matter from the table may be adopted if at the same meeting, provided that two-thirds of the councilmembers present vote therefor.

(Admn. C., § 2.06(U))

§2-8

Sec. 2-79. Indefinite postponement of motion.

When a motion is postponed indefinitely, it shall not be again taken up at the same council meeting.

(Admn. C., § 2.06(V))

Sec. 2-80. Motion to refer to board or commission.

At a council meeting, a motion to refer to a standing board or commission shall take precedence of a similar motion for the establishment of a special board or commission or committee.

(Admn. C., § 2.06(W))

Sec. 2-81. Amendment of motions.

(a) At a council meeting, a motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be entertained by the chair.

(b) An amendment modifying the attention of a motion shall be in order, but an amendment relating to a different subject shall not be in order.

(c) On an amendment to strike out and insert, the paragraph to be amended shall first be read as it stands, then the words proposed to be stricken out, those to be inserted and, finally, the paragraph as it will stand, if so amended, shall be read.

(Admn. C., § 2.06(X))

Sec. 2-82. Substitute motions.

At a council meeting, a substitute or any original proposition in debate may be entertained when further amendment is not admissible. If accepted by the mover of such original proposition or by the council vote, it shall entirely supersede such original proposition and cut off all amendments appertaining to such original proposition.

(Admn. C., § 2.06(Y))

Sec. 2-83. Reconsideration.

(a) At a council meeting, a vote on a question may be reconsidered at any time during the same meeting. A motion for reconsideration, being once made and decided in the negative, shall not

be renewed nor shall a vote to reconsider be reconsidered.

(b) A motion to reconsider must be made by a councilmember who voted with the prevailing side and seconded by any councilmember.

(Admn. C., § 2.06(Z))

Sec. 2-84. Reconsideration at special meetings.

No vote of the council shall be reconsidered or rescinded at a special meeting, unless there are present at the special meeting as many councilmembers as were present when the vote was taken.

(Admn. C., § 2.06(AA))

Sec. 2-85. Resumption of business at regular meetings.

The council shall at all regular meetings resume business at the same order on which it was engaged immediately preceding the last adjournment, with the exceptions of Subsections (a)(1), (2), (3), (4) and (5) of the order of business set out in Section 2-58 which shall be called and disposed of before resuming business provided in this division.

(Admn. C., § 2.06(BB))

Sec. 2-86. Form and reading of proposed ordinances.

(a) For the sake of clarity and accuracy, a majority of the council present may require any proposed ordinance amendment to be reduced to writing by the proponent thereof before consideration by the council for adoption.

(b) All proposed ordinances shall be read by title by the clerk before at least two meetings of the council, except emergency ordinances or as otherwise provided by law.

(Admn. C., § 2.06(CC))

Sec. 2-87. Referring matter to city manager.

All ordinances, resolutions, petitions, orders and communications to the council shall, unless other action is taken by the council, be referred by the presiding officer to the city manager with appropriate instructions and shall only be acted upon by the council at a subsequent regular

meeting, on the written report of the city manager within a definite time period set by the council. (Admn. C., § 2.06(DD))

Sec. 2-88. Protest by members against council action.

Any councilmember shall have the right to have the reasons for his dissent from or protest against any action of the city council entered on the record when filed in writing with the presiding officer at a council meeting. (Admn. C., § 2.06(GG))

Sec. 2-89. Council and committee investigations.

The council or any committee of the council so authorized by ordinance shall have power to inquire into the conduct of any department or office of the city and to make investigation as to city affairs and matters of city interest, and for that purpose may subpoena witnesses, administer oaths and compel by subpoena duces tecum the production of books, papers and other evidence. The council shall provide the penalty for contempt in refusing to obey any such subpoena or to produce such books, papers and other evidence and shall have the power to provide the punishment of any such contempt. (Admn. C., § 2.06)

Secs. 2-90--2-110. Reserved.

ARTICLE III. OFFICERS AND EMPLOYEES*

DIVISION 1. GENERALLY

Sec. 2-111. Delivery of records and property to successor in office.

Every officer or department head shall, upon vacating his office, deliver to his successor all records, books, papers, equipment and other

***Cross reference(s)**--Open meetings and records, § 2-3; department of personnel, § 2-281 et seq.; personnel board, § 2-586 et seq.; employee benefits, § 2-1111 et seq.; airport manager, § 6-29; city electrical inspector, § 7-72; city mechanical inspector, § 7-232; plumbing inspector, § 7-272; employment of blind and visually handicapped persons by city, § 18-144.

property and things appertaining to his office. (Code 1969, § 2-81)

Sec. 2-112. Personnel manual.

There shall be a personnel manual adopted by special ordinance of the city council. (G.O. 2014, 3-29-04)

Charter reference(s)--Personnel code required, § 5.2.

Sec. 2-113. Bond for city purchasing agent.

The city purchasing agent shall, before entering upon his duties, provide a bond for the faithful performance of his respective duties. The bond of the city purchasing agent shall be in the amount of \$10,000.00.

(Code 1969, § 2-63(a))

Charter reference(s)--Official bonds, § 15.4.

State law reference(s)--Surety bonds, RSMo 107.070 et seq.

Sec. 2-114. Conflicts of interest.

(a) *Declaration of policy.* The proper operation of municipal government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.

(b) *Personal or private interest.* Councilmembers and/or board members shall not place themselves in a position that may substantially conflict with their official duties or that may be a substantial influence to act other than in the best interests of the public. By way of illustration, and not limitation, the following shall be deemed to constitute conflicts of interest:

(1) *Private financial, business interests - examples.*

a. No councilmember and/or board member shall transact any business in his or her official capacity with any business entity of which he or she is an officer, agent or member or in which he or she owns a substantial interest; nor shall he or she make any personal investments in any business

entity which will create a substantial conflict between his or her private interest and the public interest.

- b. Councilmembers and/or board members who have a direct or indirect financial interest in any proposed legislation and who participate in discussion before, or give official opinion to, the council shall publicly disclose the nature and extent of such interest and the disclosure shall be entered in the journal of the council.
 - c. No councilmember and/or board member shall invest or hold any investment directly or indirectly in any financial business, commercial or other private transaction that creates a substantial conflict with his or her official duties.
 - d. No councilmember and/or board member shall sell or trade anything to the city, or to a contractor who will then supply the same to the city; or make any contract with the city; or purchase anything from the city other than services or commodities that the city offers generally to the public (and then only on the same terms as are offered to the public). Any violation of this section, with the knowledge, express or implied, of the person or business entity contracting with the city, shall render the contract voidable by the council. This paragraph shall not apply to the taking of property by condemnation proceedings.
- (2) *Appearance, representation on behalf of private interests - examples.*
- a. No councilmember and/or board member shall appear on behalf of private interests before any officer, department, agency or board of the city government where such appearance will create a substantial conflict between his or her private interest and the public interest.
 - b. No councilmember and/or board member in the course of his or her official duties shall represent private interests in any action or proceeding against the interest of the city, or in

any litigation to which the city is a party.

(3) *Employment matters - examples.*

- a. No councilmember and/or board member shall engage in, or accept, private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his or her official duties.
- b. No councilmember and/or board member shall solicit, negotiate for, or promise to accept employment with any person or business entity with which he or she is engaged on behalf of the city in the transaction of business or which is or may be affected by his or her official action. Nor shall any councilmember and/or board member accept any offer from any person or business entity, whether directly or indirectly, of any valuable gift, whether in the form of service, loan, thing or promise, or in any other form, in exchange for preferential treatment.
- c. After termination of service or employment, no person who has served as a councilmember and/or board member of the city shall, within one year thereafter, appear before any agency of the city or receive compensation for services rendered on behalf of any person or business entity in relation to any case, proceeding or application with respect to which the person was directly concerned, and in which he or she personally participated during the prior period of service or employment with the city. Notwithstanding, nothing herein contained shall be construed to prohibit any business entity, in which any councilmember and/or board member is a member, from appearing, rendering services in relation to any matter before, or transacting business with any agency of the city, where the councilmember and/or board member does not share in the profits resulting therefrom.

(c) *Disclosure or use of confidential information.* No councilmember and/or board member shall disclose confidential information concerning the property, government or affairs of the city, nor shall he or she use such information to advance his or her (or others') financial or private interest.

(d) *Financial disclosure statements.* Each elected official, the city manager, the city purchasing agent and all department directors shall disclose the information required in the applicable provision(s) of Chapter 105 of the Revised Statutes of Missouri, as most recently amended, by May 1 if any such transactions were engaged in during the previous calendar year (RSMo, Sections 105.483 through 105.492).

(e) *Filing of financial disclosure statements.* The statements, in the form attached to the ordinance from which this subsection is derived, shall be filed with the city clerk and with Missouri Ethics Commission. The statements shall be available for public inspection and copying during normal business hours. The financial disclosure statements shall be filed at the following times, but no person is required to file more than one such statement in any calendar year:

- (1) Each person appointed to office shall file the statement within 30 days of such appointment or employment.
- (2) Every other person required to file a financial disclosure statement shall file the statement annually not later than May 1, and the statement shall cover the calendar year ending the immediately preceding December 31, provided that any member of the city council may supplement the financial disclosure statement to report additional interests acquired after December 31 of the covered year until the date of filing of the financial disclosure statement.

(f) *Sanctions.* Sanctions may be imposed on or against any city councilmember who knowingly violates any of the provisions of this section in accordance with state law and Chapter 2 of the code. If any city councilmember is thought to have violated any of the provisions of this section, he/she could be subject to removal from said council, if, after compelling evidence has been

presented, a majority of the members of the council so vote.

(Admn. C., § 2.89(A)--(F); G.O. 1900, 9-30-02)

Charter reference(s)--Prohibited personal financial interests, § 15.1.

State law reference(s)--Conflicts of interest and financial disclosure, RSMo 105.450--105.498.

Sec. 2-115. Dealing in city warrants, other obligations.

No officer of the city nor any deputy, clerk or employee of any such officer nor any servant or agent of the city shall, directly or indirectly, himself or by another, for his own or another's benefit, deal in the purchase of city warrants, bonds, judgments or other obligations of the city. (Code 1969, § 2-76)

Sec. 2-116. Retention of money to satisfy claim for wages or salary.

No city officer or employee collecting money on account of the city shall retain the money or any part thereof to satisfy any claims for wages or salary which he may have against the city. (Code 1969, § 2-77)

Sec. 2-117. Payment of city taxes and other debts owed to the city.

(a) In accordance with City Charter Section 15.3, no person who is in arrears for any city taxes shall be entitled to hold any office or employment in the city government. State law prohibits any person from being certified as a candidate for city office, nor shall such person's name appear on the ballot as a candidate for such office, who shall be in arrears for any unpaid city taxes or user fees on the last day to file a declaration of candidacy for the office. Any person filing for any elective city office will be required to sign a certification that he/she does not owe any taxes or user fees levied by the city including, but not necessarily limited to, business license fees, special assessments, demolition and weed abatements, parking tickets, and municipal court costs or fines. Said certification form shall be kept on file in the office of the City Clerk.

(b) Any person applying for employment in the city government will be required to sign a certification that he/she does not owe any taxes or user fees levied by the city including, but not necessarily limited to, business license fees,

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special assessments, demolition and weed abatements, parking tickets, and municipal court costs or fines. His/her employment will be predicated upon the payment of any of the above listed taxes or user fees within 15 days of beginning employment with the city. Said certification form shall be retained by the human resources director for a specified period of time. (G.O. 2063, 12-6-04)

Secs. 2-118--2-125. Reserved.

DIVISION 2. MAYOR*

Sec. 2-126. Appointments.

The mayor shall make appointments to the housing authority, the industrial development authority, the library board and such other appointments as may be authorized and directed by federal or state law or by the Charter and ordinances of the city. (Admn. C., § 2.12)

Sec. 2-127. Approval of industrial development authority bonds.

The mayor shall approve industrial development authority bonds as required by state law. (Admn. C., § 2.13)

Sec. 2-128. Notice of suits.

No action shall be maintained against the city for or on account of any injury growing out of alleged negligence of the city, unless verified notice shall first have been given, in writing, to the mayor at the office of the mayor in city hall within 90 days of the occurrence for which the damage is claimed. The notice shall state the place, time, character and circumstances of the injury and that the person so injured will claim damages therefor from the city. Notice to the mayor, other than at the office of the mayor, shall be insufficient notice. (Admn. C., § 2.14)

Cross reference(s)--Finance, § 2-1051 et seq.

State law reference(s)--Sovereign immunity and waiver thereof, RSMo 537.600.

***Charter reference(s)**--Mayor, § 3.4.

Cross reference(s)--Elections, ch. 14.

Sec. 2-129. Accepting legal service.

The mayor, as legal head of the city, shall be the official of the city to accept all legal service of process for any action; provided, however, that service of process must be upon the mayor or his duly authorized representative at the office of the mayor in city hall and at no other place. Service upon the mayor, in his official capacity as head of the city, other than as specifically enumerated in this section shall be insufficient.

(Admn. C., § 2.14.1)

Secs. 2-130--2-140. Reserved.

DIVISION 3. CITY CLERK**

Sec. 2-141. Appointment; recordkeeping.

The council shall appoint an officer who shall have the title of city clerk and who shall hold office at the pleasure of the council. He shall keep the journal of council proceedings, authenticate by his signature all ordinances and resolutions, and record them in full, properly indexed, in a book kept for that purpose or cause them to be photographed, microfilmed, photostatted or reproduced by such other means of reproduction which are then available. Such book, microfilm, photostat or reproduction shall be deemed to be the official record book and shall be an original record for all purposes and shall be admissible in evidence in all proceedings.

(Admn. C., § 2.15(A))

Sec. 2-142. Functions.

(a) The city clerk or deputy city clerk shall administer the official oath or affirmation of office to those persons who are required to take the oath or affirmation and file the official appointment or election certificate and the official oaths of office therefor in his office.

(b) The city clerk shall:

- (1) Attend all official meetings of the city council.

****Charter reference(s)**--City clerk, § 3.7.

Cross reference(s)--Filing of rules and regulations of boards, officers, and departments with city clerk, § 2-7.

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- (2) Attest all signatures of the officers of the city when necessary.
- (3) Certify as to the office held by an officer.
- (4) Affix the seal of the city to all documents where required by law.
- (5) Prepare certificates of appointments and affix the seal of the city thereto.
- (6) Publish all ordinances and resolutions in a manner prescribed by law.
- (7) Prohibit the original records and documents in his custody to be removed from his safekeeping, except when ordered to do so from a court of competent jurisdiction.
- (8) Issue the call for special meetings upon the written request of five members of the council.
- (9) Conduct elections in the manner prescribed by article X of the Charter.
- (10) Conduct initiative and referendum proceedings in the manner prescribed by article XI of the Charter.
- (11) Conduct recall proceedings in the manner prescribed by article XII of the Charter.
- (12) Receive remonstrances against special assessment improvements and transmit a true copy thereof to the city council and the city manager.
- (13) Furnish one true and complete copy of any record or document in his custody when requested to do so. Cost of such copies shall be established from time to time by the city manager, except that no cost shall be charged for copies furnished to any city department, board or commission established by the Charter or that may be established from time to time by the city council.
- (14) Appoint such deputies and assistants, subject to budget authorization, as is necessary and required for the performance of duties and responsibilities of the city clerk's office and who shall be

subject to the supervision and control of the city clerk and shall be in the classified service.

- (15) Perform such other duties that may be required by law, by the Charter or by the council.

(Admn. C., § 2.15(B))

Sec. 2-143. Divisions and sections of department.

The city clerk shall create such administrative divisions or sections of the city clerk's office as shall be deemed necessary to the proper functioning of the department.

(Admn. C., § 2.15(C))

Sec. 2-144. Reproducing copies by typing.

The office of the city clerk shall never be required to duplicate any document by typing a copy thereof for anyone.

(Admn. C., § 2.16)

Secs. 2-145--2-155. Reserved.

DIVISION 4. CITY MANAGER*

Sec. 2-156. Office established; appointment.

There is established the office of city manager. The city manager shall be appointed by the city council, and the city manager shall be the administrative head of the government of the city. He shall be responsible for the efficient administration of all departments of the city.

(Admn. C., § 2.17(A))

Charter reference(s)--City manager required, § 4.1.

Sec. 2-157. Qualifications; absence.

The city manager shall be appointed without regard to his political beliefs and need not be a resident of the city when appointed, but shall become a resident of the city prior to assuming office. In the case of the absence or the disability of the city manager, the provisions of the Charter shall apply.

(Admn. C., § 2.17(B))

Charter reference(s)--Qualifications of city manager, § 4.1.

***Charter reference(s)**--City manager, art. IV.

Sec. 2-158. Bond and oath.

(a) Before entering upon the duties of his office, the city manager shall furnish a surety bond in the amount of \$10,000.00 to be approved by the city council, such bond to be conditioned on the faithful performance of his duty. A premium for such bond shall be paid by the city.

(b) Before entering upon the duties of his office, the city manager shall take and subscribe the oath prescribed by the Charter.

(Code 1969, § 2-63(a); Admn. C., § 2.17(G))

Charter reference(s)--Official bonds, § 15.4.

State law reference(s)--Surety bonds, RSMo 107.070 et seq.

Sec. 2-159. Compensation.

The compensation of the city manager shall be as determined by the council, but shall in no case exceed the amount provided for in the annual appropriation ordinance of the city in any fiscal year.

(Admn. C., § 2.17(F))

Sec. 2-160. Divisions and sections of department.

The city manager shall create such administrative divisions or sections of the city manager's office as shall be deemed necessary to the proper functioning of the department.

(Admn. C., § 2.17(C))

Sec. 2-161. Powers and duties.

The powers and duties of the city manager shall be to:

- (1) Enforce the laws and ordinances within the city.
- (2) Appoint and remove city employees and appointed administrative officers provided for or under the Charter.
- (3) Exercise control of all departments and divisions thereof created by Section 5.1 of the Charter and by this section.
- (4) Attend all meetings of the council with the right to take part in discussion, but with no right to vote.

- (5) Recommend to the council for adoption such measures as he/she deems necessary or expedient.
- (6) See that all terms and conditions imposed in favor of the city or its inhabitants in any contract or public utility franchise are faithfully performed.
- (7) Purchase all materials, supplies and capital outlay items in accordance with the city's procurement policy.
- (8) Cause to be prepared and submitted to the council on a quarterly basis a statement showing the financial condition of the city as of the end of the preceding quarter.
- (9) Prepare and submit to the corporate authorities on or before December 1 in each year a capital improvements program meeting the requirements of Section 6.5 of the Charter.
- (10) Prepare and submit to the corporate authorities on or before May 1 in each year a complete financial plan of all city funds and activities for the ensuing fiscal year meeting the requirements of Section 6.2 of the Charter.
- (11) As authorized, require all officers to submit statements of the condition and expenses of their respective offices or departments and the probable expenses thereof and a description of all unperformed contracts.
- (12) Have and exercise the power, authority and duties of any director of a department or division thereof prescribed by this section during the time when the office of and such director shall be vacant or no person shall have been appointed thereto.
- (13) Issue all licenses and permits not otherwise provided for by state law or the ordinances of the city.
- (14) Appoint and remove and, when required to, fix the compensation of all appointed officers and employees not otherwise provided for.

- (15) Prescribe rules and regulations for the conduct of the various departments of the city and divisions thereunder.
- (16) Reorganize or consolidate the executive and administrative departments of the city.
- (17) Execute on behalf of the city all contracts, with individuals and/or legal entities, in accordance with the city's procurement policy.
- (18) Execute, on behalf of the city and in a form approved by the city attorney, revocable licenses granting the right to use property controlled by the city, to neighboring property owners or others with property rights and interests in such neighboring real property.
- (19) As authorized, designate a representative on his/her behalf to execute all instruments, contracts, agreements, leases, deeds, mortgages and other instruments binding the city or conveying an interest in property or other right of the city to any corporation, association, legal entity or natural person. Such designation shall be made by written directive of the city manager specifically naming such authorized representative and filed with the office of the city clerk and the department of law. The authority so delegated to such representative shall continue in force and effect until such time as the written directive as to any such representative is revoked, in writing, by the city manager and filed with the office of the city clerk and the department of law.
- (20) Provide the city council with 60 day's prior written notice of any intent on his part to:
 - a. Approve a rate of compensation for an existing employee in excess of the rate provided in the current compensation plan and associated step matrix on file in the human resources department.
 - b. Approve a salary increase in excess of four percent for any member of the unclassified service whose position is not included in the current compensation plan and associated step

matrix on file in the human resources department.

- c. Approve the promotion of any member of the city manager's executive staff to the extent such promotion is not reflected in the budget for the applicable fiscal year.
- d. Approve any new position to the extent such new position is not reflected in the budget for the applicable fiscal year.

(21) Devote his/her entire time to the discharge of his duties.

(Admn. C., § 2.17(D); G.O. 1391, 4-8-96; G.O.1684, 3-22-99; G.O. 2256, 9-24-07; G.O. 2658, 11-26-12)

Charter reference(s)--Powers and duties of city manager, § 4.4.

Cross reference(s)--Emergency purchases by city manager, § 2-1087.

Sec. 2-162. Reserved.

Sec. 2-163. Prior grants of administrative power to other than city manager repealed.

The Charter states that "the city manager shall be the chief administrative officer of the city" and that "the mayor shall have no administrative duties" Further, the Charter states that the city

manager "... shall direct and supervise the administration of all departments, offices and agencies of the city" Any provision in this Code inconsistent with such recited provisions of the Charter is repealed and amended by operation of law to reserve any specific grant of administrative power solely to the city manager. (Admn. C., § 2.18)

Secs. 2-164--2-185. Reserved.

ARTICLE IV. DEPARTMENTS*

DIVISION 1. GENERALLY

Secs. 2-186--2-195. Reserved.

DIVISION 2. ADMINISTRATIVE SERVICES DEPARTMENT **

Sec. 2-196. Created.

There is created the administrative services department, an administrative department of the city government under the general supervision of the city manager.
(Admn. C., § 2.21(A); G.O. 2461, 4-30-12)

Sec. 2-197. Director of administrative services.

There is established the position of administrative services director, an administrative officer who shall be appointed by, removed by and responsible to the city manager. Prior to administering the oath of office to the administrative services director, he/she shall provide the city, at the expense of the city, a surety bond in an amount not less than \$50,000.00 with an accredited surety authorized to do business within the state for the faithful performance of his/her duties and for the prompt accounting for and paying over to the city of all moneys belonging to the city that may come into his/her hands.
(Code 1969, § 2-63(b); Admn. C., § 2.21(B); G.O. 2461, 4-30-12)

***Charter reference(s)**--Departments generally, § 5.1.

Cross reference(s)--Open meetings and records, § 2-3; filing of rules and regulations of boards, officers, and departments with city clerk, § 2-7..

****Charter reference(s)**--Finance generally, art. VI.

Cross reference(s)--Finance, § 2-1051 et seq.; licenses and permits generally, § 8-36 et seq.; taxation, ch. 27.

Sec. 2-198. Divisions and sections of department.

The administrative services director shall create such administrative divisions or sections of the administrative services department as shall be deemed necessary to the proper functioning of the department, subject to the approval of the city manager.
(Admn. C., § 2.21(C); G.O. 2461, 4-30-12)

Sec. 2-199. Functions.

The administrative services department shall, subject to the laws relating thereto of the state and the Charter, have the following functions:

- (1) Collection of all taxes as disbursed to the city treasury; collection of all special assessment payments, license and permit fees, service charges, all other receipts and the deposits thereof in appropriate bank accounts.
- (2) Accounting for, and custody and safekeeping of, all public funds and property belonging to or handled by the city.
- (3) Investment of the funds of the city in the manner required by law.
- (4) Disbursement of all city funds as directed by the council, but not to exceed the amounts in the annual appropriation ordinance.
- (5) Preparation of a quarterly statement of cash balances, revenues and expenditures, and all other financial reports as may be required by law.
- (6) Preparation and cooperation with the independent certified public accountants retained by the city of the annual financial statements.
- (7) Administration of the central purchasing.
- (8) Administration of payroll records of the city.

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- (9) Advising the city manager on fiscal policy and on the preparation of the city manager's proposed budget.
- (10) Providing capital and operating budget administration.
- (11) At the time and in the manner specified in state statutes each fiscal year, certifying to the council and the city manager the amount of tax levies to be set for the tax year.
- (12) Direct the implementation, maintenance and administration of the city's loss control program, general risk management responsibilities, insuring of city property and employee training programs.
- (13) Promote ready access to municipal government information through appropriate day-to-day maintenance of the city's PC-based computer network;
- (14) Direct the development, implementation, maintenance and day-to-day operation of various computer software systems at a minimum cost, including oversight of any departmental assistance needed.
- (15) Direct the efficient operation of municipal court in a manner that complies with city codes and the Office of State Courts Administrator (OSCA).
- (16) Enforce administrative policies and procedures as directed by the Municipal Court Judge with regard to the judiciary functions of the Municipal Court.
- (17) Maintain a clean, orderly, safe, and comfortable work environment at city hall through maintenance of office space, public spaces, and building operating systems.

(Admn. C., § 2.21(D); G.O. 1281, 3-27-95; G.O. 2461, 4-30-12; G.O. 2883, 9-24-18)

Secs. 2-200--2-210. Reserved.

DIVISION 3. FIRE DEPARTMENT*

Sec. 2-211. Created.

There is created a fire department, an administrative department of the city government under the general supervision of the city manager. (Admn. C., § 2.22(A); G.O. 2461, 4-30-12)

Sec. 2-212. Fire chief.

There is established the position of fire chief, an administrative officer who shall be appointed by the city manager and shall be responsible to the city manager. However, nothing in this section shall authorize the city manager to dismiss the fire chief without consulting with the city council. The fire chief shall make an annual report to the city manager, providing a review of department activities and call statistics for the calendar year. (Admn. C., § 2.22(B); G.O. 2461, 4-30-12)

Sec. 2-213. Divisions and sections of department.

The fire chief shall create such administrative divisions or sections of the fire department as shall be deemed necessary to the proper functioning of the department, subject to the approval of the city manager. Positions shall be filled in accordance with the provisions of any current negotiated labor contract between a recognized union bargaining representative and the city, which has been approved and adopted by the city council, via ordinance. (Admn. C., § 2.22(C); G.O. 2461, 4-30-12)

Sec. 2-214. Personnel.

The fire department shall be comprised of one chief and other personnel, as necessary. (Admn. C., § 2.22(D); G.O. 2461, 4-30-12)

Sec. 2-215. Powers and duties of chief.

(a) The fire chief shall have general and special supervision of the fire department and shall be held responsible for the proper efficiency and conduct of the members of the department,

*Cross reference(s)--Hazardous or toxic substances and spills, § 15-106 et seq.; fire prevention and protection, ch. 16.

all under the direct supervision of the city manager, to whom he/she shall be directly responsible. He/she shall counsel, advise and consult with the city manager and other members of the fire department and shall be the direct administrative and executive head of the department, subject to direction and supervision in all of his/her acts to the city manager.

(b) The fire chief shall, with the suggestions and under the direction of the city manager, promulgate a set of rules and regulations for the guidance and government of the members of the department.

(c) The fire chief shall enforce all fire regulations of the city.
(G.O. 2461, 4-30-12)

Sec. 2-216. Battalion chief.

Battalion chiefs shall supervise the fire companies on an assigned shift and perform related work as assigned by the chief.
(Admn. C., § 2.22(E), (F); G.O. 2461, 4-30-12)

Sec. 2-217. Fire captains.

Fire captains, under the general supervision of the fire chief, shall serve as heads of divisions of the fire department, direct the activities of firefighters and perform such administrative functions as may be assigned by the fire chief.
(Admn. C., § 2.22(G); G.O. 2461, 4-30-12)

Sec. 2-218. Firefighters.

- (a) Firefighters shall:
- (1) Perform duties as shall be necessary to extinguish fires, including the handling of hoses, axes, pipes, fire extinguishers and other equipment.
 - (2) Drive, operate and maintain fire vehicles, pumps and rescue equipment and shall otherwise assist in general rescue work.
 - (3) Conduct inspections of properties and otherwise implement the purposes of the fire prevention code.
 - (4) Perform all duties assigned to them by the fire chief necessary to maintain fire stations within acceptable standards.

(b) Firefighters shall be governed in their activities by the regulations and directions of their superior officers.
(Admn. C., § 2.22(H); G.O. 2461, 4-30-12)

Sec. 2-219. Mutual aid agreements for assistance and fire training purposes.

The city manager is authorized and empowered to sign, execute and enter into mutual aid agreements on behalf of the city with individuals and other legal entities for purposes of providing an/or receiving assistance, as needed, in response to a public safety event, or for fire training exercises, in accordance with terms and conditions considered by the city manager to be in the best interest of the city, and to provide adequate legal protection for the city when engaging in such uses.
(Admn. C., § 2.22; G.O. 2461, 4-30-12)

Secs. 2-220--2-230. Reserved.

DIVISION 4. HEALTH DEPARTMENT*

Sec. 2-231. Created.

There is created the health department, an administrative department of the city government under the general supervision of the city manager.
(Admn. C., § 2.27(A); G.O. 1313, 7-3-95; G.O. 2461, 4-30-12)

Sec. 2-232. Director of health.

There is established the position of health director, an administrative officer, who shall be appointed by, removed by and responsible to the city manager.
(Admn. C., § 2.27(B); G.O. 1313, 7-3-95; G.O. 2461, 4-30-12)

Sec. 2-233. City health officer.

There is established the position of city health officer, a position to oversee the disease prevention and treatment program as may be authorized by the city council from time to time.

*Cross reference(s)--Social welfare board, § 2-566 et seq.; animals, ch. 5; city cemetery, § 10-26 et seq.; environment, ch. 15; health and sanitation, ch. 17; sewers and sewage disposal, § 29-81 et seq.

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The city health officer shall be a licensed physician under the state.
(Admn. C., § 2.27(C); G.O. 1313, 7-3-95; G.O. 2461, 4-30-12)

Sec. 2-234. Divisions and sections of department.

The health director shall create such administrative divisions or sections of the health department as shall be deemed necessary to the proper functioning of the department, subject to the approval of the city manager.
(Admn. C., § 2.27(D); G.O. 1313, 7-3-95; G.O. 2461, 4-30-12)

Sec. 2-235. Functions.

The health department shall, subject to the laws relating thereto of the state and this code, have the following functions:

- (1) Enforce the laws of the state and city relating to public health and welfare.
- (2) Develop and conduct programs necessary for preserving and promoting public health and welfare.
- (3) Make and enforce, or cause to be enforced, reasonable policies for preserving and promoting public health and welfare.
- (4) Administer ordinances involving social services within the city.

(Admn. C., § 2.27(E); G.O. 1313, 7-3-95; G.O. 2461, 4-30-12)

Secs. 2-236--2-245. Reserved.

DIVISION 5. HUMAN RESOURCES*

Sec. 2-241. Created.

There is hereby created a human resources department, an administrative department of the city government under the general supervision of

the city manager.

(Admn. C., § 2.24(A); G.O. 1176, § 1, 6-6-94; G.O. 2461, 4-30-12 (function added to Administrative Services Department); G.O. 2883, 9-24-18)

Sec. 2-242. Director of human resources.

There is established the position of director of human resources, an administrative officer who shall be appointed by, removed by, and responsible to the city manager.

(Admn. C., § 2.24(B); G.O. 1176, § 1, 6-6-94; G.O. 2461, 4-30-12 (function added to Administrative Services Department); G.O. 2883, 9-24-18)

Sec. 2-243. Divisions and sections of department.

The director of human resources shall create such administrative divisions or sections of the department of human resources as shall be deemed necessary to the proper functioning of the department, subject to the approval of the city manager.

(Admn. C., § 2.24(C); G.O. 1176, § 1, 6-6-94; G.O. 2461, 4-30-12 (function added to Administrative Services Department); G.O. 2883, 9-24-18)

Sec. 2-244. Functions.

The human resources department shall, subject to the provisions of the Charter and, consistent with the personnel manual of the city, have the following functions:

- (1) Promulgate rules and regulations for the appointment, promotion, demotion, suspension, removal, or layoff of all classified and unclassified city officers and employees consistent with the merit system principles of personnel administration and with concurrence or approval of the city manager.
- (2) Direct, interpret and coordinate, implement and administer all laws, rules, and regulations which apply to city employees and city employment practices.

*Charter reference(s)--Personnel, art. V.

Cross reference(s)—Officers and employees, § 2-111 et seq.; personnel board, § 2-586 et seq.; employee benefits, §2-1111 et seq.

- (3) Implement, maintain, and administer all employee benefit programs established for the benefit of city employees and their families.

(Admn. C., § 2.24(D); G.O. 1176, § 1, 6-6-94; G.O. 2461, 4-30-12 (function added to Administrative Services Department); G.O. 2883, 9-24-18)

Sec. 2-245. Reserved.

DIVISION 6. LAW DEPARTMENT*

Sec. 2-246. Created.

There is created a law department, an administrative department of the city government under the general supervision of the city manager. (Admn. C., § 2.19(A); G.O. 2461, 4-30-12)

Sec. 2-247. City attorney.

There is established the position of city attorney, an administrative officer who shall be appointed by, removed by and responsible to the city manager. The city attorney or his/her designated representative shall attend all regular and special meetings of the city council. (Admn. C., § 2.19(B); G.O. 2461, 4-30-12)

Sec. 2-248. Assistant city attorneys.

The city attorney shall be authorized to employ assistants who shall be appointed by the city attorney, subject to the approval of the city manager. He/she shall also create such administrative assistants as shall be deemed necessary to the proper functioning of the department of law, subject to the approval of the city manager. (Admn. C., § 2.19(C); G.O. 2461, 4-30-12)

Sec. 2-249. Outside counsel.

The city council may retain or may authorize the city attorney to retain outside counsel to aid the city in its affairs whenever deemed necessary or expedient. (Admn. C., § 2.19(G); G.O. 2461, 4-30-12)

Sec. 2-250. Advice.

The city attorney shall be the legal advisor of the city and shall render advice on all legal questions affecting the city whenever requested to do so by the city council or the city manager. (Admn. C., § 2.19(F); G.O. 2461, 4-30-12)

Sec. 2-251. Suits and actions.

The city attorney shall prosecute or defend any and all suits and actions at law or equity to which the city may be a party or in which it may be interested or which may be brought against or by an officer of the city on behalf of the city or in the capacity of such person as an officer of the city. (Admn. C., § 2.19(D); G.O. 2461, 4-30-12)

Sec. 2-252. Judgments.

The city attorney shall see to the full enforcement of all judgments, decrees or awards rendered or entered in favor of the city and of all similar and interlocutory orders. (Admn. C., § 2.19(E); G.O. 2461, 4-30-12)

Sec. 2-253. Special assessments and condemnations.

The city attorney shall see to the completion of all special assessment proceedings and condemnation proceedings. Admn. C., § 2.19(H); G.O. 2461, 4-30-12)

Sec. 2-254. Ordinances and documents.

The city attorney shall draft or supervise the drafting or may approve as to form any contract, lease or other document or instrument to which the city may be a party. Upon the request by the city council or the city manager, he/she shall draft ordinances covering any subject as required. (Admn. C., § 2.19(I); G.O. 2461, 4-30-12)

Secs. 2-255--2-265. Reserved.

*Cross reference(s)--Courts, ch. 13.

Editor's note--G.O. 2883, 9-24-18 changed division number from 5 to 6.

DIVISION 7. PARKS, RECREATION AND CIVIC FACILITIES DEPARTMENT*

Sec. 2-266. Created.

There is created the parks, recreation and civic facilities department, an administrative department of the city government under the general supervision of the city manager.
(Admn. C., § 2.23(A); G.O. 2461, 4-30-12)

Sec. 2-267. Director of parks, recreation and civic facilities.

There is established the position of parks, recreation and civic facilities director, an administrative officer who shall be appointed by, removed by and responsible to the city manager.
(Admn. C., § 2.23(B); G.O. 2461, 4-30-12)

Sec. 2-268. Divisions and sections of department.

The parks, recreation and civic facilities director shall create such administrative divisions or sections of the parks, recreation and civic facilities department as shall be deemed necessary to the proper functioning of the department, subject to the approval of the city manager.
(Admn. C., § 2.23(C); G.O. 2461, 4-30-12)

Sec. 2-269. Functions.

The parks, recreation and civic facilities director shall:

- (1) Plan, maintain and repair all improvements relating to the recreational use of all parks, parkways, playgrounds, golf courses, swimming pools, recreation centers, civic facilities or other facilities and equipment which may be placed under his/her control from time to time.

***Charter reference(s)**--Parks and recreation, art. VII.

Cross reference(s)--Museum board, § 2-486 et seq.; library board, § 2-501 et seq.; parks and recreation board, §2-671 et seq.; parks and recreation, ch. 21; streets, sidewalks, and miscellaneous public places, ch. 25; traffic on boulevards, parkways, park roads, and public parks, § 28-851 et seq.

State law reference(s)--Municipal parks and recreation systems, RSMo 67.750 et seq., 90.010 et seq.

Editor's note--G.O. 2883, 9-24-18 changed division number from 6 to 7.

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- (2) Establish and administer recreational programs to meet the leisure requirements of the inhabitants of the city through the use of all parks, parkways, playgrounds, golf courses, recreational centers, camps, swimming pools, ice arena, civic facilities, athletic fields and such other city-owned lands, buildings, facilities and equipment that may be placed under his/her control from time to time.
- (3) Review and make recommendations to the city manager on all requests for the establishment or the regulating of any road, street, driveway or utility upon, under or over any properties under his/her supervision.
- (4) Generate revenue for the city by providing entertainment and convention use to the public.
- (5) Make recommendations to the city manager on all requests deemed necessary for the safe and orderly use of all property, buildings or facilities under his/her supervision.

(Admn. C., § 2.23(D); G.O. 1699, 5-17-99; G.O. 2461, 4-30-12)

Secs. 2-270--2-280. Reserved.

DIVISION 8. PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT**

Sec. 2-281. Created.

There is created the planning and community development department, an administrative department of the city government under the

****Cross reference(s)**-- Plumber's examining and appeals board, § 2-601 et seq.; board of operating engineers, § 2-681 et seq.; building codes board of appeals, § 2-696 et seq.; mechanical standards board of appeals, § 2-726 et seq.; electrical standards and appeals board, § 2-741 et seq.; Zoning board of adjustment, § 2-516 et seq.; planning commission, § 2-531 et seq.; landmark commission, § 2-616 et seq.; buildings and building regulations, ch. 7; community redevelopment, ch. 11; manufactured homes and trailers, ch. 19; subdivisions, ch. 26.

Editor's note--G.O. 2883, 9-24-18 changed division number from 7 to 8.

general supervision of the city manager.
(Admn. C., § 2.62(A); G.O. 1315, 7-3-95; G.O. 2032, 7-19-04; G.O. 2461, 4-30-12)

Sec. 2-282. Director of planning and community development.

There is established the position of planning and community development director, an administrative officer who shall be appointed by, removed by and responsible to the city manager.
(Admn. C., § 2.62(B); G.O. 1315, 7-3-95; G.O. 2032, 7-19-04; G.O. 2461, 4-30-12)

Sec. 2-283. Divisions and sections of the department.

The planning and community development director shall create such administrative divisions or sections of the planning and community development department as shall be deemed necessary to the proper functioning of the department, subject to the approval of the city manager.
(Admn. C., § 2.62(C); G.O. 1315, 7-3-95; G.O. 2032, 7-19-04; G.O. 2461, 4-30-12)

Sec. 2-284. Functions.

The planning and community development director shall have primary responsibility for:

- (1) The operations and supervision of planning and zoning activities;
- (2) The operation and supervision of grant administration and housing rehabilitation program activities;
- (3) The city government's role in community and economic development issues, including serving as liaison to the chamber of commerce economic development council;
- (4) The operation and supervision of the enterprise zone program and other, related economic development programs;
- (5) The operation and supervision of activities associated with historic preservation;
- (6) The operation of the customer assistance center, which is responsible for issuing building permits and various licenses and

collecting special tax bills and miscellaneous receipt payments;

- (7) The operation and supervision of the property maintenance division consisting of various code enforcement activities, as well as activities related to the Community Appearance Plan (CAP);
- (8) The operation and supervision of the building development services division, consisting of enforcement of all building, electrical, mechanical, plumbing and life safety codes adopted by the city council regulating the construction, renovation, demolition, retrofitting, remodeling and moving of any building or structure within the corporate limits of the city;
- (9) The operation and supervision of the community resource activity consisting of services related to providing resources and information to the various neighborhood groups within the community; and
- (10) The operation and supervision of property maintenance and code enforcement activities within the community.
(Admn. C., § 2.62(D); G.O. 1315, 7-3-95; G.O. 2032, 7-19-04; G.O. 2461, 4-30-12)

Secs. 2-285--2-295. Reserved.

DIVISION 9. POLICE DEPARTMENT*

Sec. 2-296. Created.

There is hereby created a police department, an administrative department of the city government under the general supervision of the city manager.
(Admn. C., § 2.26(A); G.O. 2461, 4-30-12)

***Cross reference(s)**--Citizen crime commission, § 2-631 et seq.; abandoned property, § 2-1246 et seq.; offenses and miscellaneous provisions, ch. 20; traffic and vehicles, ch. 28.

State law reference(s)--Selection and training of peace officers, RSMo ch. 590.

Editor's note--G.O. 2883, 9-24-18 changed division number from 8 to 9.

Sec. 2-297. Police chief.

There is established the position of police chief, an administrative officer, who shall be appointed by the city manager and shall be responsible to the city manager. However, nothing in this section shall authorize the city manager to dismiss the police chief without consulting with the city council. The police chief shall make an annual report to the city manager, providing a review of department activities and call statistics for the calendar year.

(Admn. C., § 2.26(B); G.O. 2461, 4-30-12)

Sec. 2-298. Divisions and sections of department.

The police chief shall create such administrative divisions or sections of the police department as shall be deemed necessary to the proper functioning of the department, subject to the approval of the city manager.

(Admn. C., § 2.26(C); G.O. 2461, 4-30-12)

Sec. 2-299. Personnel.

The police department shall be comprised of one chief and other personnel as necessary.

(Admn. C., § 2.26(D); G.O. 2461, 4-30-12)

Sec. 2-300. Public safety communications center.

(a) Created. There is created a public safety communications center, an administrative division of the police department under the general supervision of the police chief.

(b) Communications manager. There is established the position of communications manager, an administrative officer who shall be appointed by, removed by and responsible to the police chief.

(c) Sections. The communications manager shall create such administrative sections of the public safety communications center as shall be deemed necessary to the proper functioning of the office, subject to the approval of the police chief.

(d) Functions. The public safety communications center shall, subject to the provisions of the charter and ordinances of the city and subject to the approval of the police chief, have the following functions:

- (1) Establish and operate such radio and telephone communications nets as are required in support of public safety activities within the city, county and any other public entity as may be authorized by the city council.
- (2) Provide for and maintain such computer management, filing and reporting systems as are required in support of public safety operations.

(Admn. C., § 2.26(E); G.O. 2461, 4-30-12)

Sec. 2-301. Powers and duties of police chief.

(a) The police chief shall have general and special supervision of the police department and he/she shall be held responsible for the conduct of the members of the department, all under the direct supervision of the city manager, to whom he/she shall be directly responsible. He/she shall counsel, advise and consult with the city manager and other members of the police department and shall be the direct administrative and executive head of the department, subject to direction and supervision in all of his/her acts to the city manager.

(b) The police chief shall, with the suggestions and under the direction of the city manager, promulgate a set of rules and regulations for the guidance and government of the members of the department. Such rules shall be filed with the city clerk.

(c) The police chief shall enforce all applicable ordinances and police regulations of the city.

(Admn. C., § 2.26(F); G.O. 2461, 4-30-12)

Sec. 2-302. Police and patrol officers.

It shall be the duty of all police officers and patrol officers to:

- (1) Arrest or cause to be arrested, with or without process, all persons who disturb the peace or are found violating the law;
- (2) Commit arrested persons for investigation without warrant for a period not to exceed 24 hours; and

(3) Exercise all other powers as conservators of the peace that the city authorities may prescribe.
(Admn. C., § 2.26(G); G.O. 2258, 10-22-07; G.O. 2461, 4-30-12)

Sec. 2-303. Pension fund for police.

(a) Established. There shall be a pension fund for the pensioning of retired and disabled members of the police department and dependent widowed spouses and minor children of deceased members of the police department.

(b) Operation. A board of trustees shall over-see the pension fund and the police chief, city attorney, city clerk, human resources manager and associate director of accounting and pro-curement shall serve on said board. The board of trustees shall organize and operate in accordance with the police pension plan within the limits provided by federal, state and local laws.

(c) *New participants restricted.* As of August 20, 2018, active employees and new employees shall not be allowed to participate in the pension fund established by this section.
(Code 1969, § 2-88(a), (b); Admn. C., § 2.26(I); G.O. 1435, 7-15-96; G.O. 2461, 4-30-12; G.O. 2875, 8-13-18)

Cross reference(s)--Payroll deductions from salary of police for pension fund authorized, § 2-1114.

State law reference(s)--Police relief and pension systems, RSMo ch. 86.

Secs. 2-304--2-315. Reserved.

DIVISION 10. DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION*

Sec. 2-316. Created.

There is created a public works and transportation department, an administrative department of the city government under the general supervision of the city manager.
(Admn. C., § 2.28(A); G.O. 2461, 4-30-12)

***Cross reference(s)**-- public improvements and special assessments, § 2-1151 et seq.; aviation, ch. 6; solid waste, ch. 24; streets, sidewalks, and miscellaneous public places, ch. 25; subdivisions, ch. 26; traffic and vehicles, ch. 28; utilities, ch. 29; sewers and sewage disposal, § 29-81 et seq.

Editor's note--G.O. 2883, 9-24-18 changed division number from 9 to 10.

Sec. 2-317. Director of public works and transportation.

There is established the position of public works and transportation director, an administrative officer who shall be appointed by, removed by and be responsible to the city manager.
(Admn. C., § 2.28(B); G.O. 2461, 4-30-12)

Sec. 2-318. Divisions and sections of department.

The public works and transportation director shall create such administrative divisions or sections of the public works and transportation department as shall be deemed necessary to the proper functioning of the department, subject to the approval of the city manager.
(Admn. C., § 2.28(C); G.O. 2461, 4-30-12)

Sec. 2-319. Functions.

The public works and transportation department shall have primary responsibility for the following:

- (1) The operation and supervision of sanitary sewage collection and treatment;
- (2) The operation and maintenance of storm sewers and appurtenances;
- (3) The maintenance and repair of public streets, rights-of-way, parking garages, parking lots and administrative facilities;
- (4) To develop, implement and oversee the snow and ice control program;
- (5) The maintenance and operation of traffic control devices within the corporate limits of the city;
- (6) The supervision of aviation activities at Rosecran's Memorial Airport;
- (7) The supervision of public parking operations;
- (8) The supervision of all operations at the St. Joseph Sanitary Landfill;
- (9) The supervision of the St. Joseph Transit program;

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- (10) The supervision of all professional engineering services and plans development by City staff and through outside consultants;
 - (11) The update and revision of land development standards;
 - (12) The operation and supervision of all functions of the St. Joseph Recycling Center;
 - (13) The management and operation of the Combined Sewer Overflow (CSO) long-term control plan;
 - (14) The management and administration of Municipal Separate Storm Sewer System (MS4) and related environmental regulations;
 - (15) The management and oversight of the Metropolitan Planning Organization (MPO) program; and
 - (16) The development of the non-vehicular transportation program.
- (Admn. C., § 2.28(D); G.O. 1314, 7-3-95; G.O. 2461, 4-30-12)

Sec. 2-320. Rules and regulations.

The public works and transportation director shall establish, promulgate and enforce such rules and regulations as he/she may deem necessary for the use, operation and maintenance of property under his/her control, management and supervision. Such rules and regulations, when established and published and filed in the office of the city clerk, shall have the same effect as though incorporated in this code, and violations thereof shall be punished as other violations.
(Code 1969, § 19-38; G.O. 2461, 4-30-12)

Secs. 2-321--2-330. Reserved.

DIVISION 11. CIVIL DEFENSE
AND DISASTER RELIEF AGENCY*

Sec. 2-331. Created.

The civil defense and disaster relief agency is

*Editor's note--G.O. 2883, 9-24-18 changed division number from 10 to 11.

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created, which shall consist of a coordinator, together with such other officers and employees as the city manager may from time to time designate.
(Admn. C., § 2.29(A); G.O. 2461, 4-30-12)

State law reference(s)--Local disaster planning organization, RSMo 44.080.

Sec. 2-332. Coordinator of civil defense and disaster relief.

There is created the position of coordinator of civil defense and disaster relief. The coordinator shall be appointed by the city manager and subject to removal by the city manager. The coordinator shall cooperate with all city departments in implementing a program for civil defense and disaster relief for the city. The coordinator shall serve as the liaison between civil defense agencies, organizations of other cities and counties in the state, organizations of other states and the federal government. The city manager may prescribe additional duties and responsibilities in the interest of the public health, safety and welfare in accordance with RSMo Chapter 44.
(Admn. C., § 2.29(B); G.O. 2461, 4-30-12)

Sec. 2-333. Liability.

This division is an exercise by the city of its police powers or governmental function for the public peace, health and safety. Neither the city nor the agents and representatives of the city or any other person of good faith carrying out, complying with or attempting to comply with any order, rule or regulation promulgated pursuant to the provisions of this division shall be liable for any damages sustained by any person or property as the result of such activity.
(Admn. C., § 2.29(C); G.O. 2461, 4-30-12)

Sec. 2-334. Emergency powers of directors of public works and transportation and health and community services not to be altered.

Nothing contained in this division shall alter or override the emergency powers granted to the public works and transportation director, or those granted to the health director.
(Admn. C., § 2.29(D); G.O. 2461, 4-30-12)

Secs. 2-335--2-370. Reserved.

**ARTICLE V. BOARDS AND
COMMISSIONS***

DIVISION 1. GENERALLY

Sec. 2-471. Members, terms and qualifications.

Except as otherwise specifically provided by state law, the Charter or by ordinance of the city, all boards and commissions established or authorized by the Charter shall consist of five members for a term of five years; provided, however, that the initial members shall be appointed respectively by the members of the council for terms of one, two, three, four and five years. No member of a board or commission who has served a full five-year term shall be eligible to immediately succeed himself. Vacancies shall be filled for the unexpired term of any members whose terms become vacant. Members shall be residents of the city, be qualified voters in the city, shall reside in the city during their term of office, shall take the oath prescribed for city officials and shall serve without compensation. The city manager and the director of the department concerned with the work of the board or commission or the designated representative from such department shall be ex officio members of the board or commission and may attend its meetings and deliberations and make such recommendations as they may see fit and take part in all matters coming before such body, but shall not be entitled to a vote.

(Admn. C., § 2.30)

Sec. 2-472. Appointment, removal, and resignation.

(a) *Generally.* The procedure for appointment, removal, and resignation of members of boards and commissions shall be as stated in this section, except as otherwise provided by statute.

(b) *Appointment.* Any member of the council may file the name of a candidate for appointment to a board or commission with the city clerk at least seven days prior to the next council meeting at which the appointment is to be made. The city clerk shall notify the council and mayor of such nominations. Voting shall be by roll call and the

ayes and nays shall be recorded in the minutes by the city clerk. A majority vote of the entire council is required for appointment.

(c) *Removal.* Members of boards and commissions, except as otherwise specifically provided by state law or this Code, may be removed by a majority vote of the entire council, provided that any member so removed shall, if the member so requests, have a hearing by the council before such removal. The request to remove shall be filed by any member of the council at least seven days prior to the next council meeting at which the removal is to be considered. The request for hearing shall be filed by the affected board or commission member at least two business days prior to the next council meeting at which the removal is to be considered. Grounds for removal of members, although not deemed exclusive, may be that the member:

- (1) Lacks at any time during the member's term of appointment any qualifications for the board or commission membership prescribed by the Charter, ordinance, or by other law; or
- (2) Is absent from three consecutive meetings, regardless if the meetings are regularly scheduled or specially called; or
- (3) Fails to attend meetings with sufficient frequency to remain informed of the matters taken up by the board or commission; or
- (4) Consistently raises matters outside the powers, duties, function, or scope of board or commission.

(d) *Resignation.* Any member of a board or commission who declares his or her resignation from the board or commission at a meeting of the city council or during a meeting of the board or commission, shall be deemed to have resigned immediately and such resignation shall be recorded in the minutes of the meeting during which such resignation was offered. Resignation may also be made immediately by submitting written notice of such resignation to the city clerk. (Admn. C., § 2.31; G.O. 2912, 5-20-19)

***Cross reference(s)**--Open meetings and records, § 2-3; filing of rules and regulations of boards, officers, and departments with city clerk, § 2-7.

Sec. 2-473. Organization and procedure.

Boards and commissions provided for in this division shall organize annually by electing one of their members as chairman and such other officers as the board or commission may deem necessary, and each such board may establish such rules of procedure and organization as it deems necessary not inconsistent with the Charter or with ordinances establishing the board or commission or with the laws of the state.

(Admn. C., § 2.32)

one-year term, a second member serving a two-year term, a third member serving a three-year term, a fourth member serving a four-year term and a fifth member serving a five-year term. Thereafter, members shall be appointed to serve five-year terms and until their successors are appointed and qualified. No member who has served a full five-year term shall be appointed to serve a successive term. However, members who have not served a full five-year term may be reappointed to serve a successive term.

(G.O. 2672, 2-19-13)

Sec. 2-474. Powers.

Except as otherwise provided by state law, the Charter or this Code, all boards created pursuant to this division shall function in an advisory capacity only. Such boards may, from time to time, submit recommendations to the city manager and the council. The city manager shall be supplied with an information copy of any recommendations which are directed to the council in writing.

Admn. C., § 2.33)

Sec. 2-475. Minutes.

Except as otherwise provided by state law, the Charter or this Code, all boards and commissions created pursuant to this division shall designate an individual to keep sufficiently detailed minutes of each meeting conducted by said board or commission. Said minutes shall be filed in the office of the city clerk within 30 days of the meeting to which they relate. The city clerk shall retain said minutes for a period of five years.

(G.O. 1295, 5-8-95)

Secs. 2-476--2-485. Reserved.

DIVISION 2. ADMINISTRATIVE VIOLATION
REVIEW BOARD

Sec. 2-486. Members.

The administrative violation review board will be made up of five members appointed by the city council.

(G.O. 2672, 2-19-13)

Sec. 2-487. Terms.

Appointments to the initial administrative violation review board shall be made on a staggered term basis with one member serving a

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Sec. 2-488. Meetings.

Meetings of the administrative violation review board shall be held at least monthly on call of the chairman or upon call signed by any three members or upon call by the city manager or his or her designee. Three members of the administrative violation review board shall constitute a quorum. The board will not be bound by any rules of order, except as prescribed by themselves.
(G.O. 2672, 2-19-13)

Sec. 2-489. Compensation.

Members of the administrative violation review board shall receive no compensation for their services, but shall be reimbursed for necessary travel and other official expenses.
(G.O. 2672, 2-19-13)

Sec. 2-490. Minutes.

The city manager or his or her designee shall attend all meetings of the administrative violation review board, act as its secretary and record its official actions in the minutes. The time and place of each meeting of the board, names of the board members present, all official acts of the board and the votes of each board member, except when the acts are unanimous, shall be recorded in the minutes. The secretary shall cause the minutes to be transcribed and presented for approval or amendment at the next regular meeting.
(G.O. 2672, 2-19-13)

Sec. 2-491. Powers and duties.

The powers and duties of the administrative violation review board shall include:

- (1) Conduct reviews, hear appeals, and perform related duties, as required by this code.
- (2) Advise the city council on the enforcement of property maintenance code violations.
- (3) Consult with administrative staff members on recommended modifications to property maintenance code sections.
- (4) Issue recommendations regarding the adoption of model codes or other significant substantive modifications to property maintenance code sections.

(5) At the direction of the city council, or as an exercise of board discretion, prepare periodic reports to the city council containing recommendations regarding any changes to the property maintenance code sections and the board's activities.

(6) Perform other duties related to the property maintenance code sections and property maintenance code enforcement as assigned by ordinance or resolution of the city council.

(G.O. 2672, 2-19-13; G.O. 2877, 8-27-18)

Secs. 2-492--500. Reserved.

DIVISION 3. LIBRARY BOARD*

Sec. 2-501. Created, membership.

(a) There shall be a library board which shall consist of nine members appointed by the mayor with the approval of the council. No member of the city government shall be a member of the board.

***Cross references**--Department of parks and recreation, Sec. 2-266 et seq.; streets, sidewalks and miscellaneous public places, ch. 25.

State law references--City libraries, RSMo 182.140 et seq.

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(b) The board shall elect one of its members as president and elect such other officers as the board deems necessary.

(c) Qualifications, terms of office and powers and duties shall be in accordance with RSMo ch. 182, as amended.
(Admn. C., § 2.35)

State law reference(s)--Library board, RSMo 182.170 et seq.

Sec. 2-502. Chief executive and administrative officer.

The library board shall appoint a properly qualified librarian who shall be the chief executive and administrative officer for the public libraries with the city.
(Admn. C., § 2.36)

State law reference(s)--Librarian, RSMo 182.221.

Secs. 2-503--2-515. Reserved.

DIVISION 4. ZONING BOARD OF
ADJUSTMENT*

Sec. 2-516. Created, membership.

(a) There shall be a zoning board of adjustment which shall consist of five members who shall be freeholders within the city and appointed by the council.

(b) The board shall elect its own chairman from its members who shall serve for one year.
(Admn. C., § 2.37)

State law reference(s)--Similar provisions, RSMo 89.080.

Sec. 2-517. Organization, procedures, powers and functions.

The organization, procedures, powers and functions of the zoning board of adjustment and the matter of appeal and review shall be in accordance with RSMo 89.080--89.140, as amended.
(Admn. C., § 2.37)

Secs. 2-518--2-530. Reserved.

***Cross reference(s)**--Department of community services, § 2-366 et seq.; planning commission, § 2-531 et seq.

State law reference(s)--Zoning board of adjustment, RSMo 89.080 et seq.

(4/1/21)

DIVISION 5. PLANNING COMMISSION**

Sec. 2-531. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Street includes streets, boulevards, avenues, alleys, lanes and other ways.

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 2-532. Created, membership.

(a) There shall be a planning commission which shall consist of nine members appointed by the mayor with the approval of city council.

(b) The terms of its members shall be for five years and until their successors are appointed and qualified; provided however, that the existing members of the zoning and planning board shall serve as existing members of the planning commission, and the additional members of the commission shall be appointed respectively for terms of one, two, three and four years, and thereafter their successors shall be appointed to full five-year terms.

(Admn. C., § 2.38)

State law reference(s)--Authority to appoint planning commission, RSMo 89.310; planning commission membership, RSMo 89.320.

Sec. 2-533. Officers.

The planning commission shall elect a chairperson and a vice chairperson-secretary from among its citizen members. The terms of the chairperson and of the vice chairperson-secretary shall be for one year with eligibility for reelection.
(Admn. C., § 2.38)

State law reference(s)--Similar provisions, RSMo 89.330.

****Cross reference(s)**--Department of community services, § 2-366 et seq.; zoning board of adjustment, § 2-516 et seq.; buildings and building regulations, ch. 7; community redevelopment, ch. 11; manufactured homes and trailers, ch. 19; subdivisions, ch. 26.

State law reference(s)--Planning commission, RSMo 89.310 et seq.

Sec. 2-534. Removal.

Members of the planning commission may be removed by the mayor for cause. Absence from two consecutive regular meetings may be considered as cause for removal.

(Admn. C., § 2.38)

State law reference(s)--Removal of members, RSMo 89.320.

Sec. 2-535. Meetings.

Regular planning commission meetings shall be held at 5:30 p.m. or later during a regular workweek (Monday through Friday) evening.

(Admn. C., § 2.38; G.O. 2971, 11-2-20)

Sec. 2-536. Monthly hearing; applicability of state law.

(a) For the purpose of promoting health, safety and the general welfare of the community, the planning commission shall conduct at least one monthly public hearing to consider all zoning and subdivision ordinances and amendments thereto. The planning commission shall make recommendations to the council before final action by the council. The commission shall, for the purpose mentioned in this subsection, review the city comprehensive plan and updates thereof.

(b) RSMo ch. 89, as amended, specifically but not limited to RSMo 89.010--89.140 and 89.300--89.490 shall be consulted in all matters relating to zoning and planning to ensure compliance with state law pertaining thereto.

(Admn. C., § 2.39)

Sec. 2-537. Official map.

(a) The planning commission shall prepare an official map of the city.

(b) After it shall have adopted a major thoroughfare plan of the territory of the city or of any section thereof, the planning commission shall have the power to make or cause to be made, from time to time, surveys for the exact location of the lines of new, extended or widened streets in any portion of such planned territory and to make and certify to the council plats of the areas thus surveyed on which are indicated the location of the lines recommended by the commission as the planned or mapped lines of future streets, street extensions or street widenings, together with the

commission's estimate of the time period within which the land shown on the plat or street locations should be acquired for street purposes. The council may, by ordinance, adopt any such plat, provided that notice of the time and place when and where it will be considered for final passage shall be sent by mail to the record owners of the land on or abutting which the future street lines designated on the plat are located. Any modification of such plat shall, before passage, be submitted to the planning commission for approval or disapproval before submission to the council. The adoption of a plat shall not, in and of itself, constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for street purposes.

(c) The council may, by ordinance, establish an official map of the city, on which shall be shown and indicated:

- (1) All public streets existing and established by law at the time of the establishment of the official map.
- (2) All planned streets or street lines as located on plats adopted by the council at the time of the establishment of the map.
- (3) All streets or street lines as located on final recorded plats of subdivisions approved by the planning commission at the time of the establishment of the map. The placing of any street or street lines upon the official map shall not, in and of itself, constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for street purposes. The council may in the same manner place upon the official map the location of existing or planned parks or other public open spaces.

(d) After the official map is established, all street locations on final or recorded plats of subdivisions approved by the planning commission on plats adopted by council shall be deemed additions to or modifications of the official map and shall be placed thereon. The council may, by ordinance, make, from time to time, other additions to or modifications of the official map by placing thereon the location of proposed streets, street extensions, widenings,

narrowings or vacations, provided that notice of the time and place when and where such additions or modifications will be considered for final passage shall be given as provided by ordinance to the record owners of the lands on or abutting which such mapped streets or street lines or street vacations are located. Any such proposed addition to or modification of the official map shall be referred to the planning commission for its approval or disapproval, but if the planning commission fails to act within 30 days, the council, by a majority vote of its members, may pass such amendments.

(e) The council may provide by general ordinance that no permit shall be issued for any building or structure or any part thereof on any land located between the mapped lines of a street as shown on the official map. Any such ordinance shall provide that the board of adjustment or, if the council so provides, a special board of appeals created for the purpose by the council shall have the power, upon an appeal filed with it by the owner of such land, to grant a permit for a building or structure or part thereof in any such mapped street location in any case in which such board finds, upon the evidence and arguments presented to it upon such appeal, that:

- (1) The entire property of the appellant, of which such mapped street location forms a part, cannot yield a reasonable return to the owner unless such permit is granted; and
- (2) Balancing the interest of the city in preserving the integrity of the official map and the interest of the owner of the property in the use and benefits of his property, the grant of such permit is required by consideration of reasonable justice and equity.

(f) Before taking any action, the board of adjustment or special board of appeals shall hold a hearing at which the parties interested shall have an opportunity to be heard. At least ten days' notice of the time and place of such hearing shall be given to the appellant by mail at the address specified by the appellant in his appeal petition. If the board of adjustment grants a building permit in any such appeal, it shall have the power to specify the exact location, extent, ground, area, height, duration and other details and conditions to govern the building,

structure or part thereof for which the permit is granted.

(g) After the establishment of the official map, the council may provide by ordinance that no public water or sewer connection or other public utility or improvement shall be constructed in or any water, drainage, light or other public service rendered to or along any street until and unless such street shall have been duly placed on the official map in accordance with the authority and procedure set forth in Subsections (c) and (d) of this section. The council may also provide by general ordinance that no permit for the erection of a building shall be issued unless a street giving access to such proposed structure is shown on the official map; provided, however, that such ordinance shall contain provision whereby the applicant for such a building permit may appeal to the board of adjustment or to the special board of appeals. The hearing upon such appeal and notice of such hearing shall be held and given as provided in Subsection (f) of this section. The board may be granted the authority to issue a permit, subject to such conditions as the board may impose, where the circumstances of the case do not require the proposed building to be related to existing mapped or planned streets and where the permit would not tend to dislocate or increase the difficulty of carrying out the official map or master plan.

(Admn. C., § 2.62(G))

State law reference(s)--Major street plans, building lines, etc., RSMo 89.460 et seq.

Secs. 2-538--2-550. Reserved.

DIVISION 6. TAX INCREMENT
FINANCING COMMISSION OF THE
CITY OF ST. JOSEPH, MISSOURI

Sec. 2-551. Created.

There is hereby created the Tax Increment Financing (TIF) Commission of St. Joseph, Missouri, organized for purposes of exercising any and all powers enumerated or authorized pursuant to the Real Property Tax Increment Allocation Redevelopment Act, Section 99.800 et. seq., R.S.Mo., as amended. The commission shall have the power and authority to hold public hearings as required pursuant to the Real Property Tax Increment Allocation Redevelopment Act and for making recommendations to the city council of the City of St. Joseph, Missouri,

concerning the adoption of redevelopment plans and redevelopment projects and the designation of redevelopment project areas.
(G.O. 1565, 10-20-97)

Sec. 2-552. Powers.

The TIF Commission shall have and may exercise all of the powers granted to the City of St. Joseph, Missouri, pursuant to the Real Property Tax Increment Allocation Redevelopment Act.
(G.O. 1565, 10-20-97)

Sec. 2-553. Eminent Domain.

The TIF Commission may exercise the power of eminent domain in the manner provided for corporations in Chapter 523, R.S.Mo., or the TIF Commission may exercise the power of eminent domain in the manner provided by any other applicable statutory provision for the exercise of the power of eminent domain. Property already devoted to a public use may be acquired in like manner, provided that no real property belonging to the state or any political subdivision thereof may be acquired without its consent.
(G.O. 1565, 10-20-97)

Sec. 2-554. Membership.

(a) The TIF Commission shall be composed of eleven persons.

(b) Membership of the TIF Commission shall be comprised as follows:

- (1) Two members shall be appointed by the school boards whose districts are included within a redevelopment plan or redevelopment area. Such members shall be appointed in any manner agreed upon by the affected districts;
- (2) One member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the governing body of the municipality;
- (3) Six members shall be appointed by the mayor of St. Joseph, Missouri, with the

consent of the majority of the city council of the City of St. Joseph, Missouri; and

- (4) Two members shall be appointed by the county within which the city of St. Joseph is located by the chief elected officer of the county, with the consent of the majority of the governing body of said county.

(c) At the option of the members appointed by the city, the members who are appointed by the school boards and other taxing districts may serve on the TIF Commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area, is considered for approval by the commission, or for a definite term pursuant to Sec. 99.820, R.S.Mo., as amended. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time a redevelopment project, plan or area is approved, such term shall terminate upon final approval of the project, plan or designation of the area by the city council. Thereafter, the TIF Commission shall consist of the six members appointed by the city council except that members representing school boards and other taxing districts shall be appointed as provided in this section prior to any amendments to any redevelopment plans, redevelopment projects or designation of a redevelopment area. If any school district or other taxing jurisdiction fails to appoint members to the TIF Commission within 30 days of receipt of written notice of a proposed redevelopment plan, redevelopment project or designation of a redevelopment area, the remaining members may proceed to exercise the powers of the TIF Commission. Of the members first appointed by the city, two shall be designated to serve for a term of two years, two shall be designated to serve for a term of three years and two shall be designated to serve for a term of four years from the date of such initial appointment. Thereafter, members appointed shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as with the original appointments.
(G.O. 1565, 10-20-97)

Sec. 2-555. Functions and duties.

The TIF Commission, subject to the approval of the city council, may exercise the powers enumerated within the Real Property Tax Increment Allocation Redevelopment Act, except final approval of plans, projects and designation or redevelopment areas. The TIF Commission shall hold public hearings and provide notices pursuant to the Real Property Tax Increment Allocation Redevelopment Act. The TIF Commission shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas, and amendments thereto, within 30 days following completion of the hearing on any such plan, project or designation and shall make recommendations to the city council within 90 days of the hearing referred to in Section 99.825, R.S.Mo., concerning the adoption of, or amendment to, redevelopment plans and redevelopment projects and the designation of redevelopment areas.
(G.O. 1565, 10-20-97)

Secs. 2-556--2-565. Reserved.

DIVISION 7. SOCIAL WELFARE BOARD*

Sec. 2-566. Established, membership.

There is established a social welfare board which shall consist of the mayor and the presiding judge of the county as ex officio members and six other members. Three of the members shall be appointed by the county court, who shall hold office, one for one year, one for two years and one for three years, and whose terms of office shall be designated by the county court. Three members shall be appointed by the mayor with the approval of the council, who shall hold office, one for one year, one for two years and one for three years, and whose terms of office shall be designated by the mayor.
(Admn. C., § 2.41)

State law reference(s)--Authority to establish social welfare board, RSMo 205.770; membership, RSMo 205.790.

***Cross reference(s)**--Health and community services department, § 2-321 et seq.; health and sanitation, ch. 17.

State law reference(s)--Social welfare board, RSMo 205.770 et seq.

Sec. 2-567. Terms of office.

Whenever the term of office of any member of the social welfare board so appointed expires, the appointment of his successor shall be for three years. All such appointments shall date from June 1 following their appointment.
(Admn. C., § 2.42)

State law reference(s)--Similar provisions, RSMo 205.790(3).

Sec. 2-568. Organization.

The members of the social welfare board shall immediately after their appointment, and annually thereafter, meet and organize by electing out of their number a president, vice-president, treasurer and secretary. All subordinate officers, agents and employees appointed shall give such bonds for the faithful discharge of their duties as may be required by the board.
(Admn. C., § 2.44)

State law reference(s)--Similar provisions, RSMo 205.800.

Sec. 2-569. Deposit of money; treasurer's bond.

All monies received or appropriated for the use of the social welfare board shall be deposited with the treasurer, who shall give good and sufficient bond to the board for the safekeeping and proper expenditure of all funds placed in his hands by or for the use of the board.
(Admn. C., § 2.45)

State law reference(s)--Similar provisions, RSMo 205.810.

Sec. 2-570. Vacancies.

Vacancies on the social welfare board for any causes shall be filled in like manner as original appointments. The mayor may, for misconduct or neglect of duty, remove any member appointed by him in the manner required for removal of officers pursuant to the Charter and ordinances of the city.
(Admn. C., § 2.43)

State law reference(s)--Removal of members, RSMo 205.790(4).

Sec. 2-571. Records, reports; audit.

The social welfare board shall keep a record of its proceedings and of its receipts, expenditures

and operations and shall annually render a full and complete itemized report, stating the condition of their trust, together with such other suggestions as they may deem of general interest to the mayor and council and county court. In addition, pursuant to RSMo 205.820, as amended, the board shall make provisions, for the mayor and council of the city annually, an independent audit certified by an accredited certified public accountant licensed to do and doing business within the state concerning all receipts, expenditures and operations of the social welfare board of the county.
(Admn. C., § 2.46)

Sec. 2-572. Applicability of state law.

RSMo 205.770--205.840, as amended, shall control in all matters relating to administration, responsibility, function and scope of social welfare in the city to ensure compliance with state law pertaining thereto.
(Admn. C., § 2.47)

Secs. 2-573--2-585. Reserved.

DIVISION 8. PERSONNEL BOARD*

Sec. 2-586. Terms.

Members of the personnel board shall be appointed for terms to expire the third Monday in January, five years after appointment, until their successors are appointed and qualified. A member who has served a full five-year term cannot succeed himself in office.
(Admn. C., § 2.51)

Charter reference(s)--Personnel board created and membership thereof, § 5.3.

Sec. 2-587. Meetings.

Meetings of the personnel board shall be held at least four times a year on call of the chairman or upon call signed by any three members or upon call by the director of personnel or by call of the city manager. Three members of the personnel board shall constitute a quorum. The board will not be bound by any rules of order, except as prescribed by themselves. In grievance hearings every effort shall be made to keep the

***Charter reference(s)**--Personnel board, §§ 5.3, 5.4.

Cross reference(s)--Officers and employees, § 2-111 et seq.; department of personnel, § 2-281 et seq.

meeting informal and not like a court of law.
(Admn. C., § 2.52)

Sec. 2-588. Compensation.

Members of the personnel board shall receive no compensation for their services, but shall be reimbursed for necessary travel and other official expenses.
(Admn. C., § 2.53)

Sec. 2-589. Minutes.

The director of personnel or his authorized representative shall attend all meetings of the personnel board, act as its secretary and record its official actions in the minutes. The time and place of each meeting of the board, names of the board members present, all official acts of the board and the votes of each board member, except when the acts are unanimous, shall be recorded in the minutes. The secretary shall cause the minutes to be transcribed and presented for approval or amendment at the next regular meeting.
(Admn. C., § 2.55)

Secs. 2-590--2-600. Reserved.

DIVISION 9. PLUMBER'S EXAMINING AND APPEALS BOARD**

Sec. 2-601. Created.

There is created and established a plumber's examining and appeals board whose number, appointments, terms, qualifications and powers shall be as provided in this division.
(Adm. C., § 2.56)

Sec. 2-602. Membership.

(a) The plumber's examining and appeals board shall consist of five members for a term of five years who shall serve until their successors are appointed. Vacancies shall be filled for the unexpired terms of any members whose terms become vacant. At least two of the board members shall hold a valid master plumber's license. At least two of the board members shall hold a valid journeyman's license. The board

****Cross reference(s)**--Department of public works and transportation, § 2-336 et seq.; plumbing code, § 7-256 et seq.

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members who are plumbers shall have at least six years' practical experience as plumbers and be engaged in the business of plumbing.

(b) Members shall be registered voters, shall take the oath prescribed for city officials and shall serve without compensation. In addition, members shall be:

- (1) Residents of the city and shall reside in the city during their term of office; or
- (2) Reside within 25 miles of the city limits measured as one would travel on any city, country or state roads, have or be employed by a properly licensed permanent business within the city with a physical city address (a post office box will not suffice) and shall maintain ownership of or employment by said business within the city during their term of office.

(Admn. C., § 2.56(A); G.O. 2304, 10-20-08; G.O. 2699, 7-22-13)

Sec. 2-603. Meetings.

The plumber's examining and appeals board shall meet quarterly and at such times as are necessary to carry out their required duties. (Admn. C., § 2.56(B); G.O. 1242, 12-5-94)

Sec. 2-604. Duties.

The duties of the plumber's examining and appeals board shall be to:

- (1) Propose the content of and administer the plumber's examinations which reasonably test the examinee's knowledge of the plumbing trade.
- (2) Hear and rule on appeals from owners of buildings or structures or any other person aggrieved by a decision of the plumbing inspector.
- (3) Advise the city on plumbing-related matters.
- (4) Prepare once a year a report to the council and mayor containing its recommendations regarding any changes which should be made to the plumbing code.

- (5) Hear and rule on applications for variances regarding individual sewage disposal systems made pursuant to Section 17-35 of the Code.

(Admn. C., § 2.56(C); G.O. 1307, 6-5-95; G.O. 1449, 8-26-96)

Secs. 2-605--2-615. Reserved.

DIVISION 10. LANDMARK COMMISSION*

Sec. 2-616. Created.

There is created and established a landmark commission whose number, appointments, terms, qualifications and powers shall be as provided in this division.

(Admn. C., § 2.57)

Sec. 2-617. Appointment, terms and qualifications.

(a) The landmark commission shall consist of nine members appointed by the city council for a term of three years and until their successors are appointed and qualified.

(b) All commission members shall be residents of the city, be qualified voters therein, shall reside in the city during their term of office, shall take the oath prescribed for city officers and shall serve without compensation.

(c) The city manager and the director of planning and community development shall be ex officio members of the commission, and may attend its hearings and deliberations and make such recommendations as they may see fit, and take part in all matters coming before such body, but shall not be entitled to a vote.

(d) All commission members must have a demonstrated interest in, or knowledge of historic preservation. The commission shall include two members who own and/or reside in historic homes and the city council shall endeavor to appoint one representative who resides in a local historic district or other designated area that falls within the design review jurisdiction of the commission. When making appointments to the

*Cross reference(s)—Department of planning and community development, § 2-366 et seq.

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commission, the city council shall strongly consider professionals who represent such disciplines as architecture, law, real estate brokerage, banking, history or other fields relating to historic preservation.

(Admn. C., § 2.57(A); G.O. 1833, 7-23-01; G.O. 2794, 9-28-15)

Sec. 2-618. Staff.

The department of planning and community development shall be responsible for all clerical and administrative support for the landmark commission.

(Admn. C., § 2.57(B))

Sec. 2-619. Powers and duties.

Unless otherwise specified, the powers and duties of the landmark commission shall be as follows:

(1) Prepare or cause to be prepared and updated as necessary a comprehensive inventory of local historical resources. The owners and occupants of such historical resources shall be notified and their views solicited.

(2) Hold public hearings on the commission's intent to recommend designation of a historic landmark or historic district to the city council. An agenda of the matters to be discussed at any meeting shall be published five days prior to the meeting.

(3) After having held public hearings, make recommendations to the city council concerning the adoption of ordinances concerning designation of historical districts, acquisition of such landmarks and districts and the imposition of other restrictions for the purposes of historic preservation.

(4) Hold public hearings relative to the application for a certificate of appropriateness.

(5) Endeavor to increase public awareness of the value of historic, architectural and cultural preservation by developing and participating in public information programs.

(6) Make recommendations to the city council concerning the procurement and utilization of grants from federal and state agencies, private groups and individuals and the utilization of budgetary appropriations to promote the preservation of historic landmarks or historic districts.

(7) Evaluate and forward the commission's comments to the city council concerning decisions by other public agencies which affect the physical development and land use patterns in the city.

(8) Recommend to the city council the purchase of an essential structure where private preservation is not feasible.

(9) Fully document any recommendations forwarded to the city council as to the criteria on which such recommendations are based and the application of the criteria to the facts involved.

(10) Any other functions which may be designated by ordinance of the city council.

(Admn. C., § 2.57(C))

Sec. 2-620. Conflicts of interest.

(a) *Prohibitions.* Landmark commission members are called upon to make decisions related to the functions, responsibilities and activities of the landmark commission, (including, but not limited to, funding decisions) and are prohibited from (1) obtaining any financial interest or benefit from, or (2) having a financial interest in any contract, subcontract or agreement with respect to a program that is either reviewed or administered by and through the landmark commission. This includes the commission members themselves, as well as those with whom they currently have business or immediate family ties. Immediate family ties shall include any relative within the second degree created by consanguinity (bloodline) or affinity (marriage). These prohibitions attach when the landmark commission member is sworn in by the city clerk and extend through his/her term on the commission, and for one year thereafter.

(b) *Exceptions.* Upon the written request of the petitioner, the city council may grant an exception to the provisions of subsection (a) on a case-by-case basis when the threshold requirements set forth in subsection (c) have been met; taking into account the cumulative effects of subsection (d).

(c) *Threshold requirements for exceptions.* The city council will consider an exception only after the following documentation has been provided by the petitioner:

- (1) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict at a city council meeting and a description of how the public disclosure was made; and
- (2) An opinion of the petitioner's attorney that the interest for which the exception is sought would not violate State or local law.

(d) *Factors to be considered for exceptions.* In determining whether to grant a requested exception after the petitioner has satisfactorily met the requirements of subsection (c), the city council shall conclude that such an exception will serve to advance the preservation or restoration of a significant historical structure in the city, taking into account the cumulative effect of the following factors, as applicable:

- (1) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;
- (2) Whether an opportunity was provided for open competitive bidding or negotiation;
- (3) Whether the person affected is a member of a group or class of low- or moderate-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;
- (4) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision-making

process with respect to the specific assisted activity in question;

- (5) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (a) of this section;
 - (6) Whether undue hardship will result either to the petitioner or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and
 - (7) Any other relevant considerations.
- (G.O. 2795, 9-28-15)

Secs. 2-621--2-630. Reserved.

**DIVISION 11. COMMUNITY POLICE
ADVISORY COMMITTEE***

Sec. 2-631. Established; membership.

(a) There shall be a community police advisory committee (CPAC), which shall serve in an advisory capacity to the city council and the chief of police in matters regarding law enforcement and the administration of justice.

(b) The CPAC shall consist of nine members, one to be appointed by each individual member of the council. The CPAC shall elect a chairman annually from one of its members who shall serve for a period of one year.

(c) Appointments to the initial CPAC shall be made on a staggered term basis with three members serving a one year term, three members serving a two year term and three members serving a three year term. Thereafter, members shall be appointed to serve three year terms. No member who has serviced a full three year term shall be appointed to serve a successive term. However, members who have not served a full three year term may be reappointed to serve a successive term.

(d) Each member's qualifications shall be in accordance with the general provisions enumerated for boards and commissions in this

*Cross reference(s)--Police department, § 2-296 et seq.

article. Every effort shall be made to appoint members to the CPAC who reflect the overall makeup of the community, including women and minorities.

(Admn. C., § 2.58; G.O. 1293, 4-24-95)

Sec. 2-632. Meetings.

(a) Members of the CPAC shall meet with the chief of police, the police department's executive staff and representative officers/employees of the police department quarterly at a designated public location.

(b) Members of the CPAC shall conduct all meetings in public in an effort to increase public awareness of police department operations. A copy of the minutes of all CPAC meetings shall be filed in the office of the city clerk.

(G.O. 1293, 4-24-95; G.O. 2642, 5-29-12)

Secs. 2-633--2-640. Reserved.

DIVISION 12. ADVISORY
COMMISSION ON AGING*

Sec. 2-641. Established, membership.

(a) There is established the advisory commission on aging which shall consist of seven members who shall be appointed by the council for terms of three years and may be reappointed for one additional term. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

(b) Members shall be residents of the city, be qualified voters in the city, shall reside in the city during their terms of office, shall take the oath prescribed for city officials and shall serve without compensation. Members shall include individuals who are actively involved in organizations that promote quality of life and well-being of senior citizens.

(Admn. C., § 2.59; G.O. 2460, 4-30-12)

Sec. 2-642. Organization and procedure.

The advisory commission on aging shall organize annually by electing one of its members as chairman and such other officers as the commission deems necessary. The commission may establish such rules as to organization and procedure as it deems necessary not inconsistent with the Charter or with this division or with the laws of this state. The Commission shall meet on a quarterly basis or more frequently if or as needed. (Admn. C., § 2.59(A); G.O. 2460, 4-30-12)

Sec. 2-643. Functions and duties.

The advisory commission on aging shall assist the city council in:

- (1) Identifying the needs of senior citizens and the elderly population of the city and identifying services available to meeting those needs;
- (2) Attending council work sessions that deal with city programs, services and funding for senior citizens;
- (3) Receiving and reporting on information provided by local organizations and entities that provide services to senior citizens and the elderly population; and
- (4) Preparing a quarterly report to be submitted to the mayor and city council, with an information copy for the city manager, and city clerk identifying important issues regarding the needs of senior citizens and the elderly population within the city and providing an update on the work performed by the committee during that quarter.

(Admn. C., § 2.59(B); G.O. 2460, 4-30-12)

Secs. 2-644--2-655. Reserved.

*Cross reference(s)--Health and sanitation, ch. 17.

DIVISION 13. AVIATION BOARD*

Sec. 2-656. Established, organization, meetings.

(a) There shall be an aviation board which shall consist of nine members as follows:

1. Eight members shall be appointed by the mayor and council for terms of five years. Notwithstanding the requirements of Section 2-471 of this article, two such members are not required to be residents of the city but must be qualified voters.
2. One member shall be appointed by the base commander of the Air National Guard unit stationed at Rosecrans Memorial Airport and such member shall serve at the pleasure of the Guard.

The board shall elect its own chairman. The qualifications shall be in accordance with the general provisions enumerated for boards and commissions in this article.

(b) The regular meetings of the aviation board shall be held every two months and at such times as are necessary to carry out their required duties. (Admn. C., § 2.60; Gen. Ord. No. 849, § 1(4-20(a)), 2-4-91; G.O. 1399, 4-22-96; G.O. 1781, 8-21-00; G.O. 2649, 7-23-12; G.O. 2755, 10-27-14)

*Cross reference(s)--Municipal airport, § 6-26 et seq.

Sec. 2-657. Functions.

The aviation board shall serve solely in an advisory capacity to the mayor, the council, the director of public works and transportation and the airport manager.

(Gen. Ord. No. 849, § 1(4-20(b)), 2-4-91)

Secs. 2-658--2-670. Reserved.

DIVISION 14. PARKS AND
RECREATION BOARD*

Sec. 2-671. Established, organization, powers and duties.

(a) There shall be a parks and recreation board which shall advise the city council and the director of parks and recreation on matters of establishing policy and major administrative issues. The board shall consist of nine members appointed by the city council. The board shall elect its own chairman.

(b) The qualifications and terms of office shall be in accordance with the general provisions enumerated for boards and commissions in this article.

(Admn. C., § 2.61)

Secs. 2-672--2-680. Reserved.

DIVISION 15. BOARD OF
OPERATING ENGINEERS**

Sec. 2-681. Created.

There is created and established a board of operating engineers whose number, appointment, terms, qualifications and powers shall be as provided in this division.

(Admn. C., § 2.64)

Sec. 2-682. Membership.

(a) The board of operating engineers shall consist of five members for terms of five years. Three of the board's members shall have been first class licensed engineers in the city for a period of five years. The fourth and fifth members of the board shall be persons with five years' experience in power, refrigeration and heating installation or operation. The initial members shall be appointed respectively by the members of the council for terms as follows: one first class licensed engineer for two years, one first class licensed engineer for three years, one person with five years' experience in power, refrigeration and heating for four years, one first class licensed engineer for five years and one person with five years' experience in power, refrigeration and heating for one year. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. No member of the board who has served a full five-year term shall be eligible to immediately succeed himself.

(b) Members shall be registered voters, shall take the oath prescribed for city officials and shall serve without compensation. In addition, members shall be:

- (1) Residents of the city and shall reside in the city during their term of office; or
- (2) Reside within 25 miles of the city limits measured as one would travel on any city, country or state roads, be employed by a properly licensed permanent business within the city with a physical city address (a post office box will not suffice) and shall maintain said employment within the city during their term of office.

(Admn. C., § 2.64(A); G.O. 2305, 10-20-08)

***Charter reference(s)**--Parks and recreation, art. VII.

Cross reference(s)--Department of parks and recreation, § 2-266 et seq.; parks and recreation, ch. 21.

State law reference(s)--Municipal parks and recreation systems, RSMo 67.750 et seq., 90.010 et seq.

****Cross reference(s)**--Department of public works and transportation, § 2-336 et seq.; mechanical code § 7-216 et seq.

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Sec. 2-683. Meetings.

The board of operating engineers shall meet at such times as are necessary to carry out their required duties.

(Admn. C., § 2.64(B))

Sec. 2-684. Duties.

The board of operating engineers shall have the following duties:

(1) To propose the content of engineer's examinations which will reasonably test the examinee's knowledge of the engineering trade.

(2) Advise the city administration on engineering matters.

(Admn. C., § 2.64(C))

Secs. 2-685--2-695. Reserved.

DIVISION 16. BUILDING AND FIRE PREVENTION CODE BOARD OF APPEALS*

Sec. 2-696. Created, organization.

There is created and established a building and fire prevention code board of appeals whose number, appointment and terms shall be controlled by Division 1 of this article.

(Admn. C., § 2.66; G.O. 1674, 12-28-98)

Sec. 2-697. Qualifications; membership.

(a) Members of the board of appeals shall consist of the following:

(1) A fire prevention inspector or fire marshal or someone with expertise in a closely related fire protection systems field,

(2) An architect,

(3) A builder or superintendent of building construction,

(4) An electrical contractor, and

(5) A mechanical contractor, a plumbing contractor or a master or journeyman plumber.

Each member must have at least five years experience in his/her area of expertise and he/she may be practicing or retired.

(b) Members shall be registered voters, shall take the oath prescribed for city officials and shall serve without compensation. In addition, members shall be:

(1) Residents of the city and shall reside in the city during their term of office; or

(2) Reside within 25 miles of the city limits measured as one would travel on any city, country or state roads, have or be employed by a properly licensed permanent business within the city with a physical city address (a post office box will not suffice) and shall maintain ownership of or employment by said business within the city during their term of office.

(Admn. C., § 2.67; G.O. 1674, 12-28-98; G.O. 2306, 10-20-08; G.O. 2768, 3-2-15; G.O. 2852, 2-26-18)

Sec. 2-698. Powers and responsibilities.

The board of appeals shall hear all appeals from decisions of the chief building official or the chief of fire prevention. The procedure for such appeals is outlined in the city's building and fire prevention codes. The board of appeals may also prepare, once a year, a report to the mayor and council containing its recommendations regarding any changes which should be made in the building and fire prevention codes.

(Admn. C., § 2.68; G.O. 1674, 12-28-98)

Secs. 2-699--2-710. Reserved.

*Cross reference(s)--Department of public works and transportation, § 2-336 et seq.; buildings and building regulations, ch. 7.

DIVISION 17. DOWNTOWN REVIEW
BOARD

Secs. 2-711. Created, established.

There is hereby created and established a “Downtown Review Board” (DRB) made up of not more than nine members appointed by the city council to meet at intervals consistent with development proposals in the downtown precise plan area.

(G.O. 1863, 12-26-01)

Sec. 2-712. Appointment, membership, terms.

The downtown design review board shall consist of nine members appointed for a term of three years and until their successors are appointed and qualified. Initially one member each to be appointed by each member of the city council. Initial appointment of three of the board members shall be for a period of one year, three members for two years, and three members for three years. The board shall be comprised of at least seven members that own property within the downtown precise plan area, or their designee, and may include two members at large. Members shall reside in the city during their term of office, be qualified voters therein, shall take the oath prescribed for city officers and shall serve without compensation. The director of planning and community services, the city planner, and the historic preservation planner shall be ex officio members of the board, and may attend its hearings and deliberations and make such recommendations as they may see fit, and take part in all matters coming before such body, but shall not be entitled to a vote. The board shall be composed of persons, all of whom are interested in downtown revitalization, and, to the greatest extent possible, one of which should be an architect or engineer, one a real estate expert, and one an expert in banking or finance.

(G.O. 1863, 12-26-01)

Sec. 2-713. Duties and responsibilities.

The downtown review board shall have the powers and duties as set out herein and as may be hereafter designated by ordinance of the city council. The board shall review all proposals for exterior building changes including, but not limited to, site or building improvements, renovations, restorations, demolitions, off-site infrastructure including street improvements within the downtown precise plan area, and all

proposed new construction within the plan area including on and off-site parking facilities. If further review is not necessary by any other city board or the city council, the board shall prepare, in writing, a letter to the applicant explaining its decisions. Decisions by the board shall be based on sound findings of fact, using as a guideline, the *Secretary of Interior’s Standards and Guidelines for Rehabilitation of Historic Properties*, the urban design concepts provided in the downtown master plan and any other guidelines adopted by the city’s boards or commissions as appropriate to sound architectural design review principals.

The board shall review new construction, those items deemed by the city planner as “major” renovations, and demolition. Items such as replacement of original building elements wherein the replacement is “in kind” shall not be considered a “major” project. The records of the board shall be as defined in Section 31-176 of the code.

The board shall be responsible for the issuance of certificates of appropriateness in the manner prescribed and in accordance with the provisions provided in Section 31-179 of the code.

(G.O. 1863, 12-26-01)

Secs. 2-714--2-725. Reserved.

DIVISION 18. MECHANICAL STANDARDS
BOARD OF APPEALS*

Sec. 2-726. Created.

There is created and established a mechanical standards board of appeals whose number, appointment and terms shall be controlled by Division 1 of this article.

(Admn. C., § 2.71)

Sec. 2-727. Qualifications; membership.

(a) The mechanical standards board of appeals shall consist of five members for a term of five years who shall serve until their successors are appointed.

*Cross reference(s)--Department of public works and transportation, § 2-336 et seq.; mechanical code, § 7-216 et seq.

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(b) At least two of the board members shall hold a valid master mechanical license. At least two of the board members shall hold a valid journeyman mechanical license. The board members who hold valid mechanical licenses shall have at least six years practical experience in the trade and be engaged in the trade.

(c) Members shall be registered voters, shall take the oath prescribed for city officials and shall serve without compensation. In addition, members shall be:

- (1) Residents of the city and shall reside in the city during their term of office; or
- (2) Reside within 25 miles of the city limits measured as one would travel on any city, country or state roads, have or be employed by a properly licensed permanent business within the city with a physical city address (a post office box will not suffice) and shall maintain ownership of or employment by said business within the city during their term of office.

(Admn. C., § 2.71(A); G.O. 2307, 10-20-08; G.O. 2320, 4-6-09; G.O. 2700, 7-22-13)

Sec. 2-728. Powers and responsibilities.

The mechanical standards board of appeals shall hear all appeals from decisions of the mechanical inspector's interpretation of the mechanical code. The procedure for such appeal is outlined in Section 7-233. The board may also prepare once a year a report to the council and the mayor containing its recommendations regarding any changes which should be made in the mechanical code.

(Admn. C., § 2.71(B))

Secs. 2-729--2-740. Reserved.

DIVISION 19. ELECTRICAL STANDARDS AND APPEALS BOARD*

Sec. 2-741. Created, organization.

There shall be an electrical standards and appeals board to consist of five members who shall serve until their successors are appointed and whose terms, appointments, qualifications and powers shall be in accordance with division 1 of this article.

(Admn. C., § 2.72; G.O. 2703, 8-19-13)

Sec. 2-742. Membership.

(a) At least two members of the electrical standards and appeals board shall hold a valid master electrician's license and be actively engaged in the trade. At least two members shall hold a valid journeyman electrician's license and be actively engaged in the trade.

(b) Members shall be registered voters, shall take the oath prescribed for city officials and shall serve without compensation. In addition, members shall be:

- (1) Residents of the city and shall reside in the city during their term of office; or
- (2) Reside within 25 miles of the city limits measured as one would travel on any city, country or state roads, have or be employed by a properly licensed permanent business within the city with a physical city address (a post office box will not suffice) and shall maintain ownership of or employment by said business within the city during their term of office.

(Admn. C., § 2.72(A); G.O. 2308, 10-20-08; G.O. 2701, 7-22-13)

Sec. 2-743. Meetings.

The electrical standards and appeals board shall adopt from time to time such rules and procedures as it may deem necessary for the carrying on of its meetings. All meetings of the electrical standards and appeals board shall be open to the public.

(Code 1969 § 7.78(d))

*Cross reference(s)--Department of public works and transportation, § 2-336 et seq.; electrical code, § 7-56 et seq.

Sec. 2-744. Powers and responsibilities.

(a) The electrical standards and appeals board shall make recommendations of approval or disapproval to the building regulations supervisor on all proposed materials, devices or methods of construction which are not specifically authorized or prescribed by Chapter 7, Article III and which have been referred to it by the building regulations supervisor. Prior to making such recommendation of approval or disapproval, the board will require that evidence or tests be submitted which will help them determine whether the proposed material, device or method of construction is of such design or quality or both as to be suitable and safe for the use intended and is for the purpose intended, equivalent in quality, effectiveness, durability and safety to that prescribed by this code. The cost of any evidence or tests required to be submitted shall be paid by the person requesting such approval of the building regulations supervisor. Any test required shall be made in accordance with generally recognized standards where such exist, and where none exist, the building regulations supervisor shall specify the test procedures.

(b) The electrical standards and appeals board shall make recommendations to the building regulations supervisor and the director of public works and transportation when requested to do so by the building regulations supervisor or the director of public works and transportation.

(c) The electrical standards and appeals board shall also prepare, once a year, a report to the council and to the city manager regarding its recommendation concerning any change which should be made in the electrical code.
(Admn. C., § 2.72(B))

Secs. 2-745--2-755. Reserved.

DIVISION 20. RESERVED

Secs. 2-756--2-770. Reserved.

DIVISION 21. TOURISM COMMISSION

Sec. 2-771. Created.

There is hereby created the tourism commission pursuant to Section 67.1364 RSMo., as amended. (G.O. 2826, 2-27-17)

Sec. 2-772. Powers.

The commission shall have and may exercise only the powers, functions, and duties pursuant to Section 67.1364 RSMo., as amended. (G.O. 2826, 2-27-17)

Sec. 2-773. Membership; terms.

The commission shall have five members and a city council liaison comprised as follows:

- (1) Five members who are residents of the city shall be appointed by the mayor with the consent of the majority of the city council. One member shall be a representative of the hotel and motel industry, two members shall be active in the tourism industry, and the remaining shall have local general business interests; and
- (2) Either the mayor, or one member of the city council who is appointed by the mayor with the consent of the majority of the city council, shall serve as a non-voting liaison.

Initial appointment of the voting members shall be made on a staggered term basis with one member serving a one-year term, two members serving a two-year term, and two members serving a three-year term. Upon expiration of the five members' initial terms, each member thereafter shall serve a term not to exceed three years. No member shall serve more than two consecutive terms.

(G.O. 2826, 2-27-17)

Sec. 2-774. Chairman.

The tourism commission shall elect a chairman annually from one of its members who shall serve for a period of one year.

(G.O. 2826, 2-27-17)

Sec. 2-775. Meetings.

The regular meetings of the commission shall be held at such times as are necessary to carry out their required duties.

(G.O. 2826, 2-27-17)

Secs. 2-776--2-785. Reserved.

DIVISION 22. SENIOR CITIZEN FOUNDATION, INC. BOARD

Sec. 2-786. Membership, responsibilities.

(a) The Senior Citizen Foundation, Inc. is a Missouri not-for-profit corporation charged with the administration of the bequest from the Robert V. Werst Estate on behalf of the Joyce Raye Patterson Senior Citizens' Center.

(b) The Senior Citizen Foundation, Inc. Board shall advise the city council and parks, recreation and civic facilities director on the administration of the Robert V. Werst bequest. The board shall consist of 16 members. The director of the Joyce Raye Patterson Senior Citizens' Center shall serve as an ex officio, nonvoting member of the board.

There shall be six board members who shall be appointed by the city council in order to enable the foundation to secure 509(a)(3) tax status as a public charity so as to limit tax liability and maximize the foundation income to be spent for capital and noncapital improvements at the Joyce Raye Patterson Senior Citizens' Center. The members shall serve three-year terms. There shall be nine elected members of the board, one of whom shall be a member of the city's commission on aging. The board shall elect its own chairman. (G.O. 1174, 6-6-94; G.O. 1844, 9-17-01)

Secs. 2-787--2-800. Reserved.

DIVISION 23. LAND BANK ADVISORY
COMMITTEE

Sec. 2-801. Established; membership.

(a) *Purpose.* There shall be a land bank advisory committee, which shall serve in an advisory capacity to the city council in matters regarding administration of the St. Joseph Land Bank and funding and resources dedicated to the St. Joseph Land Bank.

(b) *Membership.* The land bank advisory committee shall consist of nine members, one to be appointed by each individual member of the city council and approved by the city council. The land bank advisory committee shall elect a chairman annually from one of its members who shall serve for a period of one year.

(c) *Term.* Appointments to the initial land bank advisory committee shall be made on a staggered term basis with three members serving a one-year term, three members serving a two-year term and three members serving a three-year term. Thereafter, members shall be appointed to serve three-year terms. No member who has served a full three-year term shall be appointed to serve a successive term. However, members who have not served a full three-year term may be reappointed to serve a successive term.

(d) *Qualifications.* Each member's qualifications shall be in accordance with the general provisions enumerated for boards and commissions in this article. (G.O. 2919, 8-12-19)

Secs. 2-802--2-815. Reserved.

DIVISION 24. AMERICANS WITH
DISABILITIES ACT COMPLIANCE BOARD*

Sec. 2-816. Created.

There is created and established an Americans with Disabilities Act compliance board (ADA compliance board) whose number, appointments, terms, qualifications and powers shall be provided in this division.

(Gen. Ord. No. 1037, § 1(2.63), 11-9-92; G.O. 1392, 4-8-96; G.O. 2842, 7-31-17)

Sec. 2-817. Membership.

The ADA compliance board shall consist of seven members for terms of five years and until their successors are appointed. The members shall be appointed by the city council. The members shall be residents and qualified voters of the city. It shall be preferred that each member be familiar with the needs of individuals with disabilities and the Americans with Disabilities Act, and at least four members shall be disabled. Each member shall take the oath prescribed for city officers and shall serve without compensation. Representatives from the city's administrative services; legal; health; parks; recreation and civic facilities; planning and community development; and public works and transportation departments along with the ADA compliance coordinator shall be ex officio members of the board and may attend its hearings and deliberations and make such recommendations as they may see fit, and take part in all matters before such body, but shall not be entitled to a vote.

(Gen. Ord. No. 1037, § 1(2.63(A)), 11-9-92; G.O. 1327, 9-11-95; G.O. 1392, 4-8-96; G.O. 2842, 7-31-17)

Sec. 2-818. Organization and procedure.

The ADA compliance board shall organize annually by electing one of its members as chairman and such other officers as the board deems necessary. The board may establish such rules as to organization and procedure as it deems necessary not inconsistent with the charter or this chapter or with the laws of the state or city.

(Gen. Ord. No. 1037, § 1(2.63(B)), 11-9-92; G.O. 1392, 4-8-96; G.O. 2842, 7-31-17)

*Cross reference(s)--Physical disability parking, § 28-711 et seq.; ADA grievance procedures, ch. 18 human rights, art. I.

Sec. 2-819. Functions and duties.

The ADA compliance board shall assist the city council as follows:

- (1) Identify needs, actively solicit, make recommendations for, and survey services for the disabled community, including but not limited to public services, application and enforcement of building codes, public facility access, commercial/retail business access and public services programming;
- (2) Hear and issue rulings on all applications for administrative appeal per Division 4 of Article X of Chapter 28 of the city Code of Ordinances;
- (3) Hear and issue a ruling on appeals and grievances from persons regarding public transit per the Americans with Disabilities Act; and
- (4) Hear and issue a ruling on citizen appeals from any administrative determination concerning complaints per the Americans with Disabilities Act.

(Gen. Ord. No. 1037, § 1(2.63(C)), 11-9-92; G.O. 1392, 4-8-96; G.O. 2842, 7-31-17)

Secs. 2-820--2-830. Reserved.

DIVISION 25. RESERVED

Secs. 2-831--2-845. Reserved.

DIVISION 26. TREE BOARD*

Sec. 2-846. Created.

There is hereby created a tree board.
(Gen. Ord. No. 938, § 1(2.69), 3-16-92)

Sec. 2-847. Membership.

(a) The tree board shall consist of five members appointed by the council.

(b) The qualifications of such board members shall be in accordance with Division 1 of Article V. The term of office shall be three years;

(c) No member of the board who has served three, three-year terms shall be eligible to immediately succeed himself.
(Gen. Ord. No. 938, § 1(2.69(A), (B)), 3-16-92; G.O. 2751, 9-2-14)

Sec. 2-848. Chairman.

The tree board shall annually elect its own chairman.
(Gen. Ord. No. 938, § 1(2.69(A)), 3-16-92)

*Cross reference(s)--Fixing advertisements to sidewalks, poles, trees, bridges, etc., § 3-2; parks and recreation, ch. 21; streets, sidewalks, and miscellaneous public places, ch. 25; street trees, § 25-266 et seq.

Sec. 2-849. Functions.

It is the duty of the tree board to promote and protect the public health, safety, and general welfare of the city by providing recommendations to the city council as to the regulation of the planting, maintenance, and removal of trees, shrubs and other plants within the city. The tree board shall, with public input, recommend ordinances and resolutions to effect such purpose. The tree board shall assist the mayor in preparing an annual Arbor Day proclamation and preparing plans for an annual Arbor Day observance. (Gen. Ord. No. 938, § 1(2.69(C)), 3-16-92)

Secs. 2-850--2-860. Reserved.

DIVISION 27. TRAFFIC COMMISSION*

Sec. 2-861. Established.

There shall be a traffic commission in and for the city. (Code 1969, § 21-18)

Sec. 2-862. Appointment, terms, qualifications of members.

(a) The city traffic commission shall consist of five members, appointed for terms of five years and until their successors are appointed and qualified; provided, however, that the term of each member of such commission shall each expire on successive years. No member of the city traffic commission who has served a full five-year term shall be eligible to immediately succeed himself.

(b) Members shall have resided in the city not less than four years immediately prior to appointment, shall be qualified voters therein, shall reside in the city during their term of office, shall take the oath prescribed for city officers and shall serve without compensation.

(c) The mayor, the city manager and the director of the department of public works and transportation shall be ex officio members of the city traffic commission and may attend its hearings and deliberations and make such

*Cross reference(s)--Traffic, ch. 28.

State law reference(s)--Traffic commission, RSMo 300.070.

recommendations as they may see fit and take part in all matters coming before the commission, but shall not be entitled to a vote.

(d) The appointment and removal, organization and procedure of the city traffic commission shall be in accordance with division 1. (Code 1969, § 21-19)

Sec. 2-863. Vacancies.

Any vacancies on the traffic commission shall be filled for the balance of the unexpired term by the mayor with the approval of the city council. (Code 1969, § 21-20)

Sec. 2-864. Duties, authority.

It shall be the duty of the city traffic commission, after meeting with the official traffic coordinating committee designated in Section 2-865, to consider all proposed measures designed to improve traffic conditions, to study conditions and plan remedial measures, and to recommend to the council that such plans be put into effect as it shall deem wise and necessary for public safety and convenience. Complaints, requests and suggestions for any measure relating to traffic shall be referred to the city traffic commission for consideration and recommendation prior to official action by the council. (Code 1969, § 21-21)

Sec. 2-865. Action on recommendations of official traffic coordinating committee.

The city traffic commission shall meet at least once every 30 days with the official traffic coordinating committee for the purpose of first hearing and considering the official traffic coordinating committee's recommendations on any matter referred to in Section 2-864 before the city traffic commission makes its findings and submits them to the council. (Code 1969, § 21-22)

Sec. 2-866. Presentation of recommendations to council.

All recommendations of the city traffic commission, after following the procedure prescribed in this division, shall be presented in writing to the council. (Code 1969, § 21-23)

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Secs. 2-867--2-874. Reserved.

DIVISION 28. ENHANCED ENTERPRISE
ZONE BOARD

Sec. 2-875. Created.

There is hereby created the enhanced enterprise zone board organized pursuant to Section 135.1057 RSMo, as amended.
(G.O. 2083, 3-14-05)

Sec. 2-876. Powers.

The board shall have and may exercise all of the powers, functions and duties pursuant to Sections 135.010 through 135.950 of the Jobs Now Legislation Act.
(G.O. 2083, 3-14-05; G.O. 2195, 9-25-06)

Sec. 2-877. Membership; terms.

(a) The board shall have seven members comprised as follows:

- (1) Five people appointed by the mayor and council;
- (2) One person appointed by the school district located within the designation area; and
- (3) One person appointed by the remaining affected taxing districts.

(b) Initial appointment of the members shall be made on a staggered term basis with one member serving a one-year term, one member serving a two-year term, one member serving a three-year term, two members serving a four-year term and two members serving a five-year term. Thereafter, members appointed shall serve for a term of five years, except that all vacancies shall be filled for unexpired terms in the same manner as with the original appointments.
(G.O. 2083, 3-14-05)

Sec. 2-878. Functions and duties.

The functions and duties of the board shall include:

- (1) Advise the city council on the designation of the enhanced enterprise zone and any

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other advisory duties as determined by the city council.

- (2) Review and assess zone activities, once the designation of the zone has been completed.

- (3) Submit an annual report to the Missouri Department of Economic Development Director regarding the status of the zone and business activity therein.

(G.O. 2083, 3-14-05)

Secs. 2-879--2-1050. Reserved.

ARTICLE VI. FINANCE*

DIVISION 1. GENERALLY

Sec. 2-1051. Personnel director's report.

In order that the mayor and the city council may be fully informed when considering the city's budget for each fiscal year, the personnel director shall, 60 days prior to the beginning of each fiscal year, file a written report with the mayor and the city council which shall include the following information:

- (1) Name and salary received by all classified employees in each department of the city.
- (2) All pay raises received by any classified employee during the current fiscal year.
- (3) All car allowances received by any classified employee.
- (4) Names of all classified employees who have changed positions during the current fiscal year, including their past and present position.

***Charter reference(s)**--Financial procedures, art. VI; independent audit, § 3.8.

Cross reference(s)--Notice of lawsuit, § 2-128; finance department, § 2-231 et seq.; licenses and permits generally, § 8-36 et seq.; taxation, ch. 27.

State law reference(s)--Annual budget, RSMo 67.010 et seq.; finance administration and indebtedness, RSMo ch. 95.

(5) The longevity of services of all classified employees in each department of the city.
(Code 1969, § 2-92)

Sec. 2-1052. Budget transfers and supplemental appropriations.

(a) There is established a procedure for specific supplemental budget appropriations and for budget transfers of balances of appropriated expenditure items in the budget for which there is no written contract that encumbers that particular expenditure item.

(b) Pursuant to Charter Section 6.8(a), the following policy is adopted: Budget amendments recognizing supplemental appropriations shall be allowed without council authorization in the following specific instances:

1. Increases of corresponding revenue and expense line items under \$5,000.00 to recognize small donations, insurance reimbursements, etc. during the fiscal year.
2. Increases of corresponding revenue and expense line items within 60 days after the end of the fiscal year to recognize posting delays that occur in the special allocation and other funds.

(c) Pursuant to Charter Section 6.8(c), the following policy is adopted:

- (1) There will be no budget transfers that create full or regular part-time positions over and above those approved in the adopted budget without council authorization.
- (2) There will be no transfers to fund capital equipment purchases or capital project expenditures over and above those approved in the adopted budget without council authorization with the exception that once budget approved capital items are purchased and there are funds remaining, these funds can be transferred. Capital items which have not been approved by the council in the budget and which exceed \$5,000.00 must receive council approval before they are purchased.

(d) For those budget transfers or supplemental appropriations authorized without city council approval, there will be a quarterly report providing details of the transfers including purpose and amount.

(Admn. C., § 2.25; G.O. 2693, 6-24-13)

State law reference(s)--Budget transfers, RSMo 67.050.

Sec. 2-1053. Disposition of motor vehicle fuel tax moneys.

All moneys collected from motor vehicle fuel taxes shall be paid into and shall be a part of the street improvement, maintenance and repair fund of the city treasury to be used solely for construction, reconstruction, maintenance, repair, policing, signing, lighting and cleaning roads and streets.

(Code 1969, § 8-15)

State law reference(s)--State motor vehicle fuel tax, RSMo ch. 142.

Sec. 2-1054. Method of remitting or abating taxes, fees, or charges.

No general or special tax or assessment or interest or penalty thereon or any fee or charge imposed pursuant to city ordinance or interest or penalty thereon, shall be remitted or abated, or the right to enforce payment thereof released, unless:

- (1) expressly authorized by a special ordinance of the city council,
- (2) in correction of errors,
- (3) by order of the United States Bankruptcy Court,
- (4) the property against which the taxes, assessments, fees or charges are imposed is offered for the third time and sold at the county tax sale and the tax lien is foreclosed thereon or
- (5) a written document that affirmatively raises the statute of limitations defense is submitted to the finance department by a customer.

(Gen. Ord. No. 961, § 1(8-73), 5-26-92; G.O. 1243, 12-5-94)

Cross reference(s)--Exemption, release, remission, abatement, reduction prohibited; exceptions, § 27-36.

Sec. 2-1055. Payment of fees, taxes and license charges under protest.

(a) If no other procedure is established by law for protesting a fee, tax or license charge, then any individual who has paid any fee, tax or license charge must protest at the time of paying such fee, tax or license charge, or within 30 days thereafter, by filing with the administrative services director of the city a written statement setting forth the grounds on which the protest is based, the true value of the money in dispute, the date when the fee, tax or license charge was paid and proof that the individual making the claim paid the fee, tax or license charge.

(b) The administrative services director shall set aside, in a separate fund, all or part of such fee, tax or license charge that is in dispute and protested in accordance with subsection (a) above. Within 60 days after the filing of the protest under subsection (a), an administrative hearing officer appointed by the city manager shall hold a hearing on the protest. Notice of the hearing and presentation of evidence shall be in accordance with Chapter 2, Article XIII, Division 1, of this code.

(c) If the individual's protest is upheld, then the administrative services director shall, when such decision is final, refund to the individual who protested the fee, tax or license charge the amount found to be invalid, plus interest computed at a rate equal to that received on the city's average daily collected bank balance on the sum from the time it was paid to the city.

(d) If the individual's protest is not upheld, the administrative services director shall, when such decision is final, disburse to the proper official the fee, tax or license charge impounded as authorized by the laws of the city.

(e) Nothing herein shall preclude the city from exercising its rights to determine the enforceability and applicability of this section when a person challenges such authority wherever and however such rights may be asserted under applicable law. (G.O. 2291, 5-19-08; G.O. 2743, 8-18-14)

Secs. 2-1056--2-1065. Reserved.

DIVISION 2. DEPOSITORIES*

Sec. 2-1066. Selection.

On and after July 1 of each year and whenever the occasion may require, the director of finance shall present to the council banks or banking institutions in the city which have offered to and are willing to agree to act as depositories for city funds, as provided in this division, for the ensuing year beginning on August 1 next ensuing, with the option of termination by either the city or the bank or banking institution at the end of any month. The council and the depository bank or banking institution may extend such contract for additional periods of one year. (Code 1969, § 8-1)

Sec. 2-1067. Use of more than one depository authorized.

The council may allocate the funds for deposit in one bank or banking institution or may divide the funds in many parts or percentages and allocate the funds between the several banks or banking institutions who have offered to act as depositories for city funds, in accordance with the parts or percentages of funds so determined by the council. (Code 1969, § 8-6)

*Charter reference--Security of deposits, §15.5.

State law reference--Depositories for public funds, RSMo ch. 110.

Sec. 2-1068. Failure of council to designate depository.

If the council shall fail to designate a depository for city funds, as provided in this division, by August 1 of each year or to extend the contract as provided in this division, the mayor may designate a depository for city funds subject to the requirements of this division.

(Code 1969, § 8-2)

Sec. 2-1069. Collateral security required for depository prior to handling city funds.

(a) *Agreement required.* The director of financial services shall keep city funds in the banks or banking institutions selected as provided in Section 2-1066. However, before any deposits shall be made therein by the director of financial services, such bank or banking institution shall enter into agreement with the city and any federal reserve bank, whereby the bank or banking institution agrees to and does deposit with the Federal Reserve Bank, as custodian for the city, such collateral securities as provided by Section 2-1074 for the safekeeping and prompt payment of city deposits. The market value of such securities shall at all times be not less than 100% of the actual amount of the funds on deposit with the depository, less the amount, if any, insured by the Federal Deposit Insurance Corporation, except as otherwise provided in Section 2-1074. The cost and expense of the administration of such agreements shall be borne by such depository bank or banking institution. So long as such depository bank or banking institution is not in default in the safe-keeping and prompt payment of the city deposits, it shall be permitted to detach and collect all interest coupons and interest on such securities.

(b) *Change and approval of securities.* No change or substitution of the securities or any part of the securities shall be made unless approved in writing by the director of financial services. The securities deposited under the provisions of this section shall be approved by the director of financial services.

(Code 1969, § 8-3; G.O. 1931, 4-28-03)

Sec. 2-1070. Execution of depository agreements.

The depository agreements as provided by Section 2-1069 shall be executed for the city by the mayor in accordance with the allocation of funds and the selection of any bank or banking institution to act as depository or depositories for city funds. (Code 1969, § 8-4)

Sec. 2-1071. Initial deposit.

The director of finance shall furnish an estimate of the initial amount of funds to be deposited in any bank or banking institution selected as provided in this division.

(Code 1969, § 8-5)

Sec. 2-1072. Failure, default of depository.

The director of finance shall not be responsible for any loss from any failure or default of any depository bank or banking institution in performing under the provisions of this division.

(Code 1969, § 8-7)

Sec. 2-1073. Effect of refusal to act by depository.

If the bank shall refuse to act as custodian under the provisions of this division because the bank is not a member of the Federal Reserve system, the director of finance may enter into a trust agreement with some other banking institution in the city for the keeping and prompt payment of city deposits by a depository bank or banking institution, all in similar manner and with equivalent effect as though the agreement was made with the Federal Reserve Bank under the provisions of this division.

(Code 1969, § 8-8)

Sec. 2-1074. Securities approved.

The public funds of the city which are deposited in any banking institution acting as a legal depository of the funds under state law, requiring the letting and deposit of the funds and the furnishing of security therefor, shall be secured by the deposit of securities of the character and amount and in the manner

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prescribed by state law regulating such depositories for public funds.
(Code 1969, § 8-9; G.O. 1931, 4-28-03)

State law reference(s)--Required security, RSMo 110.010, 110.020.

Secs. 2-1075--2-1085. Reserved.

DIVISION 3. RESERVED

Secs. 2-1086--2-1095. Reserved.

DIVISION 4. COLLECTION OF
REAL ESTATE TAXES AND
SPECIAL ASSESSMENTS*

Sec. 2-1096. Lien of real estate taxes and special assessments; collection.

(a) City taxes or special assessments upon real property shall be a lien thereon against all real property to be collected in accordance with the applicable statute of limitations for each separate tax or special assessment.

(b) Delinquent city taxes or special assessments shall be collected by the county collector pursuant to the Jones-Munger Act generally under RSMo Ch. 140, as amended, and specifically, by authority of RSMo 140.665--140.720, as amended.

(c) All of the statutes and contents thereof described in Subsection (b) of this section are incorporated by reference as city policy in this division.
(Gen. Ord. No. 1066, § 1(8-91), 2-16-93)

Sec. 2-1097. Preparation and return of delinquent tax lists to county collector.

(a) The finance director shall prepare and return to the county collector on or before the first Monday in March, annually, a list of lands and lots on which city taxes or special assessments levied remain due and unpaid, to be collected by the county collector at the annual tax sale as set forth in RSMo Ch. 140, as amended. Prior to the return of the list to the county collector, the city council by ordinance shall

certify the list of delinquent taxes and special assessments.

(b) The power to collect such city taxes or special assessments before the annual tax sale is hereby given to the county collector after receipt of the delinquent list.
(Gen. Ord. No. 1066, § 1(8-92), 2-16-93)

Sec. 2-1098. City taxes or special assessments to be embodied in list with state and county taxes.

The city taxes and special assessments on the property contained in the delinquent list prepared by the director of finance and returned to the county collector, shall be added to the same property, if the same property is contained in the delinquent list for state and county taxes, in a separate column in such list. The city shall pay its pro-rata share of the publication costs directly attributed to its delinquent taxes and special assessments to either be collected by the county collector as an incidental cost to be added for the annual tax sale or paid directly to the county collector if the real property does not sell at the annual tax sale.
(Gen. Ord. No. 1066, § 1(8-93), 2-16-93)

Sec. 2-1099. County collector to furnish statement to city; fees.

(a) The county collector shall whenever he makes a statement of tax collections to the county commissioners as required by law, also furnish the finance director a statement of all delinquent and back taxes or special assessments due the city which have been collected to that date, accompanied by the amount collected.

(b) The county collector shall be allowed as a fee the same commissions for collecting city taxes or special assessments as are allowed for collecting state and county taxes.
(Gen. Ord. No. 1066, § 1(8-94), 2-16-93)

*State law reference(s)--Tax Collections, RSMo ch. 140.

Sec. 2-1100. Method of collection deemed supplemental.

This article shall not be deemed a waiver of or construed as the only exclusive method of collection of delinquent city taxes or special assessment but shall be deemed supplemental to other available collection rights and remedies which shall remain in full force and effect. (Gen. Ord. No. 1066, § 2, 2-16-93)

Secs. 2-1101--2-1110. Reserved.**ARTICLE VII. EMPLOYEE BENEFITS*****DIVISION 1. GENERALLY****Sec. 2-1111. Reserved.****Sec. 2-1112. Biweekly salaries.**

(a) The salaries of all city employees shall be paid on alternate Thursdays, except when Thursday is a legal holiday the employees shall be paid on the following Friday and the provisions for Thursdays under Subsection (b) of this section shall be extended to Fridays. Except for 24-hour shift firefighters, each employee will be paid for all hours worked and vacation and holidays used up to midnight of the Sunday immediately preceding pay on Thursday. Firefighters who work 24-hour shifts shall be paid for all hours worked and for vacation and holidays used up to 7:00 a.m. on the Sunday immediately preceding pay on Thursday.

(b) Paychecks will be prepared and ready for distribution to the various departments no later than 1:00 p.m. on pay Thursday. Paychecks will be released to all departments as soon as they are ready for distribution from the finance department on pay Thursday. Employees working in the field will receive their paychecks when they return to their headquarters at the end of their tours of duty. (Code 1969, § 2-74; G.O. 1801, 10-30-00)

Sec. 2-1113. Compensation during absence following injury.

(a) *Report required.* When an employee of the city suffers a personal injury arising out of and in the course of his employment, a report of such accident shall be made immediately by the employee to the head of the department or division in which the employee is employed and to the department of personnel.

(b) *Payments.* Except as provided in Subsection (c) of this section, compensation for a personal injury caused by an accident arising out of and in the course of employment shall be as provided in RSMo ch. 287.

(c) *Supplement payments.*

(1) If an employee is not entitled under state law to compensation for the first three days or less of disability, he shall be compensated for the three days or less of disability by the city.

(2) If the compensation received under state law for a workweek is less than the compensation the employee would have received had he worked 40 hours during that workweek, the city shall issue a paycheck for total remuneration to the employee. To receive a total remuneration, the employee shall endorse his worker's compensation check and deliver it to the personnel director or a designated assistant of the personnel director. The personnel director shall deliver the worker's compensation check to the director of finance who shall deposit it in the general fund.

(3) Supplemental payments under Subsection (c)(2) of this section shall not exceed 30 workweeks for any one injury.

(d) *Effect upon sick leave accumulation.* An employee's sick leave accumulation shall not be reduced because of any payment made under this section. (Code 1969, § 2-91)

Cross reference(s)—Officers and employees, § 2-111 et seq.

Sec. 2-1114. Payroll deductions authorized.

The director of administrative services is authorized and may deduct from the wages of employees, in addition to deductions required by law and ordinance, member contributions for employees who are members of the Missouri Local Government Employees Retirement System, mutual aid assessments of members of the fire department, credit union deposits, United States bond purchases, United Way Fund contributions, employee benefit fund contributions, city authorized group insurance, and other funds to pay for benefits when so authorized by an employee, and other funds when required by law or by other obligation approved by the city council.

(Code 1969, § 2-87; G.O. 2839, 7-5-17; G.O. 2875, 8-13-18)

Cross reference(s)--City contribution to firefighters' pension fund, § 2-253; police pension fund, § 2-306.

Sec. 2-1115. Social security.

(a) It is the policy and purpose of the city to continue the extension to all eligible employees and officials of the city who are not excluded by law, whether employed in connection with a governmental or proprietary function of the 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 RSMo 105.300--105.440, as amended.

(b) There is authorized to be and shall be appropriated from the general fund of the city the sum of money necessary to pay the contributions of the city 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 the city, such sum of money to be paid into the contributions fund created by RSMo 105.300--105.445. The fund from which the appropriation is made shall, at all times, be sufficient to pay the contributions of the city directed to be paid to the contributions fund by this section.

(c) The city shall make such reports and provide such methods of administration of the plan and agreement provided for in this section as may be required by all applicable state and federal laws, rules and regulations 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 the plan and agreement, the director of finance shall be the official who shall make all required reports, keep all records and be responsible for the administration of the plan and agreement on behalf of the city, and any and all notices and communications from the state agency to this city with respect to the plan and agreement shall be addressed to Director of Finance, City Hall, St. Joseph, Missouri.

(Code 1969, §§ 2-82, 2-85, 2-86)

State law reference(s)--Social security coverage for public officers and employees, RSMo 105.300 et seq.

Secs. 2-1116--2-1125. Reserved.

DIVISION 2. RETIREMENT SYSTEM*

Sec. 2-1126. Established, computation of benefits.

(a) The city is a political subdivision as defined in RSMo 70.600--70.755 and elects to have covered by the Missouri Local Government Employees Retirement System all its eligible present and future general employees.

(b) The city elects that 100% of prior employment be considered for prior service credit in computing benefits and contributions to the system.

(Code 1969, § 2-86.1(a), (b))

State law reference(s)--Coverage authorized, RSMo 70.610.

Sec. 2-1127. Payroll deductions.

The director of administrative services is authorized and directed to deduct from the wages and salaries of each employee member the member contributions required by RSMo 70.705 and to promptly remit the deductions to the retirement system, together with the employer contributions required by RSMo 70.730, in accordance with the benefit plan elected by the city in accordance with the provisions of RSMo 70.655, as amended.

(Code 1969, § 2-86.1(c); G.O. 2839, 7-5-17)

Sec. 2-1128. Benefits program.

(a) As of July 1, 2017, the city has elected benefit program L-6 for covered general employees and benefit program L-11 for covered fire employees and police employees, all in accordance with the provisions of RSMo 70.655, as amended.

(b) The city elects the 36-month final average salary plan in accordance with the provisions of RSMo 70.656, as amended.

***State law reference(s)**--Local government employees retirement system, RSMo 70.600 et seq.

(c) As of July 1, 2017, the city has elected the unchanged member contribution rate established by RSMo 70.705.2, as amended, in accordance with the provisions of RSMo 70.705 and 70.730, as amended, for all covered employees.

(d) This election shall be effective on August 20, 2018, and supersedes previous elections. (Code 1969, § 2-86.2; G.O. 2839, 7-5-17; G.O. 2875, 8-13-18)

Secs. 2-1129--2-1149. Reserved.**ARTICLE VIII. PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS****

DIVISION 1. GENERALLY

Sec. 2-1150. Initiation.

The city manager, upon his own recommendation or upon the written application of persons who are responsible for 65% or more of the front footage for the paving of any street, alley, curb or sidewalk or upon the written application of 65% of the property owners within an established sewer district for the installation of sewers, shall cause to be prepared and submitted to the city council the appropriate documents for any such improvement.

(Code 1969, § 8-134)

****Charter reference(s)**--Public improvements and special assessments, art. VIII.

Cross reference(s)--Department of public works and transportation, § 2-336 et seq.; community redevelopment, ch. 11; park improvements, § 21-31 et seq.; streets, sidewalks, and miscellaneous public places, ch. 25; taxation, ch. 27.

State law reference(s)--Public improvements and special assessments, RSMo ch. 88.

Sec. 2-1151. Acceptance of improvement by city.

When a public work or improvement is completed in accordance with the contract as provided in this article, the mayor shall, in writing, so report to the council. The council, by ordinance, shall accept the improvement and, for that part to be paid for by special assessment, shall levy and assess a special tax and order the issuance of special tax bills in payment of the improvement. (Code 1969, § 8-142)

Sec. 2-1152. Street priority methodology plan for unimproved streets.

The city street priority methodology plan for unimproved streets shall be arrived at by using the following methods:

(1) *Evaluation categories generally.*

Evaluation Category	Maximum Points Per Category
Actual use of street	15
Classification of street	15
Density	10
Existing surface	10
Connector route	5
Traffic count	10
Zoning	5
Existing utilities	10
Street design complete.....	5
Right-of-way availability.....	5
Developmental potential.....	10
Total	100

(2) *Actual use of street:* The actual use of the street as arterial, collector or residential.

Arterial	15
Collector	10
Residential	5

(3) *Classification of street:* The official classification of the street as determined by ordinance as arterial, collector or residential.

Arterial.....	15
Collector	10
Residential	5

(4) *Density:* The number of houses for each 100 feet of street. This can be taken from aerial photographs:

4--5	10
3--4	8
2--3	6
1--2	4
0--1	2

(5) *Existing surface:* The actual street surface, ranging from dirt to three-inch asphalt.

Dirt	10
Gravel	8
Dust Control	6
Rock & Oil	4
3" Asphalt.....	2

(6) *Connector route:* Is the street a vital connection between two major routes?

Yes	5
No	0

(7) *Traffic count (ADT):* The average daily traffic count using the 1986 traffic volume map. If current actual counts are not available, use the number of residences times ten.

Over 949	10
850--949	9
750--849	8
650--749	7
550--649	6
450--549	5
350--449	4
250--349	3
150--249	2
0--149	1

(8) *Zoning:* Based on the current land use.

Industrial	5
Commercial	4
Residential	3
Agricultural	1

(9) *Existing utilities:* Based on the existing water, sewer and gas availability.

Existing Utilities.....	+10
No Gas.....	-2

No Water.....-3
 No Sewer-5

estimates of the cost of the proposed improvement.

(10) *Street design complete:* Based on the percentage of the design completed.

Use the percentage complete divided by 20. Example: 100% ÷ 20 = 5

(11) *Right-of-way availability:* Based on the present right-of-way width, or the ability to obtain the additional right-of-way.

Over 60' 5
 51--60' 4
 41--50' 3
 21--40' 2
 0--20' 1

(12) *Development potential:* The abutting properties' potential for development.

Very good 10
 Good 8
 Fair/good..... 6
 Fair..... 4
 Poor..... 2

(Gen. Ord. No. 1023, § 1(8-159), 10-12-92)

Sec. 2-1153. Policy for payment of special assessments for permanent improvements.

The policy and procedure for payment of special assessments for permanent improvements shall be the same as that set forth in RSMo. Chapter 88, as applicable.
 (Code 1969, § 8-158; G.O. 1467, 10-7-96)

Sec. 2-1154. Procedures for street improvements.

In the improvement of public highways, including streets, avenues, alleys and sidewalks, to be paid for in whole or in part by special tax bills upon real property as provided in the charter, the following procedure shall be used:

(1) *Action by city manager.* The city manager shall cause to be prepared, filed with the director of public works and transportation, subject to inspection of the public, and submitted to the council preliminary plans, specifications and

(2) *Action by council.* The council shall, by resolution, declare the work or improvement necessary, state the nature thereof and the method of payment and refer to the preliminary plans, specifications and estimates of cost filed in the office of the director of public works and transportation. The council shall cause the resolution to be published in some daily newspaper printed in the city for five consecutive issues. The department of public works and transportation shall give notice by mail of the necessity of such public improvement project to all of the owners of property liable to be taxed for such project prior to the first day of publication. The failure of a property owner to receive the notice shall not affect the validity of the proceedings. On the first day of publication, if the owners of a majority of the property liable to be taxed for such project do not within ten days after final publication file with the city clerk a remonstrance against such improvements, the council may proceed with such improvements. The council may, by ordinance, provide for the improvement and specify the interest rate and manner of payment of special tax bills issued pursuant thereto and authorize the city manager to enter into a contract with the lowest and best bidder for the work on behalf of the city. If sufficient valid remonstrances constituting a majority of the owners of front footage of the property liable to be taxed for such project are filed with the city clerk in protest of such project, the council shall call a public hearing for the purpose of considering such project. It shall take the two-thirds vote of all the members of the council to approve such project.

(3) *Letting contract.* The city purchasing agent shall then advertise for bids therefor, according to final plans and specifications provided, in accordance with Charter Section 8.4. The cost to the property owner will be no more than the amount previously stated in the

resolution of necessity. The contract shall be awarded to the lowest and best bidder, subject to the right of the council to reject any and all bids. If for any reason a legally enforceable contract cannot be let, readvertisement for bids by the city purchasing agent may be had as often as may be deemed expedient.

(Code 1969, § 8-136)

Sec. 2-1155. Street paving.

(a) There are established the following general types and specifications for street paving within the city, including payment:

(1) *Type A.* All type A streets shall be permanent pavement at established elevations built to the following specifications:

- a. *Width.* Between 36 feet and 44 feet back-to-back with concrete curbs and gutters. Recommendations shall be furnished by the director of public works and transportation. The recommended widths may be decreased to 28 feet where recommended by the director of public works and transportation.
- b. *Surface.* Minimum of six inches AEPCC or six inches asphaltic treated base with two inches asphaltic surface coat, concrete curbs and gutters.
- c. *Driveways.* Six inches of concrete to a distance of four feet from back of curb at each existing driveway.
- d. *Drainage.* Grading, curbs, gutters, drainage structures included in improvement costs.
- e. *Method of payment.*

1. The abutting property owners shall have their portion of the cost of construction of the improvements limited to \$30.09 per front foot as set out in Resolution No. 6094 adopted by the city council on February 19, 1986, or the latest revisions thereto. Property owners shall pay their portion of construction cost either by private cash contract or special tax bills.

2. All streets in new subdivisions must be entirely paid for by the subdivider. All streets abutting a new subdivision shall be improved to type A or type B standards. Where such occurrences exist, the subdivider shall be responsible for 50 percent of the costs associated with the improvement, and the property owners who abut the subdivision shall be responsible for their portion of the costs to the limits contained in Sub-section (a)(1)e.1. of this section.

(2) *Type B.* All type B streets shall be permanent pavement at established elevations built to the following specifications:

- a. *Width.* Twenty-eight feet back-to-back with concrete curbs and gutters.
- b. *Surface.* Six inches AEPCC or six inches asphalt treated base with two inches asphaltic surface coat, concrete curbs and gutters.
- c. *Driveways.* Six inches of concrete to a distance of four feet from back of curb at each existing driveway.
- d. *Drainage.* Grading, curbs, gutters, drainage structures included in improvement costs.
- e. *Method of payment.*

1. The abutting property owners shall have their portion of the cost of construction of the improvements limited to \$30.09 per front foot as set out in Resolution No. 6094 adopted by the city council on February 19, 1986, or the latest revisions thereto. Property owners shall pay their portion of construction cost either by private cash contract or special tax bills.
2. All streets in new subdivisions must be entirely paid for by the subdivider. Platted or unimproved streets abutting a new subdivision shall be improved to type A or type B standards. Where such occurrences exist, the subdivider shall be

responsible for 50% of the costs associated with the improvement, and the property owners who abut the subdivision shall be responsible for their portion of the costs to the limits contained in Subsection (a)(2)e.1. of this section.

(3) *Type C.* All type C streets shall be semipermanent, all-weather pavement, on reestablished grade elevations built to the following specifications:

- a. *Width.* Not less than 28 feet back-to-back of concrete curb and gutter.
- b. *Surface.* Not less than five inches asphalt.
- c. *Driveways.* Property owners must pay separately for driveway of the type they desire.
- d. *Drainage.* Grading, curbs and gutters, drainage structures included in improvement cost. Curbs will be cut down at driveways, but nothing constructed in back of curblines.
- e. *Method of payment.* Abutting property owners to pay 67% of improvement cost by:

- 1. Cash contract; or
- 2. Tax bills.

City pays 33%.

(4) *Type D.* In special circumstances to meet local conditions, when so recommended by the director of public works and transportation and approved by the council, varying types of surface may be authorized as type D. Generally, the type D streets will be built to meet the following specifications:

- a. *Width.* Twenty-two feet wide. Where economically feasible, the council may authorize a waiver to narrower width.
- b. *Surface.* Three to five inches of hot mixed asphalt which will be placed on existing grade over an existing rock base road. In special circumstances, the council may authorize three-inch asphalt over earthen base if properly compacted and some stone base is

used to strengthen unstable areas. No shoulders will be constructed. Normally this type of surfacing will be used on collector streets or roads bordered by tract land. In special circumstances, the council may authorize this type street in built-up residential areas.

- c. *Driveways.* Existing driveways shall be adjusted as needed.
- d. *Drainage.* Open roadside ditches. Property owners will purchase driveway culverts of corrugated iron or equal having a minimum diameter of 12 inches. The city will deliver and place the driveway culverts after the property owner has purchased the culvert. Property owners will provide ramp from their driveway surface to top of new pavement.
- e. *Method of payment.* City pays 25%. Property owner pays 75%. Property owners must collect their share in advance and deposit in the city finance office. Priority will be on a first come, first served basis, depending on the time the property owners deposit the money in the finance office.

(5) *Type E.* All type E streets shall be deemed temporary and shall be constructed to the following specifications:

- a. *Width.* Eighteen feet minimum.
- b. *Surface.* Rock and oil consisting of one tack coat over four inches compacted rolled stone base and two coats of asphalt and chips. The requirement for compacted rolled stone base may be waived, provided the existing base is at least four inches thick and extends to the full width of the proposed improvement. No shoulders will be constructed. The entire area from edge of ditch to edge of ditch will be sealed with rock and oil.
- c. *Driveways.* Property owners shall be responsible for adjusting.
- d. *Drainage.* Open roadside ditches. Property owners shall purchase corrugated metal pipe or approved

equal driveway culverts. The diameter of the culvert pipes shall be determined by the director of public works and transportation; however, no pipe shall have a diameter of less than 12 inches. The city will deliver and place the driveway pipe after the property owner has purchased the pipe. The property owner must contact the city yards and arrange for the installation of the driveway culvert.

- e. *Method of payment.* The city will pay for 50% of the cost of the project and the property owners are to pay for 50% of the cost of the project. Property owners must petition the city for the work, collect their 50% share and deposit the money with the director of finance for the sole purpose of paying for the cost of the improvements. Priority would be on a first come, first served basis, depending on the time the property owners deposit the money with the director of finance. The city will participate in this program so long as funds are available.
- (6) *Type F.* All type F streets shall be very temporary, built to the following specifications:
- a. *Width.* Eighteen feet or as determined by the director of public works and transportation.
 - b. *Surface.* Rock and oil on earthen roadbed, gravel or graded earth, etc.
 - c. *Driveways.* Property owners shall be responsible for adjusting.
 - d. *Drainage.* Open roadside ditches. Property owner shall purchase corrugated metal pipes or approved equal driveway culverts. The diameter of the culvert pipes shall be determined by the director of public works and transportation; however, no pipe shall have a diameter smaller than 12 inches. The city will deliver and place the driveway pipe after the property owner has purchased the pipe. The property owner must contact the city yards and arrange for the installation of the driveway culvert.

- e. *Method of payment.* Property owner must pay all cost for rock and oil, city will grade, ditch and shape roadway prior to placing rock and oil. The city will pay for gravel on existing roadway; however, only enough gravel will be placed to keep the roadway passable. Additional gravel may be placed at the property owners' expense if the property owners desire. All existing, open roadways will be graded, ditched and shaped by city forces.

(b) When petitions are filed for the improvement of any street, as provided in Section 2-1151, the director of public works and transportation shall include in the report submitted to the council his recommendations as to the type of street improvement to be undertaken.

(c) When tax bills are issued to pay for street improvements, the term of the tax bills shall be fixed in the ordinance issuing the tax bills. The director of public works and transportation will include in his report to the council the shortest period practical for the issuance of such tax bills.

(d) This section is not intended to affect in any way the construction, alteration or maintenance of any alley within the city.

(e) When the city is to participate monetarily in the improvement of any street pursuant to the provisions of this section, the city shall do so only to the extent that funds are available.
(Code 1969, § 8-157)

Sec. 2-1156. Sewer construction.

In the improvement of sewers to be paid for in whole or in part by special tax bills upon real property as provided in the charter, the following procedure shall be used:

- (1) The council shall, by ordinance, establish and define the sewer district in which sewers are to be constructed.
- (2) The city manager shall cause to be prepared, filed with the director of public works and transportation and submitted to the council preliminary plans, specifications and estimates of cost of the proposed improvement.

- (3) The council shall by resolution declare the work or improvement necessary, state the nature thereof and the method of payment and refer to the preliminary plans, specifications and estimates of cost filed in the office of the director of public works and transportation. The council shall cause the resolution to be published in some daily newspaper printed in the city for five consecutive issues. The department of public works and transportation shall give notice by mail of the necessity of such public improvement project to all of the owners of property liable to be taxed for such project prior to the first date of publication. The failure of a property owner to receive the notice shall not affect the validity of the proceedings. On the first day of publication, if the owners of a majority of the property liable to be taxed for such project do not within ten days after final publication file with the city clerk a remonstrance against such improvements, the council may proceed with such improvements. The council may, by ordinance, provide for the improvement and specify the interest rate and manner of payment of special tax bills issued pursuant thereto and authorize the city manager to enter into a contract with the lowest and best bidder for the work on behalf of the city. If sufficient valid remonstrances constituting a majority of the owners of the square footage of the property liable to be taxed for such project are filed with the city clerk in protest of such project, the council shall call a public hearing for the purpose of considering such project. It shall take the two-thirds vote of all the members of the council to approve such project.

- (4) The city purchasing agent shall then advertise for bids therefor, according to the final plans and specifications provided, in accordance with Charter Section 8.4. The cost to the property owner will be no more than the amount previously stated in the resolution of necessity. The contract shall then be awarded to the lowest and best bidder, subject to the right of the council to reject any and all bids. If for any reason a legally enforceable contract cannot be let, readvertisement for bids by

the city purchasing agent may be had as often as may be deemed expedient.
(Code 1969, § 8-137)

Secs. 2-1157--2-1165. Reserved.

DIVISION 2. CONDEMNATION
PROCEEDINGS*

Sec. 2-1166. Plats of affected property.

Whenever the city council shall provide by ordinance for the establishing, opening, widening or altering any street, alley, parkway, boulevard, public place or sewer or to condemn private property for any other public use, the director of public works and transportation shall, on request of the city council, furnish all necessary plats showing the property affected by the proposed condemnation, a description of each parcel of property and the name of the owner thereof.
(Code 1969, § 19-31)

Sec. 2-1167. Delivery of judgment.

After final action is taken by the circuit court on the report of the commissioners in any condemnation proceeding instituted for any purpose as stated in Section 2-1166 and after a certified copy of the judgment of the circuit court has been delivered to the city clerk by the clerk of the circuit court, and the city council shall have made an appropriation for the payment out of the city treasury of the amount awarded against the city or the total amount awarded, as the city council may deem advisable, it shall then be the duty of the city clerk in any case in which there are assessments of benefits against private property to immediately deliver to the director of finance a copy of such circuit court judgment in such case.
(Code 1969, § 19-32)

Sec. 2-1168. Record, notice.

The director of finance, upon delivery to him by the city clerk of certified copy of the judgment as provided in Section 2-1167, shall record in a book provided for that purpose a description of the property assessed, together with the names of

*State law reference(s)--Condemnation proceedings, RSMo 88.010 et seq.

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the owners thereof and the amount of such assessment. The director of finance shall, forthwith, send by mail to the owners of the properties so assessed a notice that the assessments are in his hands for collection and will remain in his office for collection for a period of 30 days from the date received by him, and he shall name the date.

(Code 1969, § 19-33)

Sec. 2-1169. Unpaid assessments.

Upon the expiration of the 30 days provided for in Section 2-1168, if the assessment remains unpaid, the director of finance shall deliver to the city attorney a list of all properties, together with the names of the owners thereof, against which assessments were made, as provided in Section 2-1167, and which remain unpaid, and it shall thereupon be the duty of the city attorney to proceed to enforce the payment of such unpaid assessments by execution.

(Code 1969, § 19-34)

Secs. 2-1170--2-1180. Reserved.

DIVISION 3. SIDEWALKS

Sec. 2-1181. Resolution declaring necessity to construct, repair.

Whenever the council shall, by resolution, declare that it is necessary to reconstruct or repair any sidewalk which is not a part of a street paving project, the mayor shall forthwith cause plans, specifications and an estimate of cost of the project to be prepared. The resolution shall prescribe the time, after service of notice, to be allowed abutting property owners to comply with such resolution.

(Code 1969, § 8-153)

Sec. 2-1182. Notice of project to abutting owners.

The owners of property abutting upon any sidewalk reconstruction or repair project shall be notified of the project by certified mail from the department of public works and transportation. If any owner is unknown or cannot be notified, the notice shall be published for five consecutive issues in a daily newspaper in the city. All notices shall describe the location of the sidewalk, shall refer to the plans and specifications and estimate of cost of the work to be done, and shall be on file in the department of public works and

transportation, accessible to abutting property owners' inspection, and shall notify the abutting property owners of the time in which they must provide for the reconstruction or repair of the sidewalk.

(Code 1969, § 8-154)

Sec. 2-1183. Failure of property owner to reconstruct, repair sidewalk.

If the abutting property owner shall fail or refuse, within the time specified in the notice prescribed in Section 2-1182 to reconstruct or repair such sidewalk in accordance with the plans, specifications and estimate of cost therefor, the council, by ordinance, shall order the reconstruction or repair of such sidewalk to be done, either by the department of public works and transportation or by a contractor, to be let in the same manner provided in this article as contracts for street improvements.

(Code 1969, § 8-155)

Sec. 2-1184. Payment for reconstruction or repair.

After the reconstruction or repair of any sidewalk has been completed under the provisions of Section 2-1183, payment therefor shall be made either out of the general revenue of the city or by a special assessment levied and collected against the abutting property in the same manner as tax bills are levied against abutting property on street improvement projects.

(Code 1969, § 8-156)

Secs. 2-1185--2-1195. Reserved.

DIVISION 4. RESERVED

Secs. 2-1196--2-1210. Reserved.

(4/1/21)

DIVISION 5. SPECIAL TAX BILLS

Sec. 2-1211. Interest rate.

Unless otherwise provided by ordinance, the interest rate of special tax bills issued pursuant to the provisions of this article shall be eight percent per annum.

(Code 1969, § 8-135)

Sec. 2-1212. Costs incurred by city.

When any public work or improvement is to be paid for in whole or in part by special tax bills or special assessments, the council may include in such special tax bills or special assessments any costs or expenses incurred by the city. In no instance whatsoever shall the council include in such levy and assessment any costs or expenses incurred by the city, the total of which exceed five percent of the contract price of the improvement; provided, however, that no costs or expenses incurred by the city in preparing street improvement projects and in making any street improvements shall be included in the total cost to be paid for in whole or in part by special tax bills or special assessments.

(Code 1969, § 8-143)

Sec. 2-1213. Information required on special tax bills for district or joint district sewers.

(a) In the issuing of special tax bills for the construction of district or joint district sewers, the director of public works and transportation is required to have written, printed or stamped

thereon, upon the upper one-third of the back of the bills, the following information:

- (1) Number of sewer district.
- (2) Number of special ordinance ordering the work, with date of approval.
- (3) Name of the contractor, with date of approval of contract.
- (4) Location of sewers let.
- (5) Number of feet of each size sewer let.
- (6) Cost per foot for each size.
- (7) Number of inlets, the location and cost of each.
- (8) Number of manholes, the location and cost of each.
- (9) Total number of square feet in the district.
- (10) Cost per square foot.
- (11) Total cost to the district.

(b) The failure to print such information shall in no way whatsoever affect the validity of the special tax bills.

(Code 1969, § 8-144)

Sec. 2-1214. Payment.

(a) *Generally.* The owner of property described in a special tax bill may pay such tax bill at the time and in the amounts therein specified to either the legal holder of such special tax bill or to the director of finance. The director of finance shall be deemed the lawful agent in such cases to accept payment on behalf of the legal holder of the special tax bill.

(b) *Installments.* Unless otherwise provided by ordinance, special tax bills on public highways, including streets, avenues, alleys and squares, shall be payable in five annual installments, and special tax bills on sewers, sanitary and storm, shall be payable in three annual installments.

(c) *Interest.* All such special tax bills shall be issued and shall draw interest as of the date of passage of the ordinance accepting such

improvements, provided that the director of finance may accept the face amount of the special tax bill from the property owner therein described as full payment, certifying and entering satisfaction thereof as provided in Section 2-1215, if the face amount is so paid to the director of finance within 30 days after issuance of the special tax bill.

(Code 1969, § 8-145)

Sec. 2-1215. Certification of payment.

(a) *Payment to holder.* When payment of a special tax bill in full, with interest, shall be made directly to the legal holder of such bill, such holder shall endorse on the back thereof a receipt for the amount paid and deliver the tax bill to the party making such payment, together with a certificate addressed to the director of finance, stating that such tax bill has been paid and that the owner of the property therein described is entitled to have satisfaction thereof entered on the register of special assessments for improvements. The director of finance shall file such certificate upon receipt of the tax bill and shall certify on the back of such bill that such satisfaction has been properly entered on such register.

(b) *Payment to director of finance.* When payment of a special tax bill in full, with interest, shall be made directly to the director of finance, he shall prepare a certificate, a copy of which shall serve as a receipt, indicating that such payment has been made and that the owner of the property described in the tax bill is entitled to have satisfaction thereof entered on the register of special assessments for improvements, which certificate shall be filed with the certificates required in this section. The director of finance shall at that time enter satisfaction of such tax bill on the register of special assessments for improvements. The director of finance shall then secure the tax bill from the legal holder thereof, certifying on the back of such tax bill that satisfaction has been properly entered on the record, and endorsing a receipt on the back of the bill for the amount paid, thereafter surrendering the tax bill to the person having paid such bill.

(c) *Satisfaction when tax bill is lost.* If any tax bill shall be lost before satisfaction thereof has been entered on the record of special assessments, the director of finance shall, upon

the affidavit of the person entitled to such bill that the tax bill has been lost, together with the affidavit of the contractor or his assignee that the tax bill has been paid if payment shall be made to the legal holder thereof, enter satisfaction of such bill on the register of special assessments.

(Code 1969, § 8-146)

Sec. 2-1216. Lien.

Every special tax bill issued by the city in payment of public works constructed shall be a lien against the property therein described, from the date of its issuance, which lien shall continue for a period of six years thereafter, unless otherwise provided by special ordinance. If suit is brought on any such tax bill within the time limited in this article, the lien shall continue until the termination of the legal proceedings to collect the tax bill, including any sale of the property charged.

(Code 1969, § 8-147)

Sec. 2-1217. Assignability.

Every special tax bill and the lien thereof shall be assignable.

(Code 1969, § 8-148)

Sec. 2-1218. Suit to collect.

Every special tax bill, with interest therein provided, may be collected by suit by the owner thereof, in the name of such owner, in any court of competent jurisdiction. In the institution of such suit, it shall be sufficient for the plaintiff to plead the making and issuance of the tax bill sued on, giving the date and contents thereof and assignment thereof, in case of assignment, and alleging that the parties who are made defendants own or claim to own the land charged or some estate or interest therein, as the case may be.

(Code 1969, § 8-149)

Sec. 2-1219. Evidence of contents.

A special tax bill shall, in any action thereon, be prima facie evidence of the validity of the bill, of the doing of the work, of the furnishing of materials charged for and of the liability of the property to the charge stated in the bill. Any defendant may plead in reduction of the bill any mistake or error in the amount thereof or that the work was not done according to the provisions of the contract.

(Code 1969, § 8-150)

Sec. 2-1220. Suit not affected by certain irregularities.

No suit on any special tax bill shall be affected by any irregularity affecting other tax bills or rendering any other tax bill invalid in whole or in part.

(Code 1969, § 8-151)

Sec. 2-1221. Scope of judgment in suit.

If the plaintiff recovers in his suit, the judgment shall be special and the plaintiff shall recover the amount found due, including interest and costs to be levied on the land described in the tax bill, and shall be satisfied on special execution issued to sell the land in payment of such judgment, interest and costs. Such judgment shall bear interest at the same rate as the tax bill.

(Code 1969, § 8-152)

Sec. 2-1222. Filing notice of suit with director of finance.

If suit on a special tax bill shall be brought, the plaintiff therein shall, within ten days after the bringing of such suit, cause to be filed in the office of the director of finance a written statement giving a brief description of the tax bill sued upon and in what court and against whom such suit shall have been brought. If the plaintiff in such suit shall fail to file such statement within the limited time, the land described in the tax bill sued on shall be free from the lien of the tax bill and of any judgment in such suit and shall not be sold in satisfaction of any such judgment; provided, however, that failure to file such notice shall not affect or invalidate the lien or judgment as to the interest of persons made parties to such suit and served with due process therein. The director of finance shall, immediately after the filing of the written notice mentioned in this section, note on the record of the duplicate tax bill retained in the director of finance's office the time of the filing of such statement and the substance of the statement, in what court and against whom the suit is instituted.

(Code 1969, § 8-152.1)

Secs. 2-1223--2-1245. Reserved.

**ARTICLE IX. IMPOUNDMENT,
REDEMPTION, STORAGE AND SALE
OF ABANDONED, STOLEN OR LOST
PROPERTY AND MOTOR VEHICLES***

Sec. 2-1246. Definitions.

The following terms, when used in this article, shall mean:

- (1) *Abandoned property*, any unattended motor vehicle, trailer, off-road vehicle, outboard motor or vessel removed or subject to removal from public or private property as provided in this article, whether or not operational.
 - (2) *Freeway*, a divided state highway with four or more lanes, with no access to the throughways except the established interchanges and with no at-grade crossings.
 - (3) *Interstate highway*, a state highway included in the national system of interstate highways located within the boundaries of the city, as officially designated or as may be hereafter designated by the Missouri Highway and Transportation Commission with the approval of the United States Secretary of Transportation, pursuant to Title 23, United States Code, as amended.
 - (4) *Off-road vehicle*, any vehicle designed for or capable of cross-country travel on or immediately over land, water, ice, snow, marsh, swampland or other natural terrain without benefit of a road or trail, including, without limitation, the following:
 - a. jeeps;
 - b. all-terrain vehicles;
 - c. dune buggies;
 - d. multiwheel drive or low-pressure tire vehicles;
 - e. vehicle using an endless belt or tread or treads, or a combination of tread and low pressure tires;
 - f. motorcycles, trail bikes, minibikes, and related vehicles;
 - g. any other means of transportation deriving power from any source other than muscle or wind;
- and excluding the following;
- a. registered motorboats;
 - b. aircraft;
 - c. any military, fire or law enforcement vehicle;
 - d. farm-type tractors and other self-propelled equipment for harvesting and transporting farm or forest products;
 - e. any vehicle being used for farm purposes, earth moving or construction while being used for such purposes on the work site;
 - f. self-propelled lawnmowers, or lawn or garden tractors or golf carts, while being used exclusively for their design purpose; and
 - g. any vehicle being used for the purpose of transporting a handicapped person.
- (5) *Right-of-way*, the entire width of land between the boundary lines of a state highway, city street or alley, including any roadway.
 - (6) *Roadway*, that improved portion of a state highway, city street or alley used for vehicular travel, exclusive of any berm or shoulder.
 - (7) *State highway*, a highway constructed or maintained by the Missouri Highway and Transportation Commission with the aid of state or federal funds, or any highway included by authority of law in the state highway system, including all right-of-way.
 - (8) *Towing company*, any person or entity which tows, removes or stores abandoned property.

(Code 1969, § 19-163; G.O. 1465, 9-23-96)

***Cross reference(s)**—Police department, § 2-296 et seq.; streets, sidewalks, and miscellaneous public places, ch. 5; nuisances, § 15-26 et seq.; junk, § 15-51 et seq.; solid waste, ch. 24; traffic and vehicles, ch. 28.

Sec. 2-1247. Authority of police department - towing abandoned property on right-of-way and public lands.

(a) Any police officer within the officer's jurisdiction may authorize a towing company to remove to a place of safety:

- (1) Any abandoned property on the right-of-way of:
 - a. Any interstate highway, freeway or other state highway left unattended for more than ten hours;
 - b. Any other public street or alley left unattended for a period of 48 hours or more and which has been tagged with an official 48 hour notice by the police department when the abandoned property does not display a current vehicle license tag or the abandoned property appears to be inoperable, dismantled or is in such a state of disrepair that it cannot presently be operated lawfully upon the streets, highways, boulevards or waters of the city;

provided that commercial motor vehicles not hauling waste designated as hazardous under 49 U.S.C. Sec. 5103(a) may only be removed under this article to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice;

- (2) Any unattended abandoned property illegally left standing upon any highway, street, alley or bridge if the abandoned property is left in a position or under such circumstances as to obstruct the normal movement of traffic where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal.
- (3) Any abandoned property which has been abandoned under Section 577.080, RSMo.;
- (4) Any abandoned property which has been reported as stolen or taken without consent of the owner;

- (5) Any abandoned property for which the person operating such property is arrested for an alleged offense for which the officer is required to take the person into custody and where such person is unable to arrange for the property's timely removal;
- (6) Any abandoned property which due to any other state law or city ordinance is subject to towing because of the owner's outstanding traffic or parking violations;
- (7) Any abandoned property left unattended in violation of a state law or city ordinance where signs have been posted giving notice of the law or where the violation causes a safety hazard; or
- (8) Any abandoned property illegally left standing on the waters of the city and state as defined in Section 306.010, RSMo., where the abandoned property is obstructing the normal movement of traffic, or where the abandoned property has been unattended for more than ten hours or floating loose on the water.

(b) Neither the police officer nor anyone having custody of abandoned property under his direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this article other than damages occasioned by negligence or by willful or wanton acts or omissions.

(c) The owner of abandoned property removed as provided in this article shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in Subsection (g) of this section.

(d) Upon the towing of any abandoned under this article, the police department shall make an inquiry with the National Crime Information Center and any statewide law enforcement computer system to determine if the abandoned property has been reported as stolen and shall enter the information pertaining to the towed property into the statewide law enforcement computer system. The police department shall submit a crime inquiry and inspection report to the Missouri Department of Revenue, on any unclaimed abandoned property, within ten working days of the towing of the abandoned

property. The crime inquiry and inspection report shall include the following:

- (1) The year, model, make and property identification number of the abandoned property;
- (2) A description of any damage to the property noted by the police officer;
- (3) The license plate or registration number and the state of issuance, if available;
- (4) The storage location of the towed abandoned property;
- (5) The name, telephone number and address of the towing company;
- (6) The date, place and reason for towing of the abandoned property;
- (7) The date of the inquiry of the National Crime Information Center, any statewide law enforcement computer system and any other similar system which has titling and registration information to determine if the abandoned property had been stolen;
- (8) The signature and printed name of the police officer and the towing company; and
- (9) Any additional information the Missouri Department of Revenue deems appropriate.

(e) The police department shall utilize any uniform "authorization to tow" form provided by the Missouri Department of Revenue. The completed form shall be issued by the authorizing police officer to the tow company for that company's records as proof of authorization to tow particular abandoned property. One copy of the crime inquiry and inspection report shall remain with the police department. One copy shall be provided to and retained by towing company in an accessible format in its business records for a period of three years from the date of the tow or removal.

(f) The owner of towed abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of

record and payment of all reasonable charges for the towing and storage of the abandoned property.

(g) Any towing company who removes abandoned property at the direction of a police officer as provided in this article shall have a lien for all reasonable charges for the towing and storage of the abandoned property until possession of the abandoned property is voluntarily relinquished to the owner of the abandoned property or the holder of a valid security interest of record. Such lien shall be enforced in the manner described in Section 304.156, RSMo.

(h) Towing companies shall keep a record for three years on any abandoned property towed and not reclaimed by the owner of the abandoned property. Such record shall contain a copy of the police officer's authorization to tow, copies of all correspondence with the Missouri Department of Revenue concerning the abandoned property and information concerning the final disposition of the possession of the abandoned property.

(i) Any personal property within the towed abandoned property need not be released to the owner thereof until the reasonable or agreed charges for such recovery, transportation or safe-keeping of the abandoned property have been paid or satisfactory arrangements for payment have been made, except that any medication prescribed by a physician shall be released to the owner thereof upon request. The towing company or police officer holding or storing the property shall either release the personal property to the owner of the abandoned property or allow the owner to inspect the property and provide an itemized receipt for the contents. The towing company holding or storing the personal property shall be strictly liable for the condition and safe return of the property. Stolen, unidentified or impounded personal property, other than the abandoned property, which is removed or caused to be removed by the police department shall be stored at the law enforcement center, unless because of its size, nature or condition it should reasonably be stored elsewhere. Such personal property may be subject to the actual cost of removal and administrative and storage fees, provided that the storage fee for such unclaimed personal property shall not be less than \$1.00 per day of storage.

(Code 1969, § 19-166; G.O. 1465, 9-23-96)

Sec. 2-1248. Authority of police department - towing abandoned property on private lands.

(a) If a person abandons property on any real property owned by another without the consent of the owner or person in possession of the property, at the request of the person in possession of the real property, any police officer within the officer's jurisdiction may authorize a towing company to remove such abandoned property from the property in the following circumstances:

- (1) The abandoned property is left unattended for more than 48 hours; or
- (2) In the judgment of the police officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.

(b) Neither the police officer or anyone having custody of abandoned property under his or her direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section other than damages occasioned by negligence or by willful or wanton acts or omissions.

(c) When the owner of real property or a lessee in lawful possession of the real property authorizes a towing company to remove abandoned property without the authorization of a police officer, pursuant to Section 304.157, RSMo, and a towing company submits an abandoned property report to the police department, the police department must record the date the abandoned property report was filed with the department and within five days of such filing make an inquiry into the National Crime Information Center and any statewide law enforcement computer system to determine if the abandoned property has been reported as stolen. The police department shall enter the information pertaining to the towed abandoned property into the statewide law enforcement computer system. (Code 1969, § 19-164; G.O. 1465, 9-23-96)

Sec. 2-1249. Disposition of towed abandoned property.

(a) Upon causing the removal of any abandoned property under this article, if the police department knows the registered owner or lienholder of the abandoned property, it shall within five working

days give notice in writing to the registered owner and any lienholder of the fact of the removal, the grounds for the removal and indicate the place to which the property has been removed. If the abandoned property is stored with a tow company, a copy of the notice shall be given to the tow company. The notice provided for in this subsection shall include the amount of mileage, if available, shown on the abandoned property at the time of the removal.

(b) A tow company storage facility where abandoned property is stored pursuant to this article shall accept cash or a valid bank credit card for payment of towing and storage by a registered owner or the owner's agent claiming the abandoned property, except where the tow and impoundment of the abandoned property was the result of an arrest or accident whereby the towing company may then demand payment in the form of cash. A tow company who refuses to accept a valid bank credit card pursuant to this subsection is liable to the registered owner of the abandoned property for four times the amount of the towing and storage charges, but not to exceed \$500.00, as provided by Section 304.158.7 RSMo. In addition, persons operating or in charge of a tow company storage facility shall have sufficient moneys on the premises to accommodate, and make change in, reasonable monetary transaction.

(c) Any towing company which comes into possession of abandoned property pursuant to this article and who claims a lien for recovering, towing or storing abandoned property shall give notice to the title owner and to all persons claiming a lien thereon, as disclosed by the records of the Missouri Department of Revenue or of a corresponding agency in any other state. The towing company shall notify the owner and/or lienholder(s) within ten business days of the date of mailing indicated on the Missouri Department of Revenue notice to the towing company of the names and addresses of the owner and/or lienholder(s) ascertained. The notice shall contain the following:

- (1) The name, address and telephone number of the tow company storage facility;
- (2) The date, reason and place from which the abandoned property was removed;

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- (3) A statement that the amount of the accrued towing, storage and administrative costs are the responsibility of the owner, and that storage and/or administrative costs will continue to accrue as a legal liability of the owner until the abandoned property is redeemed;
- (4) A statement that the tow company claims a possessory lien for all such charges.
- (5) A statement that the owner or holder of a valid security interest of record may retake possession of the abandoned property at any time during business hours by proving ownership or rights to a secured interest and paying all towing and storage charges;
- (6) A statement that, should the owner or holder of a valid security interest consider that the towing or removal was improper or not legally justified, the owner has a right to request a hearing as provided in Subsection (f) of this section to contest the propriety of such towing or removal;
- (7) A statement that if the abandoned property remains unclaimed for 30 days from the date of mailing the notice, title to the abandoned property will be transferred to the person or firm in possession of the abandoned property free of all prior liens; and
- (8) A statement that any changes in excess of the value of the abandoned property at the time of such transfer shall remain a liability of the owner.

A towing company may assess storage charges for abandoned property only for the time in which it complies with the procedural requirements of this article.

(d) In the event that the records of the Missouri Department of Revenue fail to disclose the name of the owner or any lienholder of record for the abandoned property, upon notification by the Department of Revenue to the towing company of such failure, the towing company shall attempt to locate documents or other evidence of ownership on or within the abandoned property itself. The towing company must certify that a physical search of the abandoned property disclosed no ownership documents and that a good faith effort

was made. For purposes of this subsection, "good faith effort" means that the following checks have been performed by the tow company to establish the prior state of registration and title:

- (1) Check of the abandoned property for any type of license plates, license plate record, temporary permit, inspection sticker, decal or other evidence which may indicate a state of possible registration and title;
- (2) Check the police report for a license plate number or registration number if the abandoned property was towed at the request of a police office;
- (3) Check the tow ticker/report of the tow company operator to see if a license plate was on the abandoned property at the beginning of the tow, if a private tow; and
- (4) If there is no address of the owner on the impound report, check the police report to see if an out-of-state address is indicated on the driver license information.

If no ownership information is discovered, the Missouri Department of Revenue shall be notified in writing by the tow company. Title may then be obtained in accordance with Section 304.156, RSMo., and Subsection (e) of this section.

(e) Thirty days after the notification form has been mailed by the towing company to the abandoned property owner and any holder(s) of a security agreement and the property is unredeemed and no satisfactory arrangement has been made with the lienholder in possession for continued storage, and the owner or any holder of a security agreement has not requested a hearing as provided in Subsection (f) of this section, the lienholder in possession may apply to the Missouri Department of Revenue for a salvage certificate of title designated with the words "salvage/abandoned property" or junking certificate based on the condition of the abandoned property as stated in the abandoned

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property report or crime inquiry and inspection report. The application for title shall be accompanied by:

- (1) An affidavit from the lienholder in possession that he has been in possession of the abandoned property for at least 30 days and the owner of the abandoned property or any holder of a security agreement has not made arrangements for payment of towing and storage charges;
- (2) An affidavit that the lienholder in possession has not been notified of any application for hearing as provided in Subsection (f) of this section;
- (3) A copy of the abandoned property report or crime inquiry and inspection report;
- (4) A copy of the 30 day notice given by certified mail to any owner and person holding a valid security interest and a copy of the certified mail receipt indicating that the owner and/or lienholder(s) of record received notice as required in this section.

If notice to the owner and/or holder of a security agreement has been returned marked "not forwardable" or "addressee unknown", the lienholder in possession shall comply with Subsection (d) of this section.

(f) The owner of abandoned property removed pursuant to the provisions of this article or any person claiming a lien, other than the towing company, within ten days after the receipt of notification from the towing company pursuant to Subsection (c) of this section may file a petition in the associate division of the Buchanan County Circuit Court to determine if the abandoned property was wrongfully taken or withheld from the owner, as provided in Section 304.156.5 RSMo.

(Code 1969, § 19-165; G.O. 1465, 9-23-96)

Sec. 2-1250. Redemption of abandoned property.

The owner of abandoned property removed as provided in this article shall be responsible for the payment of all reasonable charges for towing and storage of such abandoned property. Upon presentation of a written application, including proof of ownership, and a receipt from the towing

company showing all claims satisfied against the abandoned property, the police department shall authorize the release of the abandoned property to the owner, except where the abandoned property is held pursuant to another law.

(Code 1969, § 19-167; G.O. 1465, 9-23-96)

Sec. 2-1251. Sale of abandoned property by city.

(a) When control over abandoned property which is towed and stored pursuant to this article is retained by the city, the director of finance may authorize the sale of such property to be conducted in compliance with this section.

(b) Prior to such a sale, a complete and detailed list of all abandoned property to be included shall be prepared by the director of finance, or his or her designate. Said list shall be included in a notice of sale which shall be published at least one time five days prior to the sale in a newspaper published in the city. No piece of property shall be included on the list until the provisions of Section 2-1249 are met for that item.

(c) The sale of abandoned property shall be by public auction at the time and place set out in the notice of sale. The director of finance or his or her agent reserves the right to reject any and all bids submitted at the auction. Whenever any abandoned property is sold by the city pursuant to this section, the city shall furnish the purchaser with a bill of sale signed by the city clerk and sealed with the city seal at a time which is as soon as practical after the sale. Such bill of sale shall contain the make and model of the abandoned property, the complete abandoned property identification number and the odometer reading of the abandoned property, if available, and shall be lawful proof of ownership for any dealer registered under the provisions of Section 301.218, RSMo, or Section 301.560, RSMo, or for any other person. Any dealer or other person purchasing such abandoned property from the city shall apply within thirty days of purchase for a junking certificate or salvage certificate of title designated with the words "salvage/abandoned property" from the State of Missouri.

(G.O. 1564, 10/6/97)

Secs. 2-1252--2-1269. Reserved.

ARTICLE X. PROCEDURES TO BE UTILIZED TO EFFECT CODE ENFORCEMENT

Sec. 2-1270. Code enforcement officer.

It shall be the duty of any person given the responsibility of enforcing the city code to enforce all applicable provisions of said code, including, but not limited to, the following: building regulations code, fire protection and prevention code, health code, traffic code and zoning code. (G.O. 1296, 5-8-95)

Sec. 2-1271. Complaints.

Code enforcement officers shall inspect any house, building, lot or premises about which a written complaint has been filed by any person, including city staff, to the effect that said house, building, lot or premises is, or may be, existing in violation of the city code. (G.O. 1296, 5-8-95)

Sec. 2-1272. Right of entry for purposes of enforcement.

Employees of the city designated as code enforcement officers by the chief of police, the director of health, the director of community services, the director of public works and transportation or the fire chief are hereby authorized to go in and upon any house, building, lot or premises, whether public or private, at any reasonable time for the purpose of enforcing the provisions of the city code. The owner, occupant or operator of every house, building, lot or premises, or the person in charge thereof, shall give the code enforcement officer free access thereto, and to all parts thereof, and to the premises on which it is located at all reasonable times for the purpose of inspection, examination and survey. In the event the owner, operator or occupant shall refuse access to any house, building, lot or premises, the code enforcement officer may make application to the judge of the municipal court for a search warrant, pursuant to Section 2-1273, to search such house, building, lot or premises. (G.O. 1296, 5-8-95)

Sec. 2-1273. Search warrant.

(a) If a complaint in writing is filed with the judge of the municipal court of the city by the chief of police, the director of health, the director of community services, the director of public works and transportation or the fire chief, or any person designated by them, stating that he or she has probable cause to believe that a certain house, building, lot or premises, more particularly described therein, is or may be in violation of the city code and is within the territorial jurisdiction of the city, and if such complaint is verified by oath or affirmation stating evidential facts from which such judge determines the existence of probable cause, then such judge shall issue a search warrant directed to a specified code enforcement officer commanding him or her to search the structure or premises therein described. Such search warrant may be executed and returned only within ten days after the date of its issuance. The code enforcement officer shall make his or her return promptly after concluding the search and such return shall contain an itemization of all violations of the city code discovered pursuant to such search.

(b) The relief afforded the code enforcement officer by this section shall not be available to him or her unless he or she shall first have been refused access to the house, building, lot or premises concerning which the search warrant is sought.

(c) The refusal to admit the code enforcement officer to a house, building, lot or premises when the code enforcement officer is in lawful possession of a search warrant commanding him or her to enter is hereby declared to be a misdemeanor. (G.O. 1296, 5-8-95)

ARTICLE XI. POLICY OF OPEN MEETINGS AND OPEN RECORDS*

DIVISION 1. CITY MEETINGS AND RECORDS

Sec. 2-1300. Definitions.

As used in Chapter 2, Article XI, the following terms shall have the following definitions:

*State law reference(s)--Open meetings and public records, RSMo 610.010 et seq.

- (1) *Closed meeting, closed record or closed vote* means any meeting, record or vote closed to the public.
- (2) *Copying* means, if requested by a member of the public, copies provided at actual cost according to the provisions of this article if duplication equipment is available.
- (3) *Public business* means all matters which relate in any way to the performance of the city's functions or the conduct of its business.
- (4) *Public governmental body* means any legislative, administrative, governmental entity created by the constitution or statutes of the State of Missouri, by order or ordinance of the city, judicial entities when operating in an administrative capacity or by executive order, including:
- a. Any advisory committee or commission appointed by the mayor or city council;
 - b. Any legislative or administrative governmental deliberative body under the direction of three or more elected or appointed members having rulemaking or quasi-judicial power;
 - c. 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 or any advisory committee appointed by or at the direction 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; and
 - d. Any quasi-public governmental body.
- (5) *Public meeting* means any meeting of a public governmental body subject to Division 1 of this article 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 article, but the term shall include a public 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 members of the public governmental body gathered at one location in order to conduct public business.
- (6) *Public record* means 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 document or study prepared for a public governmental body by a consultant or other professional service as described in this section shall be retained by the public governmental body in the same manner as any other public record.
- (7) *Public vote* means any vote, whether conducted in person, by telephone or by any other electronic means, cast at any public meeting of any public governmental body.
- (8) *Quasi-public governmental body* means any person, corporation or partnership organized or authorized to do business in

the State of Missouri, or any 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 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 a public governmental body, but only to the extent that a meeting, record or vote relates to such appropriation.

(G.O. 1563, 10-6-97; G.O. 1643, 6-29-98; G.O. 2050, 8-30-04)

State law reference(s)--Similar provisions, RSMo 610.010.

Sec. 2-1301. Meetings -- notice, access and minutes.

(a) All public meetings shall be open to the public and public votes shall be open to the public for inspection and duplication.

(b) Each public governmental body 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. 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 at the city hall or other prominent place which is easily accessible to the public and clearly designated for that purpose. The notice shall be given at least 24 hours, exclusive of weekends and holidays when the 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) 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. At any public meeting conducted by telephone or other electronic means, the public shall be allowed to observe and attend the public meeting at a designated location identified in the notice of the meeting. Every reasonable effort shall be made to grant special access to the meeting to handicapped or disabled individuals.

(d) A public body shall allow for the recording by audiotape, videotape or other electronic means of any open meetings. A public body may establish guidelines regarding the manner in which such recording is conducted so as to minimize disruption to the meeting. No audio recordings of any meeting, record or vote closed pursuant to the provisions of Section 2-1311 shall be permitted without permission of the public body; any person who violates this provision shall be guilty of a class C misdemeanor.

(e) When it is necessary to hold a meeting on less than 24 hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

(f) A formally constituted subunit of a parent governmental body may conduct a meeting without notice as required by this section 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.

(g) 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 any votes taken.

(h) For any public meeting where a vote of the governing body is required in relation to (i) implementing a tax increase; or (ii) approving a retail development project that will use the power of eminent domain, including the creation of a transportation development district or a community improvement district, or the approval of a redevelopment plan that pledges public funds as financing for the project, then, notwithstanding any other provision of this section to the contrary, notice shall be given in conformance with the requirements of subsection (b) of this section at least four days prior to the date upon which the governing body may vote on such issues, exclusive of weekends and holidays when the facility is closed.

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 subsection (h) is not properly given, no vote on such issues shall be held until proper notice has been provided. Any legal action challenging the notice requirements provided herein shall be filed within 30 days of the subject meeting, or such meeting shall be deemed to have been properly noticed and held. For the purpose of this subsection (h), a tax increase shall not include the setting of the annual tax rates provided for under Sections 67.110 and 137.055, Revised Statutes of Missouri (RSMo) 2000, as amended.

However, this subsection (h) shall *not* apply to any votes or discussion related to proposed ordinances which require a minimum of two separate readings on different days for their passage.

(G.O. 1563, 10-6-97; G.O. 1643, 6-29-98; G.O. 2050, 8-30-04; G.O. 2400, 8-23-10)

State law reference(s)--Similar provisions, RSMo 610.011 and 610.020.

Sec. 2-1302. Votes.

All votes shall be recorded and if a roll call is taken each "yea" and "nay" vote, or abstinence if not voting, shall be attributed 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.

(G.O. 1563, 10-6-97; G.O. 1643, 6-29-98; G.O. 2050, 8-30-04)

State law reference(s)--Similar provisions, RSMo 610.015.

Sec. 2-1303. Custodian of records.

(a) Except as otherwise provided in this article, the city clerk shall be the general custodian of records and shall thereby be responsible for the maintenance of all city records not entrusted to the care of another official of the city. The director of finance shall be the custodian of all financial and payroll records, and particularly all closed records of the finance department. The fire chief shall be the custodian of all fire department records, and particularly all closed records of the fire department. The human resources director shall be the custodian of all personnel records of the city, and particularly all closed records of the human resources department. The clerk of the municipal court, acting on behalf of the judge, shall be custodian of all municipal court records, and particularly of all closed court records. The chief of police shall be the custodian of all police department records, and particularly all closed records of the police department.

(b) Each 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 in this article. (G.O. 1563, 10-6-97; G.O. 1643, 6-29-98; G.O. 2050, 8-30-04)

Sec. 2-1304. Public access to records.

(a) The city shall make the city's public records available for inspection and copying by the public. No person shall remove original public records from the city hall or from the office of the custodian of records without the written permission of the custodian.

(b) To the greatest extent feasible, city records that are in an electronic format are to be made available to the public in the same format. The city may not enter into a contract for the creation or maintenance of a public records database if that contract impairs the ability of the public to inspect or copy the public records of that agency, including public records that are on-line or stored in an electronic recordkeeping system used by the agency. Such contract may not allow any impediment that as a practical matter makes it more difficult for the public to inspect or copy the records than to inspect or copy the city's records. For purposes of this section, a useable electronic format shall allow, at a minimum, viewing and printing of records. However, if the city keeps a record on a system capable of allowing the copying of electronic documents into other electronic documents, the city shall provide data to the public in such electronic format, if requested. The activities authorized pursuant to this subsection may not take priority over the primary responsibilities of the city. For purposes of this section, the term "electronic services" means on-line access or access via other electronic means to an electronic file or database. This subsection shall not apply to contracts initially entered into before August 28, 2004.

(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 business day following the date the request is received by the custodian of records of the city. If records are requested in a certain format, the city shall provide the records in the requested format, if such format is available and if the process of creating such format does not take priority over the primary responsibilities of the city. If access to the public records 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 records will be available for inspection. This period for document production may exceed three business days for reasonable cause.

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(d) If a request for access is denied, the custodian of records 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 requestor not later than the end of the third business day following the date that the request for the statement is received.

(G.O. 1563, 10-6-97; G.O. 1643, 6-29-98; G.O. 2050, 8-30-04)

State law reference(s)--Similar provisions, RSMo 610.023.

Sec. 2-1305. Email messages.

Any member of the public governmental body who transmits any message relating to public business by electronic means shall also concurrently transmit that message to the custodian of records in the same format. The provisions of this section shall apply to messages sent to two or more members of that body so that, when counting the sender, the majority of the body's members are copied. Any such message received by the custodian shall be a public record subject to the exceptions of Section 2-1311.

(G.O. 2050, 8-30-04)

State law reference(s)--Similar provisions, RSMo 610.025.

Sec. 2-1306. Fees.

(a) Fees for copying public records shall not exceed ten cents per page for a paper copy not larger than nine by 14 inches, with the hourly fee for the record search and duplicating time not to exceed the average hourly rate of pay for clerical staff of the public governmental body. Such rate shall be established annually by the director of financial services.

(b) 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 use employees of the body that are capable of completing the tasks and result in the lowest amount of charges for the research.

(c) A fee of \$5.00 per document shall be charged for document certification

(d) 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 of devices, and for paper copies larger than nine by 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 duplication. Fees for maps, blueprints or plats that require special expertise to duplicate may include the actual rate of compensation for the trained personnel required to duplicate such maps, blueprints or plats. If programming is required beyond the customary and usual level to comply with a request for records or information, the fees for compliance may include the actual costs of such programming by internal or external sources.

(e) 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.

(f) Payment of such fees may be requested in advance.

(g) Documents may be furnished without charge or at a reduced charge when the public governmental body or members of the city's executive staff determine 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 or other private interest of the requestor. Those specifically exempted from paying a fee are other public governmental entities and students showing a valid identification card.

(G.O. 1563, 10-6-97; G.O. 1643, 6-29-98; G.O. 2050, 8-30-04)

State law reference(s)--Similar provisions, RSMo 610.026.

Secs. 2-1307--2-1310. Reserved.

DIVISION 2. CLOSED MEETINGS
AND RECORDS

Sec. 2-1311. Closed meetings, records and votes policy -- generally.

All meetings, records and votes are open to the public, except that any meeting, record, minutes or vote relating to one or more of the following matters, as well as other materials designated elsewhere in this article, 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 interest 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 would outweigh public policy considerations; however the amount of any moneys paid by, or on behalf of, a public governmental body shall be disclosed. 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 to the public, with a record of how each member voted, within 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 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) The state militia or national guard or any part thereof.
- (5) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological or alcoholic or drug dependency diagnosis or treatment.
- (6) Scholastic probation, expulsion or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of 18 years and by the parents, guardian or other custodian and the student if the student is over the age of 18.
- (7) Testing and examination materials, before the test or examination is given, or, if it is to be given again, before so given again.
- (8) Welfare cases of identifiable individuals.

- (9) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups.
- (10) Software codes for electronic data processing and documentation thereof.
- (11) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid.
- (12) 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.
- (13) 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. It is the policy of the city that no information relating to present or past employees other than names, positions, salaries and lengths of service shall be provided to any person or agency other than as may be required in response to a subpoena lawfully issued by a court of competent jurisdiction or as otherwise may be required by law.
- (14) Records which are protected from disclosure by law.
- (15) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest.
- (16) Records relating to municipal hotlines established for the reporting of abuse and wrongdoing.
- (17) 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 article.
- (18) Operational guidelines and policies developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Nothing in this exception shall be deemed to close information regarding expenditures, purchases or contracts made by an agency in implementing these guidelines or policies. When seeking to close information pursuant to this exception, the agency shall affirmatively state in writing that disclosure would impair its ability to protect the safety or health of persons, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records. This exception shall sunset on December 31, 2008.
- (19) Existing or proposed security systems and structural plans or real property owned or leased by a public governmental body, and information that is voluntarily submitted by a nonpublic entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety. Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records. Records that are voluntarily submitted by a nonpublic entity, shall be reviewed by the receiving agency within 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 nonpublic governmental body or destroyed. This exception shall sunset on December 31, 2008.

- (20) The portion of a record that identifies security systems or access codes or authorization for security systems of real property.
- (21) 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 moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network or telecommunications network shall be open; and
- (22) 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.
- (23) Records submitted by an individual, corporation or other business entity to a public institution of higher education with a proposal to license intellectual property or perform sponsored research and which

contains ales projections or other business plan information the disclosure of which may endanger the competitiveness of a business.

(G.O. 1563, 10-6-97; G.O. 1643, 6-29-98; G.O. 1881, 5-28-02; G.O. 1920, 3-17-03; G.O. 2050, 8-30-04; G.O. 2742, 8-18-14)

State law reference(s)--Similar provisions, RSMo 610.021.

Sec. 2-1312. Records pertaining to internal investigations.

In order to allow the fullest cooperation by employees and members of the public in the investigation of matters wherein an employee of the city is alleged to have engaged in any form of misconduct, all files, records and documents relating to investigations of allegations of misconduct by city employees will be considered to be personnel records and shall be closed records under the custody of the respective department head.

(G.O. 1563, 10-6-97; G.O. 1643, 6-29-98)

Sec. 2-1313. Records pertaining to medical condition or history.

All information obtained by the city regarding medical examinations, medical condition or medical history of city employees or job applicants, if retained by the city, shall be collected and maintained on separate forms and in separate medical files and shall be treated as closed and confidential records, except that:

- (1) Supervisors and managers may be informed regarding necessary restrictions on the work duties of employees and necessary accommodations;
- (2) First aid and safety personnel may be informed, when appropriate, if the information reflects the existence of a disability which might require emergency treatment; or
- (3) Government officials investigating compliance with state or federal law pertaining to treatment of persons with disabilities may be allowed access to such records.

(G.O. 1563, 10-6-97; G.O. 1643, 6-29-98)

Sec. 2-1314. Records containing confidential, proprietary or private information.

(a) In order to protect reasonable expectations or privacy on the part of persons having dealings with the city, city records containing information or entries of a personal, confidential, private or proprietary nature, including, but not limited to, income, sales data, financial circumstances, household and family relationships, social security numbers, dates of birth, insurance information and other information which reasonable persons generally regard as private and not a customary subject for public discourse, which information or entries have been provided to the city by one complying with regulations requiring disclosure of such information, shall be excised from copies of city records disclosed or provided to members of the public other than those persons to whom the information of entries pertain. Persons desiring access to information or entries excised from such records may file a supplementary written request with the custodian of records for disclosure of material to be specified in the request, which request should state:

- (1) Whether or not the requesting party has informed persons to whom the requested information pertains of the request; and
- (2) All reasons why the requesting party believes disclosure by the city of specified information is in the public interest.

(b) The custodian of records may afford all interested parties, including the persons to whom the information pertains, a reasonable time within which to comment on the requested disclosure prior to acting further on the request. If an interested person objects to the disclosure of the requested information, the custodian of records may conduct a hearing at which all interested parties may be heard. At such hearing the custodian shall consider, among such other factors as may be reasonable and relevant:

- (1) The requirements and intent of state law, city ordinances and this policy;

- (2) The legitimate expectations of privacy on the part of interested parties;
- (3) The personal, confidential, private or proprietary nature of the information at issue;
- (4) Whether the information was obtained by the city under compulsion of law or was freely and voluntarily provided by the persons objecting to the disclosure; and
- (5) The public purposes to be served by disclosure of the requested information.

If the custodian of records determines that disclosure is legally required or would otherwise serve the best interests of the public and that such requirements or purpose outweigh the legitimate concerns or interests of the persons to whom the information pertains, the custodian shall provide the requested information to the requesting party.

(c) In addition to or in lieu of the hearing described above, the custodian of records may afford all interested parties a reasonable opportunity to seek judicial review of or relief from the proposed disclosure. The custodian may also utilize the procedures for judicial determination and/or opinion solicitation provided in Section 2-1317, below.

(G.O. 1563, 10-6-97; G.O. 1643, 6-29-98)

Sec. 2-1315. Segregation of exempt records.

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 nonexempt material and make the nonexempt 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 nonexempt 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.

(G.O. 1563, 10-6-97; G.O. 1643, 6-29-98)

State law reference(s)--Similar provisions, RSMo 610.024.

Sec. 2-1316. Closed meetings and votes -- notice and minutes.

(a) A public governmental body proposing to hold a closed meeting or vote may do so by either:

- (1) Giving notice of the same pursuant to Section 2-1301 above, along with reference to the specific exception allowing such a closed meeting; or
- (2) Upon an affirmative public vote of the majority of a quorum of the public governmental body. The vote of each member of the public governmental body on the question of closing a public meeting, and the specific reason for closing that public meeting by reference to the specific exception allowing such a closed meeting, 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 2-1311 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.

(c) In the event any member of a public governmental body makes a motion to close a meeting, or a record, or a vote from the public and any other member believes that such motion, if passed, would cause a meeting, record or vote to be closed from the public in violation of any provision of this article, such latter member shall state his or her objection to the motion at or before the time the vote is taken on the motion. The public governmental body shall enter into the minutes any objection made pursuant to this subsection. Any member making such an objection shall be allowed to fully participate in any meeting, record or vote that is closed from the public over the member's objection. In the event

the objecting member also voted in opposition to the motion to close the meeting, record or vote at issue, the objection and vote of the member as entered in the minutes shall be an absolute defense to any claim filed against the objecting member.

(d) If a vote is taken at a closed meeting, minutes of the closed meeting, sufficient to reflect the vote pursuant to Section 2-1302 above, shall be recorded.

(G.O. 1563, 10-6-97; G.O. 1643, 6-29-98; G.O. 2050, 8-30-04)

State law reference(s)--Similar provisions, RSMo 610.022.

Sec. 2-1317. Procedures for resolving questions of public accessibility.

The city, or any of its public governmental bodies, or the custodian of records, when in doubt about the legality of closing a particular meeting, record or vote, may bring suit at the expense of the city in the circuit court of the County of Buchanan to ascertain the propriety of any such action or seek a formal opinion of the attorney general. In such events, the proposed closed meeting or public access to the record or vote shall be deferred for a reasonable time pending the outcome of the action(s) taken.

(G.O. 1563, 10-6-97; G.O. 1643, 6-29-98)

State law reference(s)--Similar provisions, RSMo 610.027.6.

Sec. 2-1318. Sanctions.

(a) Sanctions may be imposed on or against any city councilmember who distributes or reveals, in any manner, the contents of any record properly closed pursuant to Section 2-1311, or who discusses, distributes or reveals, in any manner, information obtained during any meeting properly closed pursuant to Section 2-1311, without having first obtained the consent of a majority of the full city council. If any city councilmember discusses, distributes or reveals such record or information without having first obtained the consent of a majority of the full city council, he/she could be subject to sanctions if, after compelling evidence has been presented, a majority of the members of the full city council so vote.

(b) The types of sanctions available consist of:

- (1) constructive counseling;
- (2) verbal warning; and
- (3) written warning in the form of a resolution.

Whether a councilmember should be sanctioned, and what specific level of sanction should be imposed, should be based on, among other things, the manner in which the violation of subsection (a) occurred and any previous violations of the same.

(c) Discipline may be imposed on or against any city staff member by his/her supervisor for violation

of this Article XI, in accordance with the personnel manual.

(G.O. 1563, 10-6-97; G.O. 1643, 6-29-98; G.O. 2395, 7-26-10)

Secs. 2-1319--2-1324. Reserved.

DIVISION 3. POLICE DEPARTMENT
RECORDS

Sec. 2-1325. Definitions.

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

- (1) *Arrest* means an actual restraint of the person of the defendant, or by his 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.
- (2) *Arrest report* means a record of a law enforcement agency of an arrest, and of any detention or confinement incident thereto, together with the charge therefor.
- (3) *Inactive* means an investigation in which no further action will be taken by a law enforcement agency or officer for any of the following reasons:
 - a. A decision by the law enforcement agency not to pursue the case;
 - b. Expiration of the time to file criminal charges pursuant to the applicable statute of limitations, or ten years after the commission of the offense, whichever date earliest occurs; or
 - c. 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.
- (4) *Incident report* means 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

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and complaints maintained by that agency.

- (5) *Investigative report* means 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.

(G.O. 1563, 10-6-97; G.O. 1643, 6-29-98)

State law reference(s)--Similar provisions, RSMo 610.100.1.

Sec. 2-1326. Incident, investigative and arrest reports.

(a) The police department of the city shall maintain records as noted below:

- (1) Incidents reported to said department. Incident reports shall be open records.
- (2) Investigations conducted by said department. Investigative reports shall be closed records until the investigation becomes inactive, notwithstanding any other provision of law or this article.
- (3) Arrests made by said department. Arrest reports shall be open records. However, if any person is arrested and not charged with an offense against the law within 30 days of his/her arrest, the arrest report shall thereafter be a closed record except that the disposition portion of the record may be accessed for purposes of exculpation and except as provided elsewhere in this article.

(b) Except as provided in Subsections (c) and (d) of this section, if any portion of a record 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 article.

(c) Any individual, his/her attorney or his/her insurer, who was involved in an incident, or whose property was involved in an incident, may obtain any records closed pursuant to this section or Section 2-1327 for purposes of conducting an investigation of any civil claim or defense, as provided by this subsection. Any such individual, his/her attorney or his/her insurer, may, upon written request, 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 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 of the County of Buchanan 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. If, based upon such motion,

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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) The victim of an offense under Chapter 566, RSMo., may request that his/her identity be kept confidential until a charge relating to said incident is filed.

(G.O. 1563, 10-6-97; G.O. 1643, 6-29-98)

State law reference(s)--Similar provisions, RSMo 610.100.2-7.

Sec. 2-1327. "911" telephone reports.

Except as provided by this section, any information acquired by the police department 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 2-1326. 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.

(G.O. 1563, 10-6-97; G.O. 1643, 6-29-98)

State law reference(s)--Similar provisions, RSMo 610.150.

Sec. 2-1328. Daily log or record of crimes, accidents or complaints.

The St. Joseph 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 for assistance; and
- (3) If the incident involves an alleged crime 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.

(G.O. 1563, 10-6-97; G.O. 1643, 6-29-98; G.O. 1881, 5-28-02; G.O. 2050, 8-30-04)

State law reference(s)--Similar provisions, RSMo 610.200.

Sec. 2-1329. Closed records.

(a) 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. They shall be available to the sentencing advisory commission created in Section 558.019, RSMo., for the purpose of studying sentencing practices, and only to courts, law enforcement agencies, child care agencies as herein defined, department of revenue for driving record purposes, facilities as defined in Section 198.006, RSMo., in-home services provider agencies as defined in Section 660.250, RSMo., the division of workers' compensation for the purposes of determining eligibility for crime victims' compensation pursuant to Sections 595.010 to 595.075, RSMo., and federal agencies for purposes of prosecution, sentencing, parole consideration, criminal justice employment, child care employment, nursing home employment and to federal agencies for such investigative purposes as authorized by law or presidential executive order. These records shall be made available for the above purposes regardless of any previous statutory provision which had closed such records to certain agencies or for certain purposes. 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.

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(b) As used in this section, the term "child care" includes providers and youth services agencies as those terms are defined in Section 43.540, RSMo., elementary and secondary school teachers and elementary and secondary school bus drivers, whether such drivers are employed by a school or an entity which has contracted with the school to provide transportation services.

(G.O. 1563, 10-6-97; G.O. 1643, 6-29-98)

State law reference(s)--Similar provisions, RSMo 610.120.

Sec. 2-1330. Miscellaneous circumstances.

If the person arrested is charged but the case is subsequently nolle prossed or dismissed, 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 Section 2-1329 and except that the court's judgment or order of 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, 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 and in-home service provider agencies.

(G.O. 1563, 10-6-97; G.O. 1643, 6-29-98; G.O. 1881, 5-28-02)

State law reference(s)--Similar provisions, RSMo 610.105.

Secs. 2-1331--2-1349. Reserved.

ARTICLE XII. PROCUREMENT POLICY

Sec. 2-1350. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Authorized person.* Any city employee approved by the city manager, a department director or this policy to effect procurements on behalf of the city.

- (2) *Award.* The presentation, after careful consideration, of a purchase agreement or contract to the selected bidder.

- (3) *Bidder.* A person who submits a bid in response to a public notice or invitation for bid.

- (4) *Blanket purchase order.* A contract under which a vendor agrees to provide products or services to a purchaser on a demand

basis; the contract generally establishes prices, terms, conditions and the period covered (no quantities are specified); shipments are to be made as required by the purchaser.

- (5) *City.* The City of St. Joseph, Missouri, and its authorized representatives.

- (6) *City manager.* The chief administrative officer of the city.

- (7) *Construction.* The process of building, altering, repairing, improving, or demolishing any public structure, building or other public improvements of any kind to any public real property. It does not include the routine operation, routine repair or routine maintenance of existing structures, buildings or real property.

- (8) *Contract.* Any type of city agreement, regardless of what it may be entitled, for the procurement of supplies, services or construction.

- (9) *Contractor.* Any person or entity pursuing, or currently a party to, a contract with the city.

- (10) *Council.* The individuals elected to serve as members of the St. Joseph, Missouri city council.

- (11) *Employee.* Any individual receiving a salary from the city.

- (12) *Instruction to bidders.* Any document utilized for defining guidelines to follow for the submission of bids.

- (13) *Invitation for bids.* Any document utilized for soliciting sealed bids. No confidential

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or proprietary data shall be solicited in any invitation for bids. Bids are publicly opened and prices are fixed.

- (14) *Person.* Any business, individual, union, committee, club or other organization, or group of individuals.
- (15) *Price agreement.* A contract under which a vendor agrees to provide what is required by a purchaser at a predetermined price for a limited period of time.
- (16) *Procurement card.* A payment mechanism designed to facilitate small dollar purchases.
- (17) *Professional services.* Services including, but not limited to, appraisal, architectural, engineering, environmental, financial, geotechnical, legal, real estate, surveying and title.
- (18) *Public agency.* A public entity subject to, or created by, local ordinance.
- (19) *Purchase order.* A purchaser's written document to a supplier formally stating all terms and conditions of a proposed transaction.
- (20) *Request for proposals.* Any document utilized for soliciting proposals. Proposals are not publicly opened and prices can be negotiated.
- (21) *Responsible bidder.* A person who has the capability in all respects to fully perform the contract requirements and the tenacity, perseverance, experience, integrity, reliability, facilities, equipment and credit to assure good faith performance.
- (22) *Responsive bidder.* A person who has submitted a bid in compliance with the instructions to bidders, which conforms in all material respects to the invitation for bids.
- (23) *Small business.* A United States business which is independently owned and which is not dominant in its field of operation.
- (24) *Specification.* Any description of the physical or functional characteristics of a supply, service or construction item. It may

include a description of any requirement for inspecting, testing or preparing a supply, service or construction item for delivery.

(G.O. 1684, 3-22-99)

Sec. 2-1351. Purpose.

The purpose of this procurement policy is to provide a process for the fair and equitable treatment of all persons involved in public procurement with the city, to maximize the procurement value of public funds in procurement and to provide safeguards for maintaining a procurement system of quality and integrity.

(G.O. 1684, 3-22-99)

Sec. 2-1352. Application.

This procurement policy shall apply to all contracts or commitments for the expenditure of any public funds under the city's control on or after the effective date of this policy, unless the parties agree to its application to contracts entered into prior to the effective date. It shall apply to every expenditure of public funds by the city irrespective of their source. When the procurement involves the expenditure of federal assistance or contract funds, the procurement shall be conducted in accordance with any applicable federal laws and/or regulations, which have not been set out in this policy. Nothing in this policy shall prevent the city from complying with the terms and conditions of any grant, gift or bequest, which is otherwise consistent with the law.

(G.O. 1684, 3-22-99)

Sec. 2-1353. Administration.

It shall be the responsibility of the purchasing agent to administer the provisions of this procurement policy.

(G.O. 1684, 3-22-99)

Sec. 2-1354. Bidder's responsibility.

The city shall maintain, on a best effort basis, a list of products or services with an anticipated potential bidders to be solicited for the procurement total cost exceeding \$5,000. It shall be the responsibility of the vendor to contact the purchasing agent to be placed on the bidder's list. Any request by a vendor to be placed on the bidder's list shall be in writing. The city shall provide

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notice to all potential bidders through media publications, including, but not limited to, the public notice section of the newspaper.

(G.O. 1684, 3-22-99)

Sec. 2-1355. Procurements less than \$1,000.

Authorized persons may make procurements that are less than \$1,000 directly from vendors.

(G.O. 1684, 3-22-99)

Sec. 2-1356. Procurements between \$1,000 and \$20,000.

(a) Authorized persons may make procurements that are \$1,000, but less than \$20,000, after obtaining three price quotations and receiving written approval from his/her department director and the purchasing agent on a form or in a format prescribed by the purchasing agent.

(b) The source, contact person, date and amount of each quotation shall be recorded and maintained as a public record.

(G.O. 1684, 3-22-99; G.O. 2824, 12-19-16)

Sec. 2-1357. Procurements greater than \$20,000 - competitive sealed bids.

(a) Purchases anticipated to exceed \$20,000 shall be formally bid, except as otherwise provided in this policy.

(b) It shall be the purchasing agent's responsibility to establish rules and procedures governing the invitation for bids, public notice, bid opening, bid evaluation and bid acceptance, correction or withdrawal of bids, cancellation of awards, awards and multi-step sealed bidding.

(c) Program and certified/pre-owned passenger vehicles. For purposes of determining the lowest responsible bid for passenger vehicles (cars, trucks, vans) the city shall follow the following procedures:

- (1) All bid solicitations for passenger vehicles shall include both new and program vehicles including, as an option, certification for program vehicles.
- (2) Following receipt of the bids, city staff shall prepare a financial analysis comparing the costs, savings and other factors relevant to the selection of the

lowest responsible bid. While the city shall solicit bids for both new and program cars, it shall not be mandatory for bidders to submit bids for both types of vehicles. The financial analysis sheet and all other relevant information shall be affixed, if applicable, to the ordinance, and shall be maintained for inspection in the purchasing division of the financial services department.

- (3) In order to provide a rational and measurable basis for comparing new and program/certified pre-owned vehicle bids, the condition and remaining life of the program/certified pre-owned vehicles must be sufficiently similar. Accordingly, in order to be considered sufficiently similar a program/certified pre-owned passenger vehicle shall not have an in-service date more than 12 months prior to the bid date nor shall it have an odometer reading in excess of 15,000 miles at that same date. Failure to meet these basic criteria shall render the bid for that vehicle invalid.

- (4) Subsection (c) shall apply solely to passenger vehicles and shall not apply to non passenger vehicles designed for special uses, emergency functions, police patrol and/or fire response nor shall it apply to procurements of other types of motorized, mechanized, custom and/or specially-designed transport equipment.

- (5) Exceptions, if any, to the requirements of Subsection (c) shall be approved by the city manager and brought to the attention of the city council, prior to the bid award.

(G.O. 1684, 3-22-99; G.O. 2274, 2-25-08; G.O. 2824, 12-19-16)

Sec. 2-1358. Professional services \$5,000 and less.

(a) Authorized persons may directly engage professional services with an anticipated total cost of \$5,000 or less after obtaining three informal proposals and receiving approval from his/her department director and the purchasing agent.

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(b) The source, contact person, date and amount of each proposal shall be recorded and maintained as a public record.
(G.O. 1684, 3-22-99)

Sec. 2-1359. Professional services greater than \$5,000.

(a) Professional services with an anticipated total cost exceeding \$5,000 shall be solicited by a request for proposal, except as otherwise provided in this policy.

(b) It shall be the purchasing agent's responsibility to establish rules and procedures governing the request for proposals, public notice, receipt of proposals, evaluation factors, negotiations and award.
(G.O. 1684, 3-22-99)

Sec. 2-1360. Single feasible source procurements.

(a) Whenever competitive market conditions for any particular product or service are such that competitive sealed bids cannot be practically used in the best interest of the city due to special limited-time discounts, the product or service may be purchased based on written or telephonic bids solicited without public notice and bid opening.

(b) Whenever a particular product or service is proprietary and only available from the manufacturer, a single distributor, or a professional service provider, the product or service may be purchased based on written or telephonic bids solicited without public notice and bid opening.

(c) Any and all procurements requested under this section must comply with the rules and procedures established by the purchasing agent and must be submitted in writing for the city manager's prior approval.
(G.O. 1684, 3-22-99)

Sec. 2-1361. Emergency Procurements.

(a) An emergency exists when there is a threat to the public health, safety or welfare or when immediate expenditure is necessary for repairs to city property in order to protect against further loss of or damage to city property, to prevent or minimize serious disruption in city services or to ensure the integrity of city records.

(b) To the extent practical under the circumstances, emergency procurements should be competitively bid by obtaining quotations via telephone or facsimile.

(c) Any and all procurements requested under this section must be submitted in writing for the city manager's prior approval.

(d) If the emergency procurement exceeds the budget appropriation, an ordinance to appropriate the funds must be submitted to the city council as soon as is practical, given the nature of the emergency, but in no case more than 30 days after initiating the emergency procurement.

(e) A procurement will not be considered an emergency due to lack of appropriate planning on the part of department or city personnel.
(G.O. 1684, 3-22-99)

Sec. 2-1362. Blanket purchase orders and price agreements.

Blanket purchase orders and price agreements are used in long term situations. The blanket purchase order or price agreement remains open for one fiscal year to purchase the products or services specified on an "as needed" basis and awarded using a competitive bid process. It shall not be necessary to obtain competitive sealed bids or comparative prices for products covered under price agreements.
(G.O. 1684, 3-22-99)

Sec. 2-1363. Special procurement requirements.

The city shall comply with any special procurement requirements mandated by federal, state, county, or other granting or funding authorities, provided such requirements achieve the minimum standards established by this policy and other applicable sections of the city charter and code of ordinances, which will include cost and price analysis for every United States Department of Transportation procurement, including contract modifications.

(G.O. 1684, 3-22-99; G.O. 2096, 5-23-05)

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Sec. 2-1364. Prohibition against splitting of procurements.

No proposed procurement shall be artificially divided, delayed or scheduled in such a fashion so as to avoid bidding or in any way circumvent the requirements of this policy.

(G.O. 1684, 3-22-99)

Sec. 2-1365. Cancellation/rejection of bids or proposals.

An invitation for bids or any other solicitation may be canceled or rejected in whole or in part for good cause, if in the best interests of the city. The reasons, therefore, shall be documented and made a part of the contract file.

(G.O. 1684, 3-22-99)

Sec. 2-1366. Nonresponsive bids.

If a bid is deemed nonresponsive, the reasons, therefore, shall be documented and made a part of the contract file.

(G.O. 1684, 3-22-99)

Sec. 2-1367. Bid Security.

(a) Bid security may be required for competitive sealed bids, regardless of the amount, to protect the interest of the city in the event a bidder refuses the contract or fails to provide a performance or payment bond. Bid security also serves as a device to screen out financially irresponsible bidders.

(b) Bid security shall be in an amount equal to at least 5% of the amount of the bid.

(c) Bid security, if required, may be in the form of a bid bond, cashier's check or certified check for bids \$25,000 and less.

(d) Bid security, if required, shall be in the form of a bid bond for bids greater than \$25,000.

(G.O. 1684, 3-22-99)

Sec. 2-1368. Performance and payment bonds.

(a) For any construction contract awarded in excess of \$5,000, a performance and maintenance bond may be required by the city and shall become binding on the parties upon the execution of the contract. A performance and maintenance bond provides for responsibility by a third party for the

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contractor's faithful performance of all contract requirements; and

(b) For any construction contract awarded, a payment and materials bond shall be required by the city and shall become binding on the parties upon the execution of the contract. A payment and materials bond provides for responsibility by a third party for the contractor's payment to its subcontractors and suppliers and insures property or equipment used in the contract.

(G.O. 1684, 3-22-99)

Sec. 2-1369. Debarment or suspension.

A person may be debarred or suspended by the city manager in accordance with the guidelines set forth in Section 9-102 of the American Bar Association's Model Procurement Code for state and local governments. Said person may be reinstated at the discretion of the city manager, provided he/she/it has remedied the initial cause of the debarment or suspension. A suspension shall automatically occur if there is litigation pending between the city and a contractor.

(G.O. 1684, 3-22-99)

Sec. 2-1370. Debarment certification.

(a) Potential bidders, vendors, or suppliers who perform work on any project funded, in whole or in part, with any federal or state moneys, shall certify, upon submitting a proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal, state, or local department or agency.

(b) If potential peddlers, vendors or suppliers are found on the debarment or suspension list provided by the government, the Purchasing Division will not process the requisition. All results of searches will be attached to the filed paperwork for verification of search.

(G.O. 1684, 3-22-99; G.O. 2824, 12-19-16)

Sec. 2-1371. Anticompetitive practices.

When, for any reason, collusion or other anticompetitive practices are suspected among any bidders, a notice of the relevant facts shall be provided to the state attorney general.

(G.O. 1684, 3-22-99)

Sec. 2-1372. Awards.

Unless otherwise provided under Section 2-1379, awards will be made to the lowest responsible bidder considering price, responsibility, qualification and capability of the bidder and all other established objective and subjective criteria; provided the bid satisfies the specifications and other requirements of the invitation for bids and/or price solicitations. (G.O. 1684, 3-22-99; G.O. 2212, 12-18-06)

Sec. 2-1373. Cancellation of awards.

(a) An award may be delayed, rescinded or cancelled for non-payment of any tax, license fee or charge, including applicable interest, penalties, or collection fees assessed by the city against the bidder and/or any owner or officer of said bidder.

(b) The bidder shall have five working days after notification of the delay, rescission or cancellation to provide proof of payment to the purchasing agent. Failure to provide such proof by the end of the fifth working day shall constitute a voluntary cancellation of the contract. (G.O. 1684, 3-22-99)

Sec. 2-1374. Cancellation of contract.

(a) A contract may be delayed, rescinded or cancelled for non-payment of any tax, license, fee or other charge including applicable interest, penalties or collection fees assessed by the city against the contractor, any owner or officer of said contractor or any of its subcontractors.

(b) The contractor shall have five working days after notification of the delay, rescission or cancellation to provide proof of payment to the purchasing agent. Failure to provide such proof by the end of the fifth working day shall constitute a voluntary cancellation of the contract and the city shall have the right to pursue the contractor's performance bond. (G.O. 1684, 3-22-99)

Sec. 2-1375. City manager's contract authority.

Notwithstanding other provisions of the city charter, the city code, or this article:

- (1) The city manager is authorized to execute contracts for all products and services in the amount of \$25,000 or less without approval of the city council, subject to the availability

of funds and the requirements of city code Section 2-1052(4) regarding budget transfers.

- (2) The city council shall approve, by resolution, contracts for all products and services in excess of \$25,000.
- (3) The city council shall approve, by special ordinance, contracts for all products and services in excess of \$25,000, which exceed the amount appropriated, are not specifically referred to in the annual appropriation ordinance, or in order to comply with city code Section 2-1052(4) regarding budget transfers.
- (4) The city manager is authorized to execute contracts for emergency procurements, as described in Section 2-1361, without the prior approval of the city council. (G.O. 1684, 3-22-99)

Sec. 2-1376. Purchasing agent's authority.

Notwithstanding other provisions of the city charter, the city code, or this article, the purchasing agent may, on a case by case basis, establish such additional procedures as may be necessary to comply with and carry out the scope, application and administration of this policy, as defined in Sections 2-1351, 2-1352 and 2-1353, respectively. (G.O. 1684, 3-22-99)

Sec. 2-1377. Intergovernmental procurement agreement.

Other provisions of this procurement policy regarding competitive bidding notwithstanding:

- (1) The city may make any purchases under cooperative procurement agreements with the United States Government, the State of Missouri, and other local governmental jurisdictions. Whenever possible, comparative direct pricing should be obtained through informal price solicitations.
- (2) The city may enter into cooperative procurement agreements with other governmental jurisdictions providing for the solicitation of bids for the combined needs of the city and of the cooperating

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governmental jurisdiction. Such cooperative procurements would be in the form of “price agreements”, specifying firm unit pricing based on estimated combined annual quantities.

(G.O. 1684, 3-22-99)

Sec. 2-1378. Record retention.

(a) All determinations and other written records pertaining to the solicitation, award, or performance of a contract shall be maintained by the purchasing agent in a contract file.

(b) All procurement records shall be retained and disposed of in accordance with record retention guidelines and schedules defined by the city code, the State of Missouri Municipal Records Manual, and state statutes. If a contract is being funded in whole or in part by assistance from a federal, state, or other agency, then all procurement records pertaining to that contract shall be in accordance with that agency’s guidelines, or upon the final disposition of any controversy arising out of the assistance agreement.

(G.O. 1684, 3-22-99)

Sec. 2-1379. Local purchasing preference policy.

(a) If a local bidder is within three percent of the lowest bid from an out of town bidder on a construction or other formally bid project from \$5,000.00 up to \$500,000; within two percent on such project from \$500,001 up to \$1,000,000.00, and within one percent on such project from \$1,000,001.00 up to \$5,000,000.00, then the local bidder will be awarded the bid unless otherwise provided in this Section 2-1379.

(b) The local purchasing preference policy shall not apply in the following instances:

- (1) When purchases and/or contracts are funded in whole or in part by federal funds;
- (2) When purchases are less than \$5,000.00 or more than \$5,000,000.00;
- (3) When purchases are not required to be formally bid, such as sole source procurements, emergency procurements and any other such procurements as defined in the city procurement policy or the city emergency management policy;

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(4) When professional services are procured through the issuance of requests for qualifications and/or requests for proposals, including design-build contracts; or,

(5) When such preference is in conflict with any applicable state or federal laws, rules or regulations.

(c) The local purchasing preference policy shall not apply to private construction projects financed with public assistance, including, but not limited to, tax increment financing, Chapter 100 bonds, Chapter 353 redevelopment projects and enterprise zone redevelopment.

(d) “Local” is defined as a business operating within the corporate limits of the city of St. Joseph, with the majority of its primary business operations, including, but not necessarily limited to, production, operation, purchasing, billing, marketing, management, administration and ownership, occurring within the city limits. “Local” shall not include the following:

- (1) Those businesses with only a local St. Joseph post office box; or
- (2) Those businesses with a sales presence in the city, but no physical business location within the city limits; or
- (3) Home based businesses that merely take orders for products shipped from out-of-town to their customers.

Exceptions will be considered on a case-by-case basis when a written request is submitted to the city manager.

(e) Notwithstanding the foregoing, the local bidder must otherwise meet all qualifications and procurement policy requirements of the city, including, but not limited to, the “best bid” requirements, in order to be awarded a bid under this section.

(G.O. 2211, 12-18-06; G.O. 2451, 12-12-11)

Sec. 2-1380. Conflicts of interest.

No employee, officer, or agent of the City of St. Joseph will participate in the selection, award,

or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the City of St. Joseph must neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts, unless the financial interest is not substantial or the gift is an unsolicited item of nominal value. Disciplinary actions will be applied for violations of such standards by officers, employees, or agents of City of St. Joseph.

(G.O. 2824, 12-19-16)

Sec. 2-1381. Design-build contracts.

(a) *Authorized.* Project development and construction may be procured through a design-build contract and procurement process under which one or more firms coordinate and perform all design and construction services and are responsible for all architectural, engineering, and related design services and all labor, materials, supplies, equipment, and other construction services required to complete the project.

(b) *Design criteria consultant.* A design or construction consultant for the procurement of design-build services for the purpose of preparing a design criteria package, organizing, developing, and administering the selection process, reviewing the design criteria, monitoring with construction process for compliance with a request for proposals, and for other consulting services related to the design-build project. The scope and role of the owner's consultant's services may be further defined during the design-build procurement and award process. The city may procure the services of an owner's consultant under master agreement for professional services or the issuance of a request for qualifications.

(c) *Design-build procurement methods.* Either of the following procurement methods may be utilized for design-build projects:

- (1) *Qualification-based.* Following the issuance of a request for qualifications for a design-build project, a qualification-

based selection may be made based upon statements of qualifications submitted by responding firms. A contract may be awarded to the firm deemed most qualified and with which a contract for the project can be agreed upon. If a contract with a qualified firm cannot be agreed upon, the scope of the project may be re-evaluated and a qualification-based selection process may be reinitiated.

- (2) *Two-phase.* A two-phase selection may be made based upon the following procedures:

- a. *Phase 1 - Issuance of request for qualifications (RFQ).* The purchasing agent shall issue a request for qualifications, including the design criteria package and the amount of technical proposal payment available to firms invited to submit technical proposals, in the same manner that would be required by this article for the procurement of professional or construction services.
- b. *Phase 2 - Issuance of request for proposal (RFP).* The firms best demonstrating the qualifications to complete the design-build project through their responses to the requests for qualifications, or through an interview process, shall be invited to submit a technical proposal including conceptual design for the project. At least two such firms shall be invited to submit such proposal. Any firm determined by the director of public works and transportation, or his or her designee, to lack the qualifications to complete the project shall be disqualified for the remainder of the selection process. The following conditions will be used in choosing the winning proposal:

- i. *Selection of winning proposal.* Firms invited to submit a technical proposal must submit the technical proposal in compliance with the requirements and schedule stated in the request for qualifications and the invitation to submit a technical proposal. Firms failing to submit a compliant technical proposal will be disqualified.
- ii. *Selection criteria.* The selection criteria or scoring system for selection of a technical proposal for award of a contract shall be stated in the invitation to submit a proposal.
- iii. *Technical proposal payment.* As an inducement to submit a technical proposal, each firm invited to submit a technical proposal that is not awarded a contract to construct the project shall be entitled to a technical proposal payment (commonly referred to in design-build contracts as a stipend) as stated in the request for proposals, provided the firm submits a technical proposal that complies with this section, the request for qualifications, and the invitation to submit a technical proposal. When a project has been designated in the capital improvement projects budget or by resolution of the city council as a design-build project, the city manager shall have authority to issue technical proposal payments from budgeted funds to all firms entitled to such payments in amounts not more than one-half of one percent of the total project budget.
- iv. *Use of design.* Upon payment of a technical proposal payment to any firm not awarded a design-build contract, the city shall have a nonexclusive right to use the design submitted by the firm and the firm shall have no further liability for the use of the design in any manner. If the firm desires to retain all rights and interest in

the design proposed, the design-builder shall forfeit the technical proposal payment.

(G.O. 2939, 12-2-19)

Secs. 2-1382--2-1399. Reserved.

ARTICLE XIII. ADMINISTRATIVE HEARINGS

DIVISION 1. ADMINISTRATIVE DECISIONS AND ASSOCIATED ADMINISTRATIVE HEARING PROCESS

Sec. 2-1400. Notice of appeal; requirements.

Any party aggrieved by an administrative decision subject to appeal may appeal to the director of the department that made the decision, or such other hearing officer as may otherwise be required by law or designated by the city manager. Any such appeal shall be made in writing, within ten calendar days after the date of the administrative decision, and shall state the name and address of the appealing party, as well as the nature of his or her appeal. The appeal should also indicate whether or not legal counsel will be retained to present evidence.

(G.O. 1901, 10-14-02; G.O. 2671, 2-19-13; G.O. 2736, 7-21-14)

Sec. 2-1401. Administrative hearing notice; resolution of case prior to hearing.

The hearing officer shall hold a public hearing within ten business days after a notice of appeal is filed in accordance with the requirements set forth in Section 2-1400 above. An administrative hearing notice shall thereafter be prepared and shall contain a date and time for the hearing and be directed to the appealing party, by certified mail, at the address provided in his or her notice of appeal. Nothing shall prevent the parties from engaging in discussions prior to the hearing for the purpose of reaching a mutually agreed-upon resolution to the matter.

(G.O. 1901, 10-14-02; G.O. 2671, 2-19-13; G.O. 2736, 7-21-14)

Sec. 2-1402. Presentation of case.

The appellant, as well as any other persons whose interests may be affected by the

administrative decision on appeal, shall be given an opportunity to be heard, present evidence, and examine adverse witnesses. The appellant may retain the services of legal counsel for purposes of presenting his or her case during the administrative hearing. This intention should be included in the notice of appeal referred to in Section 2-1400 above. The city legal department will represent the affected department and present the city's position during the administrative hearing.

(G.O. 1901, 10-14-02; G.O. 2671, 2-19-13; G.O. 2736, 7-21-14)

Sec. 2-1403. Ruling of hearing officer.

At the conclusion of any hearing related to an administrative decision on appeal, the hearing officer shall issue a ruling to (1) enforce the administrative decision, (2) rescind the administrative decision or (3) mandate some alternative course of action related to the administrative decision. The hearing officer shall issue his or her ruling, which shall be in writing, and shall contain sufficiently detailed findings of fact and conclusions of law, within no later than ten business days after the conclusion of the hearing. Minutes of the hearing shall be made and kept on file for a reasonable period of time.

(G.O. 1901, 10-14-02; G.O. 2671, 2-19-13; G.O. 2736, 7-21-14)

Sec. 2-1404. Appeal to circuit court.

Any person aggrieved by the hearing officer's ruling, including the city, may file a timely administrative appeal for review of a contested case in the Circuit Court of Buchanan County, Missouri, pursuant to the rules established in, and requirements of, Chapter 536 RSMo. If no action is taken to appeal the ruling of the administrative hearing officer within the time frame and in accordance with the other requirements set out in Chapter 536 RSMo., then the ruling of the administrative hearing officer shall be final.

(G.O. 1901, 10-14-02; G.O. 2671, 2-19-13; G.O. 2736, 7-21-14)

Sec. 2-1405. Limitation.

No decisions rendered as a result of the issuance of an administrative citation pursuant to Division 2 of this Article XIII may be appealed under Division 1 of this Article XIII.

(G.O. 2671, 2-19-13; G.O. 2736, 7-21-14)

Secs. 2-1406--2-1419. Reserved.

DIVISION 2. ADMINISTRATIVE CITATIONS RELATED TO PROPERTY MAINTENANCE VIOLATIONS AND ASSOCIATED ADMINISTRATIVE HEARING PROCESS

Sec. 2-1420. Administrative citation; general.

(a) *When allowed.* An administrative citation imposing a monetary penalty due to a property maintenance violation may be issued by the city manager or his or her designee to any person or entity committing a property maintenance violation, as defined in the Code of Ordinances, which includes a statement that the applicable chapter, article, division or section may be enforced by the issuance of such an administrative citation.

(b) *Content.* Administrative citations issued pursuant to this Division 2 must include the following:

- (1) Description of the property on which the alleged violation has occurred;
- (2) Statement of the violation and reason for issuance of the administrative citation;
- (3) Reference to the code section(s) containing the relevant penalty schedule;
- (4) Notice of the right to seek review of the administrative citation by the administrative violation review board and by a hearing officer; and
- (5) The name and signature of the citing code official.

(c) *Service.* An administrative citation must be deemed properly served if a copy thereof is:

- (1) Delivered personally to the named recipient; or
- (2) Sent by certified or first-class mail addressed to the last known address of the named recipient, or to the mailing address on file with the county assessor's office associated with the property on which the violation is believed to exist; or

- (3) Posted in a conspicuous place in or about the property on which the violation is believed to exist if the methods of serving the administrative citation noted in Subsections (c)(1) and (c)(2) above cannot be successfully completed, or if the administrative citation is returned showing that it was not delivered.
(G.O. 2671, 2-19-13; G.O. 2736, 7-21-14)

Sec. 2-1421. Administrative citation; dismissal.

At any time following issuance of an administrative citation pursuant to this Division 2, the city manager or his or her designee may dismiss or otherwise void such administrative citation and such citation shall no longer have any force or effect. In the event an administrative citation is so dismissed or voided any payment of the penalty amount stated in the citation shall be refunded to the recipient of the dismissed or voided citation.
(G.O. 2671, 2-19-13; G.O. 2736, 7-21-14)

Sec. 2-1422. Administrative citation; review.

(a) *Application for review.* Any person or entity to whom an administrative citation has been issued pursuant to this Division 2 shall have the right to seek review of said citation by the administrative violation review board by filing a written application for review with the city manager or his or her designee within ten calendar days after the day the citation was issued. An application for review must be based on a claim that:

- (1) The conditions providing the basis for the issuance of the administrative citation do not constitute a violation;
- (2) The provisions of such chapter, article, division or section do not fully apply;
- (3) The recipient of the administrative citation is not legally responsible pursuant to the Code of Ordinances for:
 - a. the condition providing the basis for the issuance of the administrative citation; or
 - b. the property on which such condition occurred.

(b) *Review hearing.* Following receipt of a properly completed application for review, the administrative violation review board shall review the citation at the next meeting at which such board may reasonably hear the review. The applicant must be notified of the date and approximate time during which his/her/its review will be heard at least ten business days in advance of such date and time.

(c) *Open hearing.* All hearings conducted under this section must be open to the public. The person or entity directly affected by the administrative citation, his/her/its representative, city officials and any person whose interests are affected must be given an opportunity to be heard.

(d) *Recommendation.* At the conclusion of the review hearing referenced in Subsection (b) of this section, the administrative violation review board shall issue a recommendation to the city manager or his or her designee recommending any the following:

- (1) Enforcement of the administrative citation;
- (2) Dismissal of the administrative citation; or
- (3) Stay of enforcement of the administrative citation allowing the recipient of the citation a reasonable amount of time, up to 30 days, to remedy the violation for which the citation was issued and, upon successful completion of such remedy, dismissal of the citation.

Any such recommendation must be approved by a quorum of the administrative violation review board. If such quorum cannot reach such a recommendation, the administrative violation review board will be deemed to have made no recommendation.

(e) *Determination.* Within ten business days of receipt of the administrative violation review board's recommendation, or within 15 business days of a hearing by the administrative violation review board if no such recommendation is issued, the city manager or his or her designee shall issue a determination regarding any enforcement of, modification to or dismissal of the subject administrative citation taking into

account the recommendation of the administrative violation review board. The city manager or his or her designee may modify the administrative citation in any manner in which said citation could have been originally issued; however, he or she is not bound by the administrative violation review board's recommendation. Such determination shall be issued in written form and in a manner reasonably calculated to notify the individual to which the administrative citation was issued of such determination.

(G.O. 2671, 2-19-13; G.O. 2736, 7-21-14)

Sec. 2-1423. Appeals of administrative citations.

(a) *Request for hearing.* Any recipient of an administrative citation issued pursuant to this Division 2 who has sought review by the administrative violation review board may further contest that there was a violation of the chapter, article, division or section as alleged in the administrative citation, or that he/she/it is the responsible party, by completing a request for administrative hearing petition and returning it to the city manager or his or her designee within the latter of 30 business days from the date of the administrative citation or ten business days of the issuance of a determination under the immediately preceding section. The party requesting the hearing must be notified of the time and place set for the hearing at least ten business days prior to the date of the hearing. If a code official submits an additional written report concerning the administrative citation to the hearing officer for consideration at the hearing, then a copy of the report also shall be served on the person requesting the hearing at least five business days prior to the date of the hearing.

(b) *Hearing officer.* Upon receipt of a properly filed administrative hearing petition pursuant to this section, the city manager or his or her designee shall designate a hearing officer to hear the appeal.

(c) *Hearing.* The designated hearing officer shall set a date for the hearing that is not less than 15 business days and not more than 60 business days from the date that the request for hearing is filed in accordance with the provisions of this section. At the hearing, the party contesting the subject administrative citation shall be given the opportunity to testify and to present evidence concerning the subject administrative citation. The failure of any recipient of an administrative citation to appear at the administrative citation

hearing shall constitute a failure to exhaust his/her/its administrative remedies.

(d) *Final decision.* Following a hearing conducted pursuant to this section, the hearing officer shall either dismiss the administrative citation or make specific findings of fact based upon competent and substantial evidence, which shows the condition constituting a violation of this article to be a nuisance and detrimental to the health, safety or welfare of the residents of the city. A copy of such decision in final written form must be provided to the recipient of the administrative citation.

Any final decision or disposition by a hearing officer pursuant to this section shall constitute a final determination for purposes of judicial review; subject however to review under Chapter 536, RSMo.

(G.O. 2671, 2-19-13; G.O. 2736, 7-21-14)

Sec. 2-1424. Administrative citation penalty schedule.

(a) Unless a penalty schedule for the issuance of an administrative citation pursuant to this Division 2 is explicitly set forth in the chapter, article, division or section being enforced, or a section citing such chapter, article, division or section being so enforced, penalties for the first administrative citation issued to a recipient will be \$100.00 for each violation identified in said administrative citation. Thereafter, for every subsequent administrative citation issued to the same recipient for the same violation on the same property within any 12 month period, the penalty for every such violation shall be \$200.00 a second violation, \$300.00 for a third violation, and \$450.00 for all subsequent violations.

(b) No administrative citation issued more than 12 months prior to the issuance of a subsequent administrative citation may be deemed a prior violation for the purposes of calculating the penalty amount of any violation for which an administrative citation is issued.

(c) The issuance of any administrative citation does not invalidate or otherwise modify any administrative citation that has been previously issued.

(d) No code official, hearing officer or other official may impose incarceration or any penalty in excess of the amount allowed by the penalty schedule.

(G.O. 2671, 2-19-13; G.O. 2736, 7-21-14; G.O. 2893, 12-17-18)

Sec. 2-1425. Collection of administrative citation penalty.

(a) *When due.* All sanctions, penalties and costs set forth in an administrative citation are due 30 business days after issuance of such administrative citation. In the event of an appeal of an administrative citation or a review of an administrative citation by the administrative violation review board, the penalty must be deposited with the city and, if the administrative citation is dismissed, such sanctions, penalties and costs must be refunded to the recipient of the associated dismissed administrative citation.

(b) *Collection.* All sanctions, penalties and costs set forth in an administrative citation that remain unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures under Chapter 536, RSMo, shall be a debt due and owing the city, and may be collected in accordance with applicable law.

(c) *Lien status.* After expiration of the judicial review period under Chapter 536, RSMo, unless stayed by a court of competent jurisdiction, all citations, decisions, rules, and orders issued in accordance with this division may be enforced in the same manner as a judgment entered by a court of competent jurisdiction. Upon being recorded in the manner required by state law, a lien may be imposed on the real or personal property of any recipient of an administrative citation in the amount of any debt due the city under this division and enforced in the same manner as a judgment lien under a judgment of a court of competent jurisdiction.

(G.O. 2671, 2-19-13; G.O. 2736, 7-21-14)

Sec. 2-1426. Concurrent enforcement prohibited.

Any person or other legal entity that violates any provision of the Code of Ordinance which may be enforced by the issuance of an administrative citation may be required to pay a penalty or may be issued a summons to appear in municipal court; however, no person or other legal entity may be

required to pay a penalty for the same condition constituting a violation occurring on the same property and on the same day that said person or other legal entity is also issued a summons to appear in municipal court. In no event shall this section be interpreted as limiting the discretion of the city manager or any of his or her designees to issue an administrative citation or a summons to appear in municipal court or to abate the condition constituting a violation as allowed by the code of ordinances.

(G.O. 2671, 2-19-13; G.O. 2736, 7-21-14)

Secs. 2-1427--2-1434. Reserved.

DIVISION 3. ADMINISTRATIVE
BUILDING CITATIONS

**Sec. 2-1435. Administrative building citation;
general.**

(a) *When allowed.* An administrative building citation imposing a monetary penalty due to a building or licensing violation may be issued by the city manager or his or her designee to any person or entity committing a building code violation or a license violation, as defined in the code of ordinances, which includes a statement that the applicable chapter, article, division or section may be enforced by the issuance of such an administrative building citation.

(b) *Content.* Administrative building citations issued pursuant to this Division 3 must include the following:

- (1) Address of the property on which the alleged violation has occurred;
- (2) Statement of the violation and reason for issuance of the administrative building citation;
- (3) Reference to the code section(s) containing the relevant penalty schedule;
- (4) Notice of the right to seek review of the administrative building citation by the appeals board having jurisdiction over type of work performed, also known as the “appeals board”, and by a hearing officer; and
- (5) The name and signature of the citing code official.

(c) *Service.* An administrative building citation must be deemed properly served if a copy thereof is:

- (1) Delivered personally to the named recipient; or
- (2) Sent by first-class mail addressed to the last known address of the named recipient, or to the mailing address on file with the county assessor’s office and any other address known by the building regulations division associated with the property on which the violation is believed to exist; or

- (3) Posted in a conspicuous place on or about the property on which the violation is alleged to exist if the methods of serving the administrative building citation noted in Subsections (c)(1) and (c)(2) above cannot be successfully completed, or if the administrative building citation is returned showing that it was not delivered.

(G.O. 2784, 7-20-15)

**Sec. 2-1436. Administrative building citation;
dismissal.**

At any time following issuance of an administrative building citation pursuant to this Division 3, the city manager or his or her designee may dismiss or otherwise void such administrative citation and such citation shall no longer have any force or effect. In the event an administrative citation is so dismissed or voided, any payment of the penalty amount stated in the citation shall be refunded to the recipient of the dismissed or voided citation.

(G.O. 2784, 7-20-15)

**Sec. 2-1437. Administrative building citation;
review.**

(a) *Application for review.* Any person or entity to whom an administrative building citation has been issued pursuant to this Division 3 shall have the right to seek review of said citation by the appeals board having jurisdiction over the type of work performed, also known as the “appeals board,” by filing a written application for review with the city manager or his or her designee within ten calendar days after the day the citation was hand delivered or mailed. An application for review must be based on a claim that:

- (1) The conditions or factors providing the basis for the issuance of the administrative building citation do not constitute a violation;
- (2) The provisions of such chapter, article, division or section do not fully apply;

(b) *Review fee.* The applicant for administrative building citation appeal is to pay a

fee for such an appeal and will be refunded the fee if their appeal is successful in dismissing the administrative building citation. The following is the fee schedule for an administrative building citation appeal:

- (1) First appeal for the specified building violation is free.
- (2) Additional appeals for same violation are \$100 each, unless previous appeal for same violation was successful in overturning their penalty, or it has been more than 18 months since their last appeal for the specific violation.

(c) *Review hearing.* Following receipt of a properly completed application for review, the appeals board shall review the citation at the next meeting at which such board may reasonably hear the review. The applicant must be notified of the date and approximate time during which the review will be heard at least ten business days in advance of such date and time.

(d) *Open hearing.* All hearings conducted under this section must be open to the public. The person or entity directly affected by the administrative building citation, his/her/its representative, city officials and any person whose interests are affected must be given an opportunity to be heard.

(e) *Recommendation.* At the conclusion of the review hearing referenced in Subsection (b) of this section, the appeals board shall issue a recommendation to the city manager or his or her designee recommending any the following:

- (1) Enforcement of the administrative building citation;
- (2) Dismissal of the administrative building citation.

(f) *Determination.* Within ten business days of receipt of the appeals board's recommendation, or within 15 business days of a hearing by the appeals board if no such recommendation is issued, the city manager or his or her designee shall issue a determination regarding any enforcement of, modification to or dismissal of the subject administrative building citation taking into account the recommendation of the appeals board. The city manager or his or her designee may modify the administrative citation in any manner

in which said citation could have been originally issued; however, he or she is not bound by the appeals board's recommendation. Such determination shall be issued in written form and in a manner reasonably calculated to notify the individual to which the administrative building citation was issued of such determination.

(G.O. 2784, 7-20-15; G.O. 2831, 4-24-17)

Sec. 2-1438. Appeals of administrative building citations.

(a) *Request for hearing.* Any recipient of an administrative citation issued pursuant to this Division 2 who has sought review by the appeals board may further contest that there was a violation of the chapter, article, division or section as alleged in the administrative citation, or that he/she/it is the responsible party, by completing a request for administrative hearing petition and returning it to the city manager or his or her designee within the latter of 30 business days from the date of the administrative citation or ten business days of the issuance of a determination under the immediately preceding section. The party requesting the hearing must be notified of the time and place set for the hearing at least ten business days prior to the date of the hearing. If a code official submits an additional written report concerning the administrative citation to the hearing officer for consideration at the hearing, then a copy of the report also shall be served on the person requesting the hearing at least five business days prior to the date of the hearing.

(b) *Hearing officer.* Upon receipt of a properly filed administrative hearing petition pursuant to this section, the city manager or his or her designee shall designate a hearing officer to hear the appeal.

(c) *Hearing.* The designated hearing officer shall set a date for the hearing that is not less than 15 business days and not more than 60 business days from the date that the request for hearing is filed in accordance with the provisions of this section. At the hearing, the party contesting the subject administrative citation shall be given the opportunity to testify and to present evidence concerning the subject administrative citation. The failure of any recipient of an administrative citation to appear at the administrative citation

hearing shall constitute a failure to exhaust his/her/its administrative remedies.

(d) *Final decision.* Following a hearing conducted pursuant to this section, the hearing officer shall either dismiss the administrative citation or make specific findings of fact based upon competent and substantial evidence, which shows the condition constituting a violation of this article to be a nuisance and detrimental to the health, safety or welfare of the residents of the city. A copy of such decision in final written form must be provided to the recipient of the administrative citation.

Any final decision or disposition by a hearing officer pursuant to this section shall constitute a final determination for purposes of judicial review; subject however to review under Chapter 536, RSMo.

(G.O. 2784, 7-20-15; G.O. 2831, 4-24-17)

Sec. 2-1439. Administrative building citation penalty schedule.

(a) Unless a penalty schedule for the issuance of an administrative building citation pursuant to this Division 3 is explicitly set forth in the chapter, article, division or section being enforced, or a section citing such chapter, article, division or section being so enforced, penalties for the first administrative building citation issued to a recipient will be \$100.00 for a violation identified in said administrative building citation. Thereafter, for every subsequent administrative building citation issued to the same recipient within a 12 month period shall increase. Therefore, the administrative building citation for the second violation shall be \$250.00 and each violation thereafter shall be \$500.00 or the maximum amount allowed by law.

(b) No administrative building citation issued more than 12 months prior to the issuance of a subsequent administrative building citation may be deemed a prior violation for the purposes of calculating the penalty amount of any violation for which an administrative building citation is issued.

(c) The issuance of any administrative building citation does not invalidate or otherwise modify any administrative building citation that has been previously issued.

(d) No code official, hearing officer or other official may impose incarceration or any penalty in excess of the amount allowed by the penalty schedule.

(G.O. 2784, 7-20-15)

Sec. 2-1440. Collection of administrative building citation penalty.

(a) *When due.* All sanctions, penalties and costs set forth in an administrative building citation are due 30 business days after issuance of such administrative building citation. In the event of an appeal of an administrative building citation or a review of an administrative building citation by the appeals board having jurisdiction over type of work performed, also known as the “appeals board”, the penalty must be deposited with the city and, if the administrative building citation is dismissed, such sanctions, penalties and costs must be refunded to the recipient of the associated dismissed administrative building citation.

(b) *Collection.* All sanctions, penalties and costs set forth in an administrative building citation that remain unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures under Chapter 536, RSMo, shall be a

debt due and owing the city, and may be collected in accordance with applicable law.

(c) *Lien status.* After expiration of the judicial review period under Chapter 536, RSMo, unless stayed by a court of competent jurisdiction, all citations, decisions, rules, and orders issued in accordance with this division may be enforced in the same manner as a judgment entered by a court of competent jurisdiction. Upon being recorded/filed in the manner required by state law, a lien may be imposed on the real or personal property of any recipient of an administrative building citation in the amount of any debt due the city under this division and enforced in the same manner as a judgment lien under a judgment of a court of competent jurisdiction.

(G.O. 2784, 7-20-15)

Sec. 2-1441. Concurrent enforcement prohibited.

Any person or other legal entity that violates any provision of the Code of Ordinance which may be enforced by the issuance of an administrative building citation may be required to pay a penalty or may be issued a summons to appear in municipal court; however, no person or other legal entity may be required to pay a penalty for the same condition constituting a violation on the same day that said person or other legal entity is also issued a summons to appear in municipal court. In no event shall this section be interpreted as limiting the discretion of the city manager or any of his or her designees to issue an administrative citation or a summons to appear in municipal court or to abate the situation constituting a violation as allowed by the code of ordinances.

(G.O. 2784, 7-20-15)

Secs. 2-1442--2-1449. Reserved.

ARTICLE XIV. EMERGENCY MANAGEMENT

Sec. 2-1450. Purpose, definitions.

(a) *Authority; purpose.* Pursuant to RSMo., Chapter 44, this article is intended to provide and clarify the authority of the City of St. Joseph, Missouri, and its officers, employees, agents and volunteers, with regard to emergencies and disaster situations. It is intended to establish as broad a power as permitted by statutory and

constitutional authority for emergency management in accordance with the following objectives:

- (1) Minimizing risk associated with natural and man-made disasters by prevention, preparation and response;
- (2) Facilitating the ability of local government to act in coordination with other authorities, or independently, to respond to emergencies; and
- (3) Providing standards, procedures and guidance for action as appropriate to the nature of the emergency.

(b) *Definitions.* In this ordinance:

- (1) “Agency” shall mean the State of Missouri emergency management agency.
- (2) “City council” or “Council” shall mean the City Council of the City of St. Joseph, Missouri.
- (3) “City manager” shall mean the city manager of the City of St. Joseph, Missouri.
- (4) “Director” or “state director” shall mean the director of the State of Missouri emergency management agency.
- (5) “Emergency” shall mean a situation or condition:
 - a. During which there is occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause, including, but not limited to, fire; flood; earthquake; windstorm; snow, sleet or rain; heat; technological incident; oil or chemical spill; water, air or soil contamination; and
 - b. That requires or may require emergency action or response to avert or lessen danger or damage; epidemic; contamination; blight; drought; infestation; explosion;

panic; riot; terrorism; or other conditions that may create a serious threat to public health, safety or welfare.

- (6) “Emergency management plan” or “emergency Plan” shall mean the plan established pursuant to Section 2-1453 below as it, from time to time, may be amended.
- (7) “Isolation” shall mean the separation of persons who have a specific infectious illness from those who are healthy and the restriction of their movement to stop the spread of that illness.
- (8) “Local emergency management coordinator” shall mean the emergency management coordinator established under Subsection 2-1451(b) below.
- (9) “Local organization” shall mean the emergency management organization established under Subsection 2-1451(a) below.
- (10) “Municipality” shall mean the City of St. Joseph, Missouri.
- (11) “Quarantine” shall mean the separation and restriction of movement of persons who, while not yet ill, have been exposed to an infectious agent and, therefore, may become infectious.
- (12) “State of emergency” shall mean a condition, situation or set of circumstances deemed to be so hazardous or dangerous to life or property as to require invoking, requiring or utilizing extraordinary measures, actions or

procedures to lessen or mitigate actual or possible harm or threat of harm. This definition shall be deemed amended to incorporate any expansion of the term, as defined in RSMo., Section 44.010(6), to include other factors and conditions constituting an Emergency, so that the municipality shall have as broad powers as possible to deal with such conditions.

(G.O. 2208, 12-4-06)

Sec. 2-1451. Local emergency management organization; coordinator.

(a) *Local organization.* The local emergency management organization required by RSMo., Section 44.080 shall be governed as set forth below:

- (1) Regular (voting) membership, nine:
 - a. The mayor of the municipality;
 - b. The chairperson of the council public safety committee;
 - c. The municipality’s city manager;
 - d. The municipality’s local emergency management coordinator;
 - e. The municipality’s fire chief;
 - f. The municipality’s police chief;
 - g. The municipality’s public works and transportation director;
 - h. The municipality’s Health Director; and
 - i. The municipality’s financial services director.

- (2) Ex-officio (non-voting) membership, nine:
 - a. The municipality’s city attorney;
 - b. The municipality’s customer assistance director;
 - c. The municipality’s human resources director;
 - d. The municipality’s parks, recreation and civic facilities director;
 - e. The municipality’s planning and community development director;
 - f. The municipality’s technology and communication services director;
 - g. The municipality’s communications manager;
 - h. The municipality’s street superintendent; and
 - i. The municipality’s purchasing agent.

(b) *Local emergency management coordinator.* The fire chief, after consultation with the city manager, shall appoint a local emergency management coordinator and shall cause the report of such appointment to be made, via letter, to the director. The fire chief, *after consultation with the city manager*, may remove the local emergency management coordinator for any reason he or she deems sufficient upon such notice as he or she deems appropriate under the circumstances. The local emergency management coordinator shall receive such compensation as determined by the city manager within the funds appropriated for that purpose. The local emergency management coordinator shall report to and shall be subject to the direction and control of the city manager. If the position of local emergency management coordinator is vacant or has not been filled, or if the local emergency management coordinator is unavailable during an emergency, the responsibilities for performing the powers and duties of the local emergency management coordinator will be fulfilled in accordance with Subsection 2-1457(a).

(G.O. 2208, 12-4-06)

Sec. 2-1452. General powers of local emergency management or-organization and coordinator.

(a) *Local emergency management coordinator.* The local emergency management coordinator, within the limits of appropriations:

- (1) Shall:
 - a. Develop, coordinate and implement exercises for the purpose of testing local emergency response capabilities;
 - b. Coordinate emergency responses for all emergencies within the municipality;
 - c. Cooperate with the state director, or other person in charge, for all emergencies located outside of the municipality;
 - d. Provide assistance in locating resources or providing communications services and facilities to first responders, law enforcement, utilities and others as may be appropriate; and

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- e. Coordinate remediation efforts following an emergency.

(2) May:

- a. Undertake educational, training, awareness and other guidance activities to educate and prepare the public for emergencies; and
- b. Attend conferences, meetings and other events intended to improve or assess emergency preparedness in or for the municipality.

(b) *Local organization.* The local organization shall:

- (1) Adopt and amend the local emergency management plan pursuant to state law and Section 2-1453 below;
- (2) Perform all duties set forth in the emergency management plan; and
- (3) Advise officials, administrators and boards regarding emergency management matters.

(G.O. 2208, 12-4-06)

Sec. 2-1453. Emergency Management Plan.

(a) *Development, adoption and amendment; implementation of local emergency management Plan.* The emergency management plan shall be adopted to govern local emergency management activities for the municipality; both internally and in cooperation with other governmental units. In addition, the emergency plan shall serve to provide guidance in those instances which, by the very nature of emergencies, cannot be predicted or expected.

- (1) Prior to submitting an emergency plan to the city council for adoption, the local organization shall consult with appropriate local, regional, state, federal and private persons and entities regarding its content. The emergency plan shall be adopted by the city council via ordinance.
- (2) Prior to amending any previously adopted emergency plan, the local organization shall consult with appropriate local, regional, state, federal and private persons and entities regarding the content of the

amendments. The city council shall adopt any proposed amendments to the emergency plan via ordinance; thereafter, such plan shall be placed on file with the city clerk of the municipality for public review and reference.

- (3) The local organization shall establish training requirements for itself and local officials, employees and volunteers and shall seek approval of funds therefore in the annual budget. Such training may be provided by FEMA, the state, educational institutions or other organizations or entities.

(b) *Appropriations; expenditures.*

- (1) As part of the annual budget process, the local organization, guided by the local emergency management coordinator, will determine the appropriate amount to request in the municipality's annual budget. To the extent possible, expenditures for emergency preparedness and management will be included in the annual budget as can reasonably be afforded. If budgeted, expenditures shall be within the amounts appropriated.
- (2) However, as emergencies, by their nature, cannot be predicated and as associated costs also may not be predicted with accuracy, expenditures may be made as necessary and appropriate during a declared state of emergency without specific regard to amounts set forth in line items in the budget.
- (3) The local emergency management coordinator may take such action with regard to expenditure of funds as necessary in light of existing circumstances to protect the health and safety of persons and property; provided that the local emergency management coordinator shall obtain consent of the city manager, or his or her designate, prior to such expenditure.
- (4) All resources and supply operations will be controlled from the emergency operation center to ensure official concurrence for actions taken. Records

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of purchases will be duplicated when possible.

- (5) When time and circumstances permit, the appropriate ordinances shall be filed and adopted, as necessary, to transfer or exceed appropriations.

(c) *Prevention; management of response; remediation.* The emergency plan shall be based on emergency management that includes components for identification of risks, prevention of loss, prioritization of responses based on resources and potential for damage and injury, conduct during emergencies, remediation of damages and assessment and planning to address recurrence of similar events or conditions.

(d) *Document management, storage, protection.* The emergency plan shall include provisions intended to provide for the safe storage, protection and preservation of records, including electronic records. To the extent that such provisions require funding, the local organization shall advise the city council, through the city manager, who shall seek to secure appropriations to properly implement the recommendations in a timely manner.

(e) *Advisory action, guidance for private sector.* To the extent that private individuals and private property may not be subject to regulation or control, the emergency plan shall provide guidance for the private sector in planning and preparing for conditions that might reasonably be expected to arise in the Municipality.
(G.O. 2208, 12-4-06)

Sec. 2-1454. Declaration of local state of emergency; procedures.

(a) *General standard as guidance.* As emergencies, by their nature, may require that action be taken promptly or in a different manner than that set forth in this or other ordinances, the procedures specified in this section are recommended procedures to be followed when practicable. Based on the nature of the emergency, any reasonable procedure, as determined within the sole discretion of the city manager, shall be deemed adequate and proper for all purposes.

- (1) The city manager, the local emergency management coordinator, the fire chief, the police chief, or, in their absence, any

responsible local government employee, may request that the mayor of the municipality declare the existence of a local state of emergency. The request need not be in writing, but a written record of the request and supporting reasons shall be made as promptly as is reasonably possible under the circumstances. The mayor of the municipality may also initiate a declaration of a local state of emergency based on his or her own determination of the need therefore.

- (2) The mayor of the municipality shall review relevant information and undertake consultation as deemed necessary in connection with a requested declaration. When practicable, the mayor of the municipality shall advise the state prior to declaring a local state of emergency and, if prior notice is not given, shall notify the state of issuance of the declaration as soon as practicable after its issuance.
- (3) The mayor of the municipality may request that the local state of emergency be converted into a state or regional state of emergency by notifying the state director.
- (4) The local organization shall review the need for continuing the local state of emergency at least every fourteen days until the local State of Emergency is terminated by the city council. The deadlines for action established in this section are subject to reasonable extension in extreme situations where it is not possible to comply with them and if termination of the declaration of emergency could endanger life or property.

(b) *Notification of declaration.* Upon issuance of a declaration of a local state of emergency, the mayor of the municipality shall notify all appropriate municipal personnel and shall indicate the nature of extraordinary actions that may be taken during the state of emergency. Based on considerations of public safety, and to avoid interference with preparation and response to the emergency, the city manager shall

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determine the extent and manner of release of notice to the public and media.

(G.O. 2208, 12-4-06)

Sec. 2-1455. Local state of emergency; declared and undeclared; powers and duties.

(a) *General provisions (no state or regional declaration).* In any state of emergency that is within the ability and capacity of the municipality to control, with or without mutual assistance, and when no local state or regional state of emergency has been formally declared, the following provisions apply:

- (1) The local emergency management coordinator shall have direct responsibility for the operation of responses to local emergencies in accordance with the emergency management plan.
- (2) The local emergency management coordinator may exercise general control over first responders to coordinate responses and avoid duplication, repetition or conflict, and assure that services are provided as expeditiously as possible.
- (3) Until a formal declaration of state of emergency is issued under subsection (b) and (c) below, the local emergency management coordinator may not exercise the powers listed under those subsections.

(b) *Declared state of local emergency.* The power to declare a local state of emergency is vested in the mayor, in accordance with Section 2-1454 above; provided, however, that if the mayor is unavailable or incapacitated, this power shall be transferred to another individual who meets with the approval of the state director. Upon issuance of a declaration of a local state of emergency:

- (1) The local organization shall attempt to meet as soon as practicable to confirm the declaration and ratify implementation of emergency powers that may be exercised under this ordinance. Such confirmation and ratification, however, is not required to implement emergency powers on an interim basis. In addition, any determination by the local organization

not to confirm or ratify the emergency shall not affect the implementation of emergency powers on an interim basis prior to that time and shall not serve as a basis for any action against the municipality or for imposition of discipline against any employee or official unless the declaration was manifestly improper or contrary to law.

- (2) The local emergency management coordinator may:
 - a. Enter into contracts and incur obligations necessary to address the emergency, protect the health and safety of persons and property and provide emergency assistance to victims.
 - b. In accordance with Section 2-1456 below, and other provisions of this ordinance, exercise powers under this ordinance in light of the exigencies of the extreme emergency situation without regard to time-consuming procedures and formalities prescribed by law pertaining to:
 - i. performance of public work;
 - ii. entering into contracts;
 - iii. incurring of obligations;
 - iv. employing temporary workers;
 - v. renting equipment;
 - vi. purchasing supplies and materials; and
 - vii. appropriation and expenditure of public funds.

Except that all attempts will be made to follow Subsection 2-1453(b) when possible.

- c. Control and direct the efforts of the emergency responders and other employees and volunteers of the municipality and other individuals under this ordinance.
- d. Direct cooperation among and coordination of services and staff of the emergency organization of the municipality and resolve questions of authority and responsibility that may arise.

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- e. Represent the municipality in all dealings with public or private agencies and the media on matters pertaining to the emergency.

(c) *Emergency beyond local control.* In any state of emergency that is beyond the capacity of the municipality to control, the Municipality's actions and response shall be governed by RSMo., Chapter 44 and shall include the powers and duties set forth in this ordinance to be exercised in accordance with RSMo., Chapter 44 and any other applicable laws, such as mutual aid statutes. (G.O. 2208, 12-4-06)

Sec. 2-1456. Emergency; extraordinary powers.

(a) *Local emergency management coordinator.* After declaration of a local state of emergency or in response to a declaration of emergency on a state or regional basis, the local emergency management coordinator may:

- (1) In accordance with applicable provisions of this ordinance, issue rules on matters reasonably related to protection of life and property that may be affected by the emergency, including matters such as, but not limited to, evacuation, opening and closing hours for all or any class of business operations, closing roads to all or particular classes of vehicles, closing schools, closing or regulating access to public places, isolation, quarantine, and curfews. Such rules shall be confirmed at the earliest practicable time by the local organization.
- (2) Require emergency services to be performed by any officer or employee of the municipality and acquire the assistance of as many individuals in the municipality as the local emergency management coordinator deems necessary in response to the emergency. Such officials, employees and individuals shall be entitled to all privileges, benefits and immunities as are provided by state law for municipal employees or volunteers under any applicable law.

- (3) Requisition necessary personnel or material of any department of the municipality.
- (4) Exercise all of the powers conferred upon the local emergency management coordinator by state or federal law, by this ordinance, by the municipality's emergency plan, or by ordinance or resolution adopted by the city council.

(b) *Waiver of "time-consuming procedures and formalities."* With regard to powers vested in the local emergency management coordinator, pursuant to Subsection 2-1455(b)(2)a, the purpose of waiving procedures and formalities is to permit the municipality to respond to the emergency in an effective and timely manner. To do so may require variance from otherwise applicable procedures and requirements such as competitive bidding, notice and hearing and formalities of approval of appropriation of transfers. Emergency response may also require that public or private property be used without formal documentation of its temporary application for such purposes. The waiver of formalities and procedural requirements under such circumstances shall be intended solely to facilitate emergency management and shall, to the extent possible, be used in accordance with the following guidelines:

- (1) If it provides guidance, the emergency plan and Subsection 2-1453(b) shall be followed.
- (2) Waivers shall be documented as to their nature, the necessity therefore and the procedures that were utilized. That documentation shall be supplied as soon as possible to the city manager, the resource and supply coordinator and the local organization.
- (3) The local emergency management coordinator shall keep accurate records of any funds expended pursuant to waivers and submit a report thereof to the city manager who shall promptly determine if after-the-fact transfers can be made within the limits of available appropriations or if additional appropriation action by the city council is required.

- (4) If any public or private property has been used during such emergency without formal documentation or authorization, that use shall cease when it is reasonable to do so, and the local emergency management coordinator shall report such use to the city manager who shall determine if compensation, reparation or repairs are requirement in connection with such use, as well as the need for any further appropriation action by the city council.

(c) *State or national emergency declaration powers.* If a state or national emergency has been declared, the local emergency management coordinator shall be vested with such powers as may be provided under state or federal law or in accordance with the declaration.

(G.O. 2208, 12-4-06)

Sec. 2-1457. Continuity of government.

(a) *Unavailability/vacancy: Local emergency management coordinator.* If the position of local emergency management coordinator is vacant, or if the local emergency management coordinator is not available, during any state of emergency, the fire chief shall act in the local emergency management coordinator's place. If the fire chief is unavailable during any state of emergency, the local organization will, as promptly as possible, appoint someone to serve in an acting or interim capacity. If the local organization is unable to make such an appointment, the police chief shall act in the local emergency management coordinator's place and shall request assistance from the division or other state, regional or local agency.

(b) *Local organization/city council.* During any emergency, the local organization and/or city council may meet in accordance with this section when a quorum of either body cannot be convened under normal operating rules and procedures due to the Emergency. When any state of emergency exists, the local organization and/or city council may meet at any place within or without the territorial limits of the municipality and shall proceed to establish and designate, by resolution or other manner, alternate or substitute sites or places as the Emergency temporary location of government where all or any part of the public business may be transacted and conducted during the state of emergency. Such sites, or places, may

be within or without the territorial limits of such municipality, but shall be within the state.

Meetings may be called by the local emergency management coordinator or the city manager. If neither is available, any member of the local organization may call a meeting. Notice of the meeting shall be given in any manner that is reasonably calculated to inform members that a meeting will occur. Meetings shall be open to the public, except as allowed under RSMo., Section 610.021. If a quorum cannot attend, then the quorum required for action during this interim emergency period shall be the number of members present and acting.

(G.O. 2208, 12-4-06)

Sec. 2-1458. Conflicting ordinances and regulations.

Any ordinances, rules, policies or orders promulgated during a declared state of emergency shall take precedence over existing ordinances, rules and regulations if a conflict arises. Upon the declaration of a state of emergency affecting the municipality:

- (1) *Purchasing and public works contracts.* The city council may enter into/authorize the city manager to enter into necessary contracts in response to an emergency without formal competitive bidding procedures and without advertising and posting notice of any such contract. However, any such contract entered into, pursuant to this subsection, shall be noted in the minutes of the next meeting of the city council following execution of the contract.
- (2) *Enforcement of city code of ordinances.* The city council may temporarily suspend the enforcement of the municipality's code of ordinances or any portion thereof, if:
 - a. The emergency or disaster is of such nature that immediate action outside the municipality's code is required;
 - b. Such suspension is consistent with the protection of the public health, safety and welfare; and

- c. Such suspension is not inconsistent with any federal or state statutes or regulations.

- (3) *Temporary dwellings.* The city council may authorize the issuance of temporary building permits to allow manufactured housing, mobile homes, trailers, recreational vehicles or other temporary dwelling structures to be used in any zoning district while a primary dwelling is being repaired, provided that such temporary dwellings meet minimal standards for health and safety, including requirements for adequate water supply and waste disposal. The temporary permit may be issued upon such additional conditions as are deemed reasonable. Any such temporary permit shall not exceed six months in duration. In the case of continuing hardship and in the discretion of the city council, the permit may be extended for up to an additional six months. Upon expiration of the temporary permit or an extension thereof, the temporary dwelling shall be removed and any property disturbed shall be restored.

(G.O. 2208, 12-4-06)

Sec. 2-1459. Mutual aid.

(a) *Emergency assistance mutual aid.* As permitted by and subject to applicable statutes, the local emergency management coordinator, with approval of the city manager, may enter mutual aid agreements for reciprocal emergency management aid and assistance. The local emergency management coordinator shall be responsible for initiating or responding to requests for mutual aid and shall have the authority to determine the nature of the request and response. The local emergency management coordinator shall consult the police chief and fire chief, as well as the public works and transportation director, with respect to needs for mutual aid when requesting the same and with regard to availability of resources to respond to requests for mutual aid.

(b) *Mutual aid coordination and cooperation.* When mutual aid is provided when a local state of emergency, or statewide or regional state of emergency, has been declared that includes the municipality, the local emergency management coordinator may coordinate the direct operations in furtherance of the purposes of this ordinance. The

police chief and fire chief shall ensure that copies of all mutual aid agreements are placed on file with the city clerk. In case of conflict between the emergency plan and any mutual aid agreement, the emergency plan shall govern for all situations in which the municipality is the primary responder and when a declaration of a local state of emergency is in effect.

(G.O. 2208, 12-4-06)

Sec. 2-1460. Immunity.

The municipality and its officials, officers, employees and volunteers, as well as any private persons or entities, acting or performing functions under this ordinance or in connection with a declared or undeclared emergency (i.e., emergency management workers) are deemed to be carrying out governmental functions, and shall be immune from liability for death or injury to any person or for damage to property in accordance with RSMo., Section 537.600, et al. and any other applicable statute or common law principle.

(G.O. 2208, 12-4-06)

Sec. 2-1461. Community caretaking.

In carrying out the responsibilities of emergency preparation, management and response under this ordinance, local officials, officers and employees, including law enforcement officials, shall be deemed to be exercising community caretaking powers and duties, except when the primary purpose of the activity is related to apprehension or investigation in criminal matters. When reasonably exercising "community caretaking functions," as defined in Subsection (b) below, law enforcement officers need not strictly comply with requirements normally imposed in connection with certain law enforcement functions.

- (1) *Law enforcement during emergencies.* A law enforcement officer, in carrying out law enforcement responsibilities during a declared state of emergency, may engage in inquiries, brief detentions, reasonable searches and arrests in accordance with accepted exceptions to warrant procedural requirements.

- (2) *Community caretaking functions.* A law enforcement officer is deemed to be acting in a community caretaking function when the officer acts to (1) render aid, (2) assess and respond to a situation posing an imminent serious threat to life or property, or (3) otherwise protect the public health and safety from imminent harm. Community caretaking functions are deemed to exist when a declared State of emergency exists, or when the officer has reasonable grounds to believe that an emergency exists, that presents an imminent or serious threat to life or property; prompt action is required and taken; the officer's action is not motivated or related to investigation or evidence acquisition for criminal matters; and the officer acts reasonably under the circumstances. Community caretaking functions that can be performed under this section include, without limitation by reason of enumeration, detention of people, seizure of property and entry into premises without warrants to:

- a. Render emergency medical treatment;
- b. Search for a victim or missing or kidnapped person;
- c. Check on the welfare of children reportedly left unattended;
- d. Interrupt an assault or other violent crime in progress;
- e. Attend to a dead body or determine the veracity of a report of a homicide;
- f. Extinguish a fire;
- g. Neutralize explosives or volatile chemicals or other harmful agents;
- h. Protect the lives of animals;
- i. Forcibly isolate people or property who may pose a serious threat to others because of their exposure to harmful agents or contagions;
- j. Mandate the evacuation of a building or area if necessary to protect occupants or others; and
- k. Enforce decontamination of people or property necessary to protect others from harm.

(G.O. 2208, 12-4-06)

Sec. 2-1462. Emergency management: building and development planning.

A major goal of emergency management is the prevention of bodily injury and property damage. Accordingly, all buildings, site development and related actions by the municipality shall be reviewed with the local organization as part of the planning process for their effect on and potential role in emergency management. In addition, the planning commission shall consider emergency management in formulating and applying land use planning ordinances and regulations. To the extent feasible, the local organization, local emergency management coordinator and city manager shall consult with the public concerning emergency planning with regard to development proposals and shall seek to provide input and information about local emergency management concerns with respect to developments by other governmental units.

(G.O. 2208, 12-4-06)

Sec. 2-1463. Evacuations; property searches/seizures; curfews.

(a) *Evacuations.* The city manager, after review by the local emergency management coordinator, the police chief or fire chief, and with the consent of the local organization, may order the evacuation of specified areas of the municipality. The evacuation order may be advisory or mandatory based on the situation. The local emergency management coordinator shall provide as much public notice of any evacuation order as is deemed possible and appropriate under the circumstances.

- (1) All persons subject to any mandatory order shall promptly comply. All law enforcement officials are empowered to enforce the terms of any mandatory evacuation order. Any person who refuses to comply with an evacuation order or advisory shall be deemed responsible for any consequent injury to persons or property and shall indemnify and hold harmless the municipality for any damages incurred as a result of noncompliance.

- (2) The local emergency management coordinator and other officials or employees of the municipality may assist

in implementing any evacuation order issued pursuant to state or federal authority.

(b) *Property searches/seizures.* As needed in an emergency, local emergency management personnel may need access and entry to property owned by persons other than the municipality. When feasible, attempts shall be made to obtain owner or occupant consent for entry. However, when required, in the sole judgment of the local emergency management coordinator or other person in control of the situation, when consent cannot reasonably be obtained, entry may be gained by reasonable means appropriate to the situation. Entry may be used, for example, to find individuals, pets or other living beings or to locate property when they are in danger of harm or injury as a result of conditions causing or resulting from the emergency. Law enforcement personnel involved in such an entry shall be deemed to be engaged in “community caretaking functions” in accordance with Subsection 2-1461(b).

(c) *Curfews.* Upon declaration of a state, regional or local state of emergency that includes the municipality and if a curfew is not otherwise in effect, the city council may, by resolution, institute a curfew when determined necessary to protect and safeguard persons and property. The resolution instituting the curfew shall state the geographic extent and dates and hours that the curfew shall be in effect.

- (1) A curfew under this section shall require all persons who are not exempt by Subsection 2-1463(c)(2) below or other law to remove themselves from any public way, street or place during the curfew. The order may also specify that certain businesses whose operation could impose a danger to persons or property be closed or restricted during the curfew.
- (2) Unless otherwise specified, the following individuals shall be exempt from its requirements: individuals engaged in providing designated, essential services, such as fire, law enforcement, emergency medical and hospital, military and utility emergency repairs. The resolution may also exempt regular employees of local industries traveling to and from their jobs with appropriate identification, news media employees, building and repair

contractors and their employees performing activities related to construction, repair, renovation or improvement of buildings and other structures damaged during the emergency. (G.O. 2208, 12-4-06)

Sec. 2-1464. Volunteers, donations.

(a) *Volunteers.* The municipality encourages volunteerism. However, emergencies may pose special risks so that untrained, unsupervised or unauthorized volunteers may increase risks rather than assist in preventing or mitigating damage. The emergency plan shall identify appropriate training for volunteers in emergency situations and the city council shall arrange for training within the limits of funds appropriated for that purpose. The local emergency management coordinator may also approve training provided by other sources and determine classifications of individuals who qualify as volunteers without additional training. The local emergency management coordinator shall determine the need for any qualification of volunteers in any emergency. If a person who has not had such seeks to volunteer in any emergency, the local Emergency management coordinator, or his/her designated representative, shall determine if that individual is qualified to act as a volunteer in a designated capacity. Individuals and organizations shall not represent themselves as being an authorized volunteer unless so designated by the local emergency management coordinator, or his/her designated representative.

(b) *Donations.* In emergencies, donations may be offered to the municipality. The emergency plan shall include provisions for acceptance of donations, including money, goods and services. The local emergency management coordinator shall conform to the requirements of the emergency plan to the extent practicable under the circumstances; however, the emergency plan’s requirements and guidelines may be altered as necessary to provide prompt and necessary aid and assistance for the protection and safety of persons and property. The local emergency management coordinator shall assure that individuals are assigned responsibility for security and safekeeping of donations, accounting for receipt and disbursement, and providing

receipts and acknowledgements to donors, if requested.

(G.O. 2208, 12-4-06)

Sec. 2-1465. Shelter.

The emergency plan designates locations as emergency shelters. Those areas shall be made available in accordance with the emergency plan and any emergency declaration. To the extent that additional or alternate sites for emergency shelter are needed, the local emergency management coordinator may take action, as needed, to prepare and obtain such sites for use during or after the emergency. Action may include formal designation of the sites to provide protection of immunity statutes to owners or operators of the facility and to provide reasonable funding as may be available and needed to equip or prepare the property as a shelter. Owners who provide emergency shelter may seek reimbursement of costs incurred within the limits of funds appropriated or available for that purpose.

(G.O. 2208, 12-4-06)

Sec. 2-1466. Individuals with disabilities and special needs.

The emergency plan shall include provisions to facilitate the identification of individuals with disabilities or other special needs that may need attention during an emergency.

(G.O. 2208, 12-4-06)

Sec. 2-1467. Termination of emergency.

After consultation with the local emergency management coordinator, the city council may declare a state of emergency to be terminated, in whole or in part. If only portions of the state of emergency are terminated, the declaration of termination shall identify those portions terminated and the remaining portions shall remain in effect until terminated.

(G.O. 2208, 12-4-06)

Sec. 2-1468. Aid, assistance, reimbursement.

(a) *Aid and assistance.* During and after an emergency, the local emergency management coordinator and the city manager may seek to provide direct aid and assistance to persons affected by the Emergency within the limits of available funds and resources pursuant to this ordinance and state statute, including the

provisions thereof which permit action without regard to time-consuming procedures and formalities. Following the emergency, the local emergency management coordinator shall provide guidance to citizens and property owners within the municipality to assist them in obtaining assistance and aid from available resources.

(b) *Reimbursement.* The local emergency management coordinator and the emergency plan shall provide guidelines for municipal officials and employees and for private citizens and others for record-keeping and other actions that will facilitate seeking reimbursement from available resources.

(G.O. 2208, 12-4-06)

Sec. 2-1469. Enforcement, violations, penalties.

(a) An appropriate official of the municipality shall take any reasonable action deemed necessary to enforce this ordinance. In extraordinary circumstances, such official, after consultation with the appropriate individuals, may take necessary and appropriate action without a court order when required to prevent injury to or death of persons or substantial damage to property.

(b) Any person who violates this ordinance shall be subject to the maximum fine on each charge, as allowed by city code Section 1-14, entitled, "general penalty."

(G.O. 2208, 12-4-06)

Sec. 2-1470. Severability.

If any section, paragraph, sentence, clause, phrase or word of this ordinance is, for any reason, held to be unconstitutional, inoperative or void by any court of competent jurisdiction, such holding shall not affect the remainder of this ordinance.

(G.O. 2208, 12-4-06)

ARTICLE XV. ST. JOSEPH LAND BANK

DIVISION 1. ADMINISTRATION

Sec 2-1501. Creation; purpose.

(a) *Creation.* There is hereby established the St. Joseph Land Bank Agency ("land bank agency") pursuant to the RSMo Sections 140.190 and 140.980 to 140.1015 ("Land Bank Act"). The land bank agency created pursuant to this article shall be a public body corporate and politic and shall

have permanent and perpetual duration until terminated and dissolved in accordance with the provisions of RSMo Section 140.1012, and as set forth in this article.

(b) *Purpose.* The land bank agency may utilize the powers granted in this article to manage, sell, transfer, and otherwise dispose of interests in real estate owned by the land bank agency to foster the public purpose of returning land, including land that is in a nonrevenue-generating, nontax-producing status, to use in private ownership. (G.O. 2919, 8-12-19)

Sec. 2-1502. Definitions.

For the purposes of this article, the following words and terms shall have the meanings respectively ascribed:

- (1) *Ancillary parcel.* A parcel of real estate acquired by the land bank agency other than any sale conducted under section 140.190, 140.240, or 140.250;
- (2) *Land bank agency.* The St. Joseph Land Bank Agency established by the city under the authority of section 140.981;
- (3) *Land taxes.* Taxes on real property or real estate, including the taxes both on the land and the improvements thereon;
- (4) *Mayor.* The mayor of the city of St. Joseph.
- (5) *Political subdivision.* A county, city, town, village, school district, library district, or any other public subdivision or public corporation that has the power to tax;
- (6) *Presiding commissioner.* The presiding commissioner of Buchanan County.
- (7) *Reserve period taxes.* Land taxes assessed against any parcel of real estate sold or otherwise disposed of by the land bank agency for the first three tax years following such sale or disposition;
- (8) *Tax bill.* Real estate taxes and the lien thereof, whether general or special, levied and assessed by any taxing authority;

- (9) *Taxing authority.* Any governmental, managing, administering, or other lawful authority, now or hereafter empowered by law to issue tax bills.

(G.O. 2919, 8-12-19)

Sec. 2-1503. Beneficiaries.

The beneficiaries of the land bank agency shall be the taxing authorities that held or owned tax bills against the respective parcels of real estate acquired by the land bank agency pursuant to a sale conducted under section 140.190, 140.240, or 140.250, and their respective interests in each parcel of real estate shall be to the extent and in proportion to the priorities based on the principal amount of their respective tax bills bore to the total principal amount of all of the tax bills.

(G.O. 2919, 8-12-19)

Sec. 2-1504. Powers and duties.

(a) The land bank agency shall have all powers necessary or appropriate to carry out and effectuate the purposes and provisions of the land bank act and this article, including the following powers in addition to those herein otherwise granted:

- (1) To adopt, amend, and repeal bylaws for the regulation of its affairs and the conduct of its business;
- (2) To sue and be sued, in its own name, and plead and be impleaded in all civil actions including, but not limited to, actions to clear title to property of the land bank agency;
- (3) To adopt a seal and to alter the same at pleasure;
- (4) To borrow from private lenders, political subdivisions, the state, and the federal government as may be necessary for the operation and work of the land bank agency;
- (5) To issue notes and other obligations according to the provisions of this article;
- (6) To procure insurance or guarantees from political subdivisions, the state, the federal government, or any other public or private sources of the payment of any bond, note, loan, or other obligation, or portion

- thereof, incurred by the land bank agency and to pay any fees or premiums in connection therewith;
- (7) To enter into contracts and other instruments necessary, incidental, or convenient to the performance of its duties and the exercise of its powers including, but not limited to, agreements with other land bank agencies and with political subdivisions for the joint exercise of powers under this article;
 - (8) To enter into contracts and other instruments necessary, incidental, or convenient to:
 - a. The performance of functions by the land bank agency on behalf of political subdivisions, or agencies or departments thereof; or
 - b. The performance by political subdivisions, or agencies or departments thereof, of functions on behalf of the land bank agency;
 - (9) To make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the land bank agency. Any contract or instrument if signed both by the executive director of the land bank agency and by the secretary, assistant secretary, treasurer, or assistant treasurer of the land bank agency, or by an authorized facsimile signature of any such positions, shall be held to have been properly executed for and on its behalf;
 - (10) To procure insurance against losses in connection with the property, assets, or activities of the land bank agency;
 - (11) To invest the moneys of the land bank agency, including amounts deposited in reserve or sinking funds, at the discretion of the land bank agency in instruments, obligations, securities, or property determined proper by the land bank agency and to name and use depositories for its moneys;
 - (12) To enter into contracts for the management of, the collection of rent from, or the sale of the property of the land bank agency;
 - (13) To design, develop, construct, demolish, reconstruct, rehabilitate, renovate, relocate, equip, furnish, and otherwise improve real property or rights or interests in real property held by the land bank agency;
 - (14) To fix, charge, and collect rents, fees, and charges for the use of the property of the land bank agency and for services provided by the land bank agency;
 - (15) To acquire property, whether by purchase, exchange, gift, lease, or otherwise, except not property not wholly located in the city; to grant or acquire licenses and easements; and to sell, lease, grant an option with respect to, or otherwise dispose of, any property of the land bank agency;
 - (16) To enter into partnerships, joint ventures, and other collaborative relationships with political subdivisions and other public and private entities for the ownership, management, development, and disposition of real property, except not for property not wholly located in the city; and
 - (17) Subject to the other provisions of this article and all other applicable laws, to do all other things necessary or convenient to achieve the objectives and purposes of the land bank agency or other laws that relate to the purposes and responsibility of the land bank agency.
 - (b) *Land ownership.* Except as otherwise expressly set forth in sections 140.980 to 140.1015 or this article, in the exercise of its powers and duties under the land bank act and this article and its powers relating to property held by the land bank agency, the land bank agency shall have complete control of the property as fully and completely as if it were a private property owner.
 - (1) *Geographic limit.* The land bank agency shall not own real property unless the property is wholly located within the boundaries of the city.
 - (2) *Ownership.* The land bank agency shall hold in its own name all real property acquired by the land bank agency

irrespective of the identity of the transferor of such property.

(c) *Property maintenance.* The land bank agency shall maintain all of its real property in accordance with the laws and ordinances of the jurisdictions in which the real property is located. (G.O. 2919, 8-12-19)

Sec. 2-1505. Governance.

(a) *Governing board; powers; qualifications.* The land bank agency shall be composed of a board of commissioners which shall consist of seven members; one commissioner shall be appointed by Buchanan County, one commissioner shall be appointed by the St. Joseph School District, and five commissioners shall be appointed by the mayor with the approval of the City Council. The mayor and presiding commissioner shall serve as *ex officio* commissioners. The board shall have all authority available to the city council pursuant to RSMo 140.982, except that authority which is otherwise limited in this article.

(1) *Payment of city taxes and fees.* No person who is in arrears for any city taxes or fees shall be entitled to serve as a commissioner. Any person serving as a commissioner may be required to sign a certification that he or she does not owe any taxes or user fees levied by the city including, but not limited to, business license fees, special assessments, demolition and weed abatements, parking tickets, and municipal court costs or fines. Said certification form shall be kept on file in the office of the City Clerk. Failure to pay any such taxes or fees by the date on which they are due may be grounds for removal from the board of commissioners.

(b) *Terms.* The initial term of one commissioner appointed by the mayor shall be one year. The initial term of the commissioner appointed by Buchanan County and one commissioner appointed by the mayor shall be two years. The initial term of two commissioners appointed by the mayor shall be three years. The initial term one commissioner appointed by the mayor and the commissioner appointed by the St. Joseph School District shall be four years. Subsequent to the initial term of office of the commissioners, each term shall be for the longer of either four years or

until a successor is appointed. Commissioners shall serve at the pleasure of each commissioner's appointing authority. Commissioners shall serve without compensation. Any vacancy shall be filled by the same appointing authority that made the original appointment, except, if any appointing authority fails to make any appointment, then the appointment may be made by the mayor with the consent of the city council. Each commissioner may be reappointed.

(c) *Removal.* Commissioners may be removed by the appointing authority, provided that any commissioner so removed shall, if the commissioner so requests, have a hearing by the appointing authority before such removal. The request to remove shall be filed by any commissioner at least seven days prior to the meeting at which the removal is to be considered. Grounds for removal of commissioners, although not deemed exclusive, may be that the member:

- (1) Lacks at any time during the term of appointment any qualifications for the board membership; or
- (2) Is absent from three consecutive meetings, regardless if the meetings are regularly scheduled or specially called; or
- (3) Fails to attend meetings with sufficient frequency to remain informed of the matters taken up by the board of commissioners; or
- (4) Consistently raises matters outside the powers, duties, function, or scope of board of commissioners.

The appointing authority shall have the sole discretion for determining if grounds for removal are satisfied.

(d) *Eligibility to serve as commissioner.* Except as otherwise prohibited by law, any public officer shall be eligible to serve as a board commissioner and the acceptance of the appointment shall neither terminate nor impair such public office. For purposes of this section, "public officer" shall mean a person who is elected to a political subdivision office. Any political subdivision employee shall be eligible to serve as a board commissioner. All commissioners shall be at the time of appointment and remain throughout their term residents of the city or must have substantial

business interests the city, and shall resign their appointment effective immediately upon the loss of residency. The appointment of any board commissioner who is qualified to serve because he or she has substantial business interests in the city shall declare that the board commissioner is qualified by virtue of having a such substantial business interests.

(e) *Officers.* The commissioners of the board shall select annually from among themselves a chair, a vice-chair, a treasurer, and such other officers as the board may determine, and shall establish their duties as may be regulated by rules adopted by the board.

(f) *Board and staff organization.* The board shall have the power to organize and reorganize the executive, administrative, clerical, and other departments of the land bank agency and to fix the duties, powers, and compensation of all employees, agents, and consultants of the land bank agency. A land bank agency may employ a secretary, an executive director, its own counsel and legal staff, technical experts, and other agents and employees, permanent or temporary, as it may require and may determine the qualifications and fix the compensation and benefits of such persons. A land bank agency may also enter into contracts and agreements with political subdivisions for staffing services to be provided to the land bank agency by political subdivisions or agencies or departments thereof, or for a land bank agency to provide such staffing services to political subdivisions or agencies or departments thereof.

(g) *Board meetings.* The board shall meet in regular session according to a schedule adopted by the board and shall meet in special session as in accordance with procedures established by the board.

(h) *Voting requirements.* All actions of the board shall be approved by the affirmative vote of a majority of the commissioners of the entire board; provided, however, that no action of the board shall be authorized on the following matters unless approved by a roll call vote of a majority of the entire seven member board:

- (1) the adoption of bylaws and other rules and regulations for conduct of the land bank agency's business;

- (2) the hiring or firing of any employee or contractor of the land bank agency, provided, however, that this function may, by majority vote, be delegated by the board to a specified officer or committee of the land bank agency, under such terms and conditions, and to the extent, that the board may specify;
- (3) the incurring of debt, including, without limitation, borrowing of money and the issuance of bonds, notes, or other obligations;
- (4) the adoption or amendment of the annual budget;
- (5) the sale of real property for a selling price that represents a consideration less than two-thirds of the appraised value of such property; and
- (6) the leasing, encumbrance, or alienation of real property, improvements, or personal property with a value of more than fifty thousand dollars.

Vote by proxy shall not be permitted. Any member may request a recorded vote on any resolution or action of the land bank agency.

(i) *Bond.* Any commissioner or other person with authority to act on behalf of the land bank shall furnish a surety bond, if such bond is not already covered by governmental surety bond, in a penal sum not to exceed twenty-five thousand dollars to be approved by the director of administrative services of the city, issued by a surety company licensed to do business in this state, which bond shall be deposited with the county clerk of such county, and shall guarantee the faithful performance of such person's duties under this Article XV and the Land Bank Act. The bond may be written to cover all the commissioners. The payment of the premium, or the pro rata portion, for or other expense of such bond may be borne by the appointing authority of such commissioner or by the land bank agency.

(j) *Oath.* Before entering upon the duties of office, each board commissioner shall take an oath administered by the city clerk.

(k) *Non-liability.* Board Commissioners, individually or collectively, shall not be liable

personally on the bonds or other obligations of the land bank agency, and the rights of creditors of the land bank agency shall be solely against the assets of the land bank agency. Notwithstanding the foregoing, the land bank agency may obtain such insurance it deems appropriate or prudent for itself, or the board commissioners or staff of the land bank agency in their official capacity with the land bank agency.

(l) *Records and meeting.* Except as otherwise provided under state law, the land bank agency meetings shall cause minutes and a record to be kept of all its proceedings. The land bank agency shall be subject to the provisions of RSMo chapter 109, chapter 610, and any other applicable provisions of law governing public records and public meetings.

(G.O. 2919, 8-12-19)

Sec. 2-1506. Employees.

(a) *Compensation and benefit prohibitions.* No employee of the land bank agency shall receive any compensation, emolument, or other profit directly or indirectly from the rental, management, acquisition, sale, demolition, repair, rehabilitation, use, operation, ownership, or disposition of any lands held by the land bank agency other than the salaries, expenses, and emoluments provided for in the land bank act. Employees of the city who are providing services to the land bank in the course of their employment with the city shall not be deemed employees of the land bank agency and shall not receive compensation as employees of the land bank agency.

(b) *Interest in land prohibition.* No employee of the land bank agency shall own, directly or indirectly, any legal or equitable interest in or to any lands held by the land bank agency other than the salaries, expenses, and emoluments provided for in sections 140.980 to 140.1015.

(c) *Penalty.* A violation of the requirements stated in RSMo 140.1000 is a class D felony pursuant to RSMo 140.1000.

(d) *Employment rules and regulations.* The land bank agency may adopt supplemental rules and regulations addressing potential conflicts of interest and ethical guidelines for land bank agency employees, provided that such rules and

regulations are not inconsistent with this article or any other applicable law.

(G.O. 2919, 8-12-19)

Sec. 2-1507. Audit.

(a) *Annual audit.* There shall be an annual audit of the affairs, accounts, expenses, and financial transactions of the land bank agency by a certified public accountant before April thirtieth of each year, which accountant shall be employed by the land bank agency on or before March first of each year. Certified copies of the audit shall be furnished to the city, and the city shall post the audit on its public website. Copies of the audit shall also be available for public inspection at the office of the land bank agency.

(b) *State audit.* The land bank agency may be performance audited at any time by the state auditor or by the auditor of the city. The cost of such audit shall be paid by the land bank agency, and copies shall be made available to the public and posted on the land bank agency's website within thirty days of the completion of the audit.

(G.O. 2919, 8-12-19)

Sec. 2-1508. Funding and revenues.

(a) *Authority to receive funds.* The land bank agency may receive funding through grants, gifts, and loans from political subdivisions, the state, the federal government, and other public and private sources.

(b) *Proceeds of property sales.* Except as otherwise provided in subsections 8 and 9 of RSMo 140.985 and section 2-1523 of this article, the land bank agency may receive and retain payments for services rendered, for rents and leasehold payments received, for consideration for disposition of real and personal property, for proceeds of insurance coverage for losses incurred, for income from investments, and for any other asset and activity lawfully permitted to the land bank agency under the land bank act.

(c) *3-year land taxes.* If the land bank agency sells or otherwise disposes of a parcel of real estate held by it, any land taxes assessed against such parcel for the three tax years following such sale or disposition by the land bank agency that are collected by the county collector in a calendar year and not refunded, less the fees provided under RSMo 52.260 and subsection (d) of this section

and less the amounts to be deducted under RSMo 137.720, are required by RSMo 140.988 to be distributed by the county collector to the land bank agency no later than March first of the following calendar year, provided that land taxes impounded under RSMo 139.031 or otherwise paid under protest shall not be subject to distribution under this subsection. Any amount required to be distributed to the land bank agency under this subsection are subject to offset for amounts previously distributed to the land bank agency that were assessed, collected, or distributed in error.

(d) *Reserve period taxes; county-entitled.* In addition to any other provisions of law related to collection fees, the county collector shall collect on behalf of the county a fee established by state law for reserve period taxes collected.

(G.O. 2919, 8-12-19)

Sec. 2-1509. Quiet title actions

(a) *Authorized.* Pursuant to RSMo 140.1009, the land bank agency shall be authorized to file an action to quiet title under RSMo 527.150 as to any real property in which the land bank agency has an interest. For purposes of any and all such actions, the land bank agency shall be deemed to be the holder of sufficient legal and equitable interests, and possessory rights, so as to qualify the land bank agency as an adequate petitioner in such action.

(b) *Title examination required.* Prior to the filing of an action to quiet title, the land bank agency shall conduct an examination of title to determine the identity of any and all persons and entities possessing a claim or interest in or to the real property. Service of the petition to quiet title shall be provided to all such interested parties by the following methods:

- (1) Registered or certified mail to such identity and address as reasonably ascertainable by an inspection of public records;
- (2) In the case of occupied real property, by first class mail addressed to "Occupant";
- (3) By posting a copy of the notice on the real property;

(4) By publication in a newspaper of general circulation in the city in which the property is located; and

(5) Such other methods as the court may order.

(c) *Affidavit.* As part of the petition to quiet title, the land bank agency shall file an affidavit identifying all parties potentially having an interest in the real property and the form of notice provided.

(d) *Court hearing.* Pursuant to RSMo 140.1009, the court shall schedule a hearing on the petition within 90 days following filing of the petition, and, as to all matters upon which an answer was not filed by an interested party, the court shall issue its final judgment within 120 days of the filing of the petition.

(e) *Multiple count petitions.* The land bank agency shall be authorized to join in a single petition to quiet title one or more parcels of real property.

(G.O. 2919, 8-12-19)

Sec. 2-1510. Dissolution.

(a) *Authority.* The land bank agency may be dissolved as a public body corporate and politic no sooner than 60 calendar days after an ordinance or resolution for such dissolution is passed by the city.

(b) *Notice.* No less than sixty calendar days' advance written notice of consideration of such an ordinance or resolution of dissolution shall be given to the land bank agency, shall be published in a local newspaper of general circulation within the city, and shall be sent certified mail to each trustee of any outstanding bonds of the land bank agency.

(c) *Outstanding obligations.* No land bank agency shall be dissolved while there remains any outstanding bonds, notes, or other obligations of the land bank agency unless such bonds, notes, or other obligations are paid or defeased pursuant to the resolution, indenture, or other financing document under which such bonds, notes, or other obligations were issued prior to or simultaneously with such dissolution.

(d) *Transfer of assets.* Upon dissolution of the land bank agency pursuant to this section, all real property, personal property, and other assets of the land bank agency shall be transferred by appropriate written instrument to and shall become the assets of the city. As required by RSMo 140.1012, the city will be obligated to act expeditiously to return such real property to the tax rolls and market and sell such real property using an open, public method that ensures the best possible prices are realized while ensuring such real property is returned to a suitable, productive use for the betterment of the neighborhood in which such real property is located. Pursuant to RSMo 140.1012, any such real property that was acquired by the dissolved land bank agency pursuant to a sale conducted under section 140.190, 140.240, or 140.250 will be held by the city in trust for the tax bill owners and taxing authorities having an interest in any tax liens which were foreclosed, as their interests may appear in the foreclosure, and, upon the sale or other disposition of any such property by the city, the proceeds therefrom are required to be applied and distributed in the following order:

- (1) *Expenses.* To the payment of the expenses of sale;
- (2) *Reasonable costs.* To the reasonable costs incurred by the city in maintaining and marketing such property; and
- (3) *Taxing authorities.* The balance is required to be paid to the respective taxing authorities that, at the time of the distribution, are taxing the real property from which the proceeds are being distributed.

(G.O. 2919, 8-12-19)

Sec. 2-1511. Limitations on authority (eminent domain; taxation; property ownership).

The land bank agency shall neither possess nor exercise the power of eminent domain. The land bank agency shall not have the power to tax. The land bank shall not own real property unless the property is wholly located within the boundaries of the city that established the land bank agency.

(G.O. 2919, 8-12-19)

Secs. 2-1512--2-1520. Reserved.

DIVISION 2. PURCHASE AND CONVEYANCE OF PROPERTY

Sec. 2-1521. Priorities.

(a) *Uses fostered.* The use of property conveyed by the land bank agency shall be for the purposes of creating: (i) opportunities for revitalization of focused areas in deteriorating residential neighborhoods, (ii) safe, decent, and affordable housing for existing and future residents, (iii) retail and commercial areas on vacant or deteriorated properties within residential neighborhoods, (iv) the assemblage of property for future development in a manner consistent with the purposes of the city's plans, particularly in any low to moderate income area designated by the city as a target area for revitalization, (v) creation or expansion of side yards with unimproved vacant lots in neighborhoods densely constructed for the benefit of abutting residences, (vi) space for use as urban agriculture, community gardens, or other similar uses consistent with healthy eating by residents, including restoring ground through alternative vegetative cover to build-back the soil for future use for food production, (vii) public spaces and places for parks, green spaces, and other public purposes (viii) improved neighborhoods consistent with funding provided by third-parties seeking to improve such neighborhoods; (ix) and otherwise returning land in a nonrevenue-generating, nontax-producing status, to beneficial uses through private (for-profit or non-profit), or public ownership, with such relative priority among these stated purposes as set forth in section 2-1523, as further considered and applied by the board of commissioners governing the land bank agency.

(b) *Limitations of authority.* The land bank agency shall not own any interest in real estate that is located wholly or partially outside the city.

(G.O. 2919, 8-12-19)

Sec. 2-1522. Purchase of land.

(a) *Taxation.* As set forth in the RSMo 140.980 to 140.1015, the income of the land bank agency shall be exempt from all taxation by the state and by any of its political subdivisions.

- (1) *County official notification.* Upon acquiring title to any real estate, the land bank agency shall immediately notify the county assessor and the county collector of such ownership, and such real estate shall

(12/1/20)

be exempt from all taxation during the land bank agency's ownership thereof, in the same manner and to the same extent as any other publicly-owned real estate. Upon the sale or other disposition of any real estate held by it, the land bank agency shall immediately notify the county assessor and the county collector of such change of ownership.

- (2) *Exception-leased land; County official notification.* Tax exemption for improved and occupied real property held by the land bank agency as a lessor pursuant to a ground lease shall terminate upon the first occupancy, and the land bank agency shall immediately notify the county assessor and the county collector of such occupancy.

(b) *Acquisition-from parties.* The land bank agency may acquire real property or interests in property by gift, devise, transfer, exchange, foreclosure, lease, purchase, or otherwise on terms and conditions and in a manner the land bank agency considers proper. The land bank agency may acquire property by purchase contracts, lease purchase agreements, installment sales contracts, and land contracts and may accept transfers from political subdivisions upon such terms and conditions as agreed to by the land bank agency and the political subdivision.

(c) *Acquisition-tax foreclosure.* The land bank agency may bid on any parcel of real estate offered for sale, offered at a foreclosure sale under sections 140.220 to 140.250, or offered at a sale conducted under section 140.190, 140.240, or 140.250. Notwithstanding any other law to the contrary, any political subdivision may transfer to the land bank agency real property and interests in real property of the political subdivision on such terms and conditions and according to such procedures as determined by the political subdivision.

- (1) *Tax foreclosure bid.* Pursuant to RSMo 140.984, upon issuance of a deed of a delinquent land tax auction under subsection 4 of section 140.250, subsection 5 of section 140.405, or other sale conducted under section 140.190, 140.240, or 140.250 of a parcel of real estate to the land bank agency, the land bank agency shall pay the amount of the land bank agency's bid that exceeds the

amount of all tax bills included in the judgment, interest, penalties, attorney's fees, taxes, and costs then due thereon.

- (2) *Cancellation of tax bills.* If the real estate is acquired in a delinquent land tax auction, RSMo 140.984 requires such excess be applied and distributed in accordance with section 140.230. Upon issuance of a deed, the county collector will mark the tax bills included in the judgment as "cancelled by sale to the land bank" and will take credit for the full amount of such tax bills, including principal amount, interest, penalties, attorney's fees, and costs, on his or her books and in his or her statements with any other taxing authorities.

(d) *Encumbered ancillary parcels.* If any ancillary parcel is acquired by the land bank agency and is encumbered by a lien or claim for real property taxes owed to a taxing authority, such taxing authority may elect to contribute to the land bank agency all or any portion of such taxes that are distributed to and received by such taxing authority. To the extent that the land bank agency receives payments or credits of any kind attributable to liens or claims for real property taxes owed to a taxing authority, the land bank agency shall remit the full amount of the payments to the county collector for distribution to the appropriate taxing authority.

(G.O. 2919, 8-12-19)

Sec. 2-1523. Land sale requirements.

(a) *Minimum offers.* The land bank agency shall only accept written offers equal to or greater than the full amount of all tax bills, interest, penalties, attorney's fees, and costs on real property to purchase the real property held by the land bank agency.

(b) *Priorities.* The land bank agency shall convey property owned by it to prioritize the following uses of the real property:

- (1) Revitalization of focused areas in deteriorating residential neighborhoods;
- (2) Revitalize retail and commercial areas on vacant or deteriorated properties within residential neighborhoods;

- (3) Improve neighborhoods consistent with funding provided by third-parties seeking to improve such neighborhoods;
- (4) Use for purely public spaces and places;
- (5) Use for affordable housing;
- (6) Such other uses and in such hierarchical order as determined by the city.

(c) *Methods of sale.* The land bank agency may convey, exchange, sell, transfer, lease, grant, release and demise, pledge, and hypothecate any and all interests in, upon, or to property of the land bank agency. The land bank agency may gift any interest in, upon, or to property to the city.

(d) *Land inventory; public notice.* The land bank agency shall maintain and make available for public review and inspection an inventory and history of all real property the land bank agency holds or formerly held. This inventory and history shall be available on the land bank agency's website and include at a minimum:

- (1) Whether a parcel is available for sale;
- (2) The address of the parcel if an address has been assigned;
- (3) The parcel number if no address has been assigned;
- (4) The year that a parcel entered the land bank agency's inventory;
- (5) Whether a parcel has sold; and
- (6) If a parcel has sold, the name of the person or entity to which it was sold.

(e) *Policies and procedures for sale.* The land bank agency shall determine and set forth in policies and procedures the general terms and conditions for consideration to be received by the land bank agency for the transfer of real property and interests in real property. Consideration may take the form of monetary payments and secured financial obligations, covenants, and conditions related to the present and future use of the property; contractual commitments of the transferee; and such other forms of consideration as the land bank agency determines to be in the best interest of its purpose.

(f) *Three year ownership—required.* The land bank agency shall ensure that any contract for the sale of residential property owned by the land bank agency shall have a clause that the buyer shall own the property for three years following the buyer's purchase of the property from the land bank. The clause shall state that a violation of those terms makes the buyer civilly liable to the land bank agency for an amount equal to twice the sale price of the property.

(g) *Contractual authority.* The land bank agency may delegate to officers and employees the authority to enter into and execute agreements, instruments of conveyance, and all other related documents pertaining to the conveyance of property by the land bank agency.

(h) *Unsold property clusters.* If the land bank agency owns more than five parcels of real property in a single city block and no written offer to purchase any of those properties has been submitted to the agency in the past twelve months, the land bank agency shall reduce its requested price for those properties and advertise the discount publicly.

(i) *Productive use—2-year limitation.*

(1) *2-year limitation.* No later than two years from the date it acquired the property, the land bank agency shall either sell, put to a productive use, or show significant progress towards selling or putting to a productive use a parcel of real property. A productive use may be renting the property; demolishing all structures of the property; restoring property of historic value; or using the property for a community garden, park, or other open public space.

(2) *Extension of limitation—unforeseen circumstances.* The city, by ordinance or resolution of the city council, may grant the land bank agency a one-year extension if it determines by a majority vote that unforeseen circumstances have delayed the sale or productive use of a parcel of property.

(3) *Failure to achieve productive use.* If the land bank agency owns a parcel of real property that does not have a productive use after two years, or does not receive an

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extension under this section, RSMo 140.986 requires the property to be offered for public sale using the procedures under sections 140.170 to 140.190.

(G.O. 2919, 8-12-19)

Sec. 2-1524. Sale proceeds.

(a) *Sale proceeds.* Pursuant to RSMo 140.984, when any parcel of real estate acquired by the land bank agency is sold or otherwise disposed of by the land bank agency, the proceeds therefrom shall be applied and distributed in the following order:

- (1) *Sale expenses.* To the payment of the expenses of the sale;
- (2) *Financing obligations.* To fulfill the requirements of the resolution, indenture, or other financing documents adopted or entered into in connection with bonds, notes, or other obligations of the land bank agency, to the extent that such requirements may apply with respect to such parcel of real estate;
- (3) *Agency expenses.* To the balance to be retained by the land bank agency to pay the salaries and other expenses of the land bank agency and of its employees as provided for in its annual budget; and
- (4) *Excess funds.* Any funds in excess of those necessary to meet the expenses of the annual budget of the land bank agency in any fiscal year and a reasonable sum to carry over into the next fiscal year to assure that sufficient funds will be available to meet initial expenses for that next fiscal year, exclusive of net profit from the sale of ancillary parcels, shall be paid to the respective taxing authorities that, at the time of the distribution, are taxing the real property from which the proceeds are being distributed. The distributions shall be in proportion to the amounts of the taxes levied on the properties by the taxing authorities. Distribution shall be made on January first and July first of each year, and at such other times as the land bank agency may determine.

(b) *Sale proceeds-Ancillary parcels.* Pursuant to RSMo 140.985, when any ancillary parcel is

sold or otherwise disposed of by the land bank agency, the proceeds therefrom shall be applied and distributed in the following order:

- (1) *Land taxes.* To the payment of all land taxes and related charges then due on such parcel;
- (2) *Sale expenses.* To the payment of the expenses of sale;
- (3) *Financing obligations.* To fulfill the requirements of the resolution, indenture, or other financing documents adopted or entered into in connection with bonds, notes, or other obligations of the land bank agency, to the extent that such requirements may apply with respect to such parcel of real estate;
- (4) *Agency expenses.* To the balance to be retained by the land bank agency to pay the salaries and other expenses of the land bank agency and of its employees as provided for in its annual budget; and
- (5) *Excess funds.* Any funds in excess of those necessary to meet the expenses of the annual budget of the land bank agency in any fiscal year and a reasonable sum to carry over into the next fiscal year to assure that sufficient funds will be available to meet initial expenses for that next fiscal year, shall be paid in accordance with subdivision (4) of subsection (a) of this section.

(G.O. 2919, 8-12-19)

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