

## Chapter 100

### GENERAL PROVISIONS

#### ARTICLE I

##### City Incorporation and Seal

###### **Section 100.010. Municipal Incorporation.**

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

###### **Section 100.020. City Seal.** [CC 1984 §20.010]

- A. The Seal of the City shall, as heretofore, be the word "Seal", inside of and surrounded by a scroll or circular impression having inscribed therein the words, "City of La Plata, Missouri, Macon County". The Seal shall be circular and about two (2) inches in diameter. The City Seal shall be safely kept in the office of the City Clerk.
- B. The City Clerk shall be the keeper of the common Seal of the City of La Plata, and any impression of said Seal to any contract or other writing shall have no validity or binding obligation upon the City unless such impression be accompanied by the attestation and signature of the City Clerk, and then only in cases authorized by law or the ordinances of this City.

#### ARTICLE II

##### General Code Provisions

###### **Section 100.030. Contents of Code.**

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

###### **Section 100.040. Citation of Code.**

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

###### **Section 100.050. Official Copy of Code.**

The Official Copy of this Code, bearing the signature of the Mayor and attestation of the City Clerk as to its adoption shall be kept on file in the office of the City Clerk. An extra copy of this Code shall be kept in the City Clerk's office available for public inspection.

**Section 100.060. Altering or Amending Code.**

- A. It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Official Copy of the Code in any manner whatsoever which will cause the law of the City to be misrepresented thereby. Any person, firm or corporation violating this Section shall be punished as provided in Section 100.220 of this Code.
- B. This provision shall not apply to amendments, additions or deletions to this Code, duly passed by the Board of Aldermen, which may be prepared by the City Clerk for insertion in this Code.

**Section 100.070. Numbering of Code.**

Each Section number of this Code shall consist of two (2) parts separated by a period; the figure before the period referring to the Chapter number, and the figure after the period referring to the position of the Section in the Chapter. Both figures shall consist of three (3) digits.

**Section 100.080. Definitions and Rules of Construction.** [CC 1984 §11.010 §5]

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

BOARD OF ALDERMEN — The Board of Aldermen of the City of La Plata, Missouri.

CITY — The City of La Plata, Missouri.

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

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

MAY — Is permissive.

MAYOR — The Mayor of the Board of Aldermen of the City of La Plata, Missouri.

MONTH — A calendar month.

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

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

PERSON — May extend and be applied to bodies politic and corporate, and to partnerships and other unincorporated associations.

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

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

PROPERTY — Includes real and personal property.

PUBLIC WAY — Shall include any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare.

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

SHALL — Is mandatory.

SIDEWALK — Shall mean that portion of the street between the curb line and the adjacent property line which is intended for the use of pedestrians.

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

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

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

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

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

B. *Newspaper.* Whenever in this Code or other ordinance of the City it is required that notice be published in the "official newspaper" or a "newspaper of general circulation published in the City", and if there is no newspaper published within the City, the said notice shall be published in a newspaper of general circulation within the City, regardless of its place of publication. Such newspaper shall not include an advertising circular or other medium for which no subscription list is maintained.

#### **Section 100.090. Words and Phrases, How Construed.**

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

#### **Section 100.100. Headings.**

The headings of the Chapters and Sections of this Code are intended as guides and not as part of this Code for purposes of interpretation or construction.

**Section 100.110. Continuation of Prior Ordinances.**

The provisions appearing in this Code, so far as they are in substance the same as those of ordinances existing at the time of the adoption of this Code, shall be considered as a continuation thereof and not as new enactments.

**Section 100.120. Effect of Repeal of Ordinance.**

- A. No offense committed and no fine, penalty or forfeiture incurred, or prosecution commenced or pending previous to or at the time when any ordinance provision is repealed or amended, shall be affected by the repeal or amendment, but the trial and punishment of all such offenses, and the recovery of the fines, penalties or forfeitures shall be had, in all respects, as if the provision had not been repealed or amended, except:
1. That all such proceedings shall be conducted according to existing procedural laws; and
  2. That if the penalty or punishment for any offense is reduced or lessened by any alteration of the law creating the offense prior to original sentencing, the penalty or punishment shall be assessed according to the amendatory law.

**Section 100.130. Repealing Ordinance Repealed, Former Ordinance Not Revived, When.**

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

**Section 100.140. Severability.**

It is hereby declared to be the intention of the Board of Aldermen that the Chapters, Sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, Section, or Chapter of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, Sections, and Chapters of this Code since the same would have been enacted by the Board of Aldermen without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or Section.

**Section 100.150. Tense.**

Except as otherwise specifically provided or indicated by the context, all words used in this Code indicating the present tense shall not be limited to the time of adoption of this Code but shall extend to and include the time of the happening of any act, event, or requirement for which provision is made herein, either as a power, immunity, requirement, or prohibition.

**Section 100.160. Notice.**

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

1. By delivering the notice to the person to be served personally or by leaving the same at his/her residence, office or place of business with some person of his/her family over the age of fifteen (15) years;
2. By mailing said notice by certified or registered mail to such person to be served at his/her last known address; or
3. If the person to be served is unknown, or may not be notified under the requirements of this Section, then by posting said notice in some conspicuous place at least five (5) days before the act or action concerning which the notice is given is to take place. No person shall interfere with, obstruct, mutilate, conceal, or tear down any official notice or placard posted by any City Officer, unless permission is given by said officer.

**Section 100.170. Notice — Exceptions.**

The provisions of the preceding Section shall not apply to those Chapters of this Code wherein there is a separate definition of notice.

**Section 100.180. Computation of Time.**

In computing any period of time prescribed or allowed by this Code or by a notice or order issued pursuant thereto, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

**Section 100.190. Gender.**

When any subject matter, party or person is described or referred to by words importing the masculine, females as well as males, and associations and bodies corporate as well as individuals, shall be deemed to be included.

**Section 100.200. Joint Authority.**

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

**Section 100.210. Number.**

When any subject matter, party or person is described or referred to by words importing the singular number, the plural and separate matters and persons and bodies corporate shall be deemed to be included; and when words importing the plural number are used, the singular shall be included.

**ARTICLE III  
Penalty**

**Section 100.220. General Penalty.**

- A. Whenever in this Code or any other ordinance of the City, or in any rule, regulation, notice or order promulgated by any officer or agency of the City under authority duly vested in

him/her or it, any act is prohibited or is declared to be unlawful or an offense or misdemeanor or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, and no specific penalty is provided for the violation thereof, upon conviction of a violation of any such provision of this Code or of any such ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in the City or County Jail not exceeding ninety (90) days, or by both such fine and imprisonment; provided, that in any case wherein the penalty for an offense is fixed by a Statute of the State, the statutory penalty, and no other, shall be imposed for such offense, except that imprisonments may be in the City Prison or workhouse instead of the County Jail.

- B. Every day any violation of this Code or any other ordinance or any such rule, regulation, notice or order shall continue shall constitute a separate offense.
- C. Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding, or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited.

## **Chapter 105**

### **ELECTIONS**

#### **ARTICLE I**

#### **General Provisions**

#### **Section 105.010. Conformance of City Elections With State Law.**

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

#### **Section 105.020. Date of Municipal Election.**<sup>1</sup> [CC 1984 §121.010; Ord. No. 850 §§1 — 3, 5-13-2003]

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

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<sup>1</sup>. Editor's Note — In the City election April 8, 2003, the voters elected to have an appointed Chief of Police as set out in Section 200.030 of this Code.

(2) years, and until his/her successor is elected and qualified.

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

E. On the first (1st) Tuesday after the first (1st) Monday in April of even-numbered years, a municipal election of the qualified voters of the City of La Plata shall be held for the purpose of electing a Municipal Judge for a term of two (2) years and a Collector for a term of two (2) years, and until their successors are elected and qualified.

**Section 105.030. Declaration of Candidacy — Dates for Filing.**

Any person who desires to become a candidate for an elective City office at the general City election shall file with the City Clerk, not prior to the hour of 8:00 A.M., on the fifteenth (15th) Tuesday prior to, nor later than 5:00 P.M., on the eleventh (11th) Tuesday prior to the next City municipal election, a written declaration of his/her intent to become a candidate at said election. The City Clerk shall keep a permanent record of the names of the candidates, the offices for which they seek election, and the date of their filing, and their names shall appear on the ballots in that order.

**Section 105.040. Declaration of Candidacy — Notice to Public.**

The City Clerk shall, on or before the fifteenth (15th) Tuesday prior to any election at which City offices are to be filled by said election, notify the general public of the opening filing date, the office or offices to be filled, the proper place for filing and the closing filing date of the election. Such notification may be accomplished by legal notice published in at least one (1) newspaper of general circulation in the City.

**Section 105.050. Declaration of Candidacy — Form.**

The form of said written declaration of candidacy shall be substantially as follows:

**STATEMENT OF CANDIDACY**

STATE OF MISSOURI )  
 ) SS  
COUNTY OF MACON )

I, \_\_\_\_\_, being first duly sworn, state that I reside at \_\_\_\_\_, City of La Plata, County of Macon, Missouri; that I am a qualified voter; that I do hereby declare myself a candidate for the office of \_\_\_\_\_, to be voted upon at the municipal election to be held on the first (1st) Tuesday after the first (1st) Monday in April, \_\_\_\_\_, and I meet all the qualifications required of a candidate for said office, and I hereby request that my name be printed upon the official ballot for said election for said office, and state that I will serve as such officer, if elected.

Signed:

\_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
City Clerk  
City of La Plata

(SEAL)

**Section 105.060. Notice of Elections.**

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

**Section 105.070. Certification of Election Results.** [CC 1984 §121.120]

As soon as practicable after each City election, the election authority shall convene a Verification Board in accordance with the Act to verify the count and certify the results of the election. Not later than the second (2nd) Tuesday after the election, the Verification Board shall issue a statement announcing the results of each election and shall certify the returns to the City Clerk. The City Clerk shall issue to each person elected a certificate of election.

**ARTICLE II  
Wards**

**Section 105.080. Wards.** [CC 1984 §§21.900 — 21.930; Ord. No. 807 §§1 — 2, 1-15-2002]

- A. The City of La Plata, Missouri, shall be divided into two (2) wards.
1. *Ward I.* Shall hereby consist of all that part of the municipal corporation limits of the City of La Plata, Missouri, which is located west of Gex Street.
  2. *Ward II.* Shall hereby consist of all that part of the municipal corporation limits of the City of La Plata, Missouri, which is located east of Gex Street.

**Chapter 110**

**MAYOR AND BOARD OF ALDERMEN**

**ARTICLE I**



## **Mayor and Board of Aldermen — Generally**

### **Section 110.010. Aldermen, Qualifications.** [CC 1984 §21.010]

No person shall be an Alderman unless he/she be at least twenty-one (21) years of age, a citizen of the United States, and an inhabitant and resident of the City for one (1) year next preceding his/her election, and a resident of the ward from which he/she is elected. No person shall be elected an Alderman who is in arrears for any tax, lien, forfeiture or defalcation in office. All members of the Board shall hold their office for a term of two (2) years.

### **Section 110.020. Mayor, Qualifications.**

No person shall be Mayor unless he/she be at least twenty-five (25) years of age, a citizen of the United States and a resident of the City at the time of and for at least one (1) year next preceding his/her election.

### **Section 110.030. Board to Select an Acting President, Term.**

The Board shall elect one (1) of their own number who shall be styled "*Acting President of the Board of Aldermen*" and who shall serve for a term of one (1) year.

### **Section 110.040. Acting President to Perform Duties of Mayor, When.**

When any vacancy shall happen in the office of Mayor by death, resignation, removal from the City, removal from office, refusal to qualify, or from any other cause whatever, the Acting President of the Board of Aldermen shall, for the time being, perform the duties of Mayor, with all the rights, privileges, powers and jurisdiction of the Mayor, until such vacancy be filled or such disability be removed; or, in case of temporary absence, until the Mayor's return.

### **Section 110.050. Mayor and Board — Duties.**

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

### **Section 110.060. Appoint Certain Officers — Control Police.** [CC 1984 §21.230]

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

### **Section 110.070. Mayor May Sit in Board.**

The Mayor shall have a seat in and preside over the Board of Aldermen, but shall not vote on any question except in case of a tie, nor shall he/she preside or vote in cases when he/she is an interested party. He/she shall exercise a general supervision over all the officers and affairs of the City, and shall take care that the ordinances of the City, and the State laws relating to such City, are complied with.

**Section 110.080. Standing Committees Appointed.** [CC 1984 §21.210]

The Mayor shall, at the first (1st) meeting of the Board of Aldermen after each annual election, name the members of such standing committees as he/she deems necessary, which shall consist of two (2) or more members of the Board of Aldermen.

**Section 110.090. Ordinances — Procedure to Enact.**

The style of the ordinances of the City shall be: "Be it ordained by the Board of Aldermen of the City of La Plata, as follows:" No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its final passage a majority of the members elected to the Board of Aldermen shall vote for it, and the "ayes" and "nays" be entered on the journal. Every proposed ordinance shall be introduced to the Board of Aldermen in writing and shall be read by title or in full two (2) times prior to passage, both readings may occur at a single meeting of the Board of Aldermen. If the proposed ordinance is read by title only, copies of the proposed ordinance shall be made available for public inspection prior to the time the bill is under consideration by the Board of Aldermen. No bill shall become an ordinance until it shall have been signed by the Mayor or person exercising the duties of the Mayor's office, or shall have been passed over the Mayor's veto, as herein provided.

**Section 110.100. Bills Must Be Signed — Mayor's Veto.**

Every bill duly passed by the Board of Aldermen and presented to the Mayor and by him/her approved shall become an ordinance, and every bill presented as aforesaid, but returned with the Mayor's objections thereto, shall stand reconsidered. The Board of Aldermen shall cause the objections of the Mayor to be entered at large upon the journal, and proceed at its convenience to consider the question pending, which shall be in this form: "Shall the bill pass, the objections of the Mayor thereto notwithstanding?" The vote on this question shall be taken by "ayes" and "nays" and the names entered upon the journal, and if two-thirds ( $\frac{2}{3}$ ) of all the members-elect shall vote in the affirmative, the City Clerk shall certify the fact on the roll, and the bill thus certified shall be deposited with the proper officer, and shall become an ordinance in the same manner and with like effect as if it had received the approval of the Mayor. The Mayor shall have power to sign or veto any ordinance passed by the Board of Aldermen; provided, that should he/she neglect or refuse to sign any ordinance and return the same with his/her objections, in writing, at the next regular meeting of the Board of Aldermen, the same shall become a law without his/her signature.

**Section 110.110. Board to Keep Journal of Proceedings.**

The Board of Aldermen shall cause to be kept a journal of its proceedings, and the "ayes" and "nays" shall be entered on any question at the request of any two (2) members. The Board of Aldermen may prescribe and enforce such rules as it may find necessary for the expeditious transaction of its business.

**Section 110.120. Board Shall Publish Semi-Annual Statements.**

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

**Section 110.130. No Money of City to Be Disbursed Until Statement Is Published — Penalty.**

In the event the financial statement of the City is not published as required by Section 110.120, the Treasurer of the City shall not pay out any money of the City on any warrant or order of the Board of Aldermen after the end of the month in which such financial statement should have been published until such time as such financial statement is published. Any Treasurer violating the provisions of this Section shall be deemed guilty of a misdemeanor.

**Section 110.140. Board May Compel Attendance of Witnesses — Mayor to Administer Oaths.**

The Board of Aldermen shall have power to compel the attendance of witnesses and the production of papers and records relating to any subject under consideration in which the interest of the City is involved, and shall have power to call on the proper officers of the City, or of the County in which such City is located, to execute such process. The officer making such service shall be allowed to receive therefor such fees as are allowed by law in the Circuit Court for similar services, to be paid by the City. The Mayor or Acting President of the Board of Aldermen shall have power to administer oaths to witnesses.

**Section 110.150. Mayor to Sign Commissions.**

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

**Section 110.160. Mayor Shall Have the Power to Enforce Laws.**

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

**Section 110.170. Mayor — Communications to Board.**

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

**Section 110.180. Mayor May Remit Fine, Grant Pardon.**

The Mayor shall have power to remit fines and forfeitures, and to grant reprieves and pardons for offenses arising under the ordinances of the City; but this Section shall not be so construed as to authorize the Mayor to remit any costs which may have accrued to any officer of said City by reason of any prosecution under the laws or ordinances of such City.

ARTICLE II

**Board of Aldermen Meetings <sup>2</sup>**

**Section 110.190. Regular Meetings.** [CC 1984 §24.010; Ord. No. 868 §1, 3-9-2004; Ord. No. 07-957 §1, 4-16-2008; Ord. No. 12-08 §1, 8-24-2012]

The Board of Aldermen of the City of La Plata, Missouri, shall meet in regular session in the Council Chambers or the City Hall at 6:00 P.M. on the second (2nd) Tuesday of each month and

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2. Cross Reference — As to open meetings, see ch. 120.

the meeting place shall be posted upon the agenda at least twenty-four (24) hours before such meeting.

**Section 110.200. Special Meetings.** [CC 1984 §24.020]

- A. Special meetings may be called by the Mayor or by any two (2) members of the Board by written request filed with the City Clerk, who shall thereupon prepare a notice of such special meeting, stating time, place and object thereof, which notice shall be given as provided by Chapter 120 hereof. It shall also be the duty of the City Clerk, immediately upon receipt of the request for the meeting, to make diligent effort to notify each member of the Board in person, either by telephone or otherwise, of such special session.
- B. The City Clerk shall make a diligent effort to notify those members of the mass media who customarily attend meetings of the Board of Aldermen of the special session, in the same manner as described above.
- C. Special meetings may also be called by consent of a majority of the members of the Board of Aldermen in conformance with the provisions of Chapter 120 hereof.

**Section 110.210. Quorum Must Be Present.**

At the hour appointed, the Mayor, or in his/her absence the Acting President of the Board of Aldermen, shall call the Board to order, the Clerk shall call the roll of members and announce whether or not a quorum is present. Four (4) of the Aldermen shall constitute a quorum. If a quorum not be present, a smaller number may lawfully adjourn the meeting from day to day until a quorum is present.

**Section 110.220. Compelling Attendance.** [CC 1984 §24.040]

In case that a lesser number than a quorum shall convene at a regular or special meeting of the Board of Aldermen, the majority of the members present are authorized to direct the Chief of Police or other City Officer to send for and compel the attendance of any or all absent members upon such terms and conditions and at such time as such majority of the members present shall agree.

**Section 110.230. Effect of Adjourned Meetings.** [CC 1984 §24.045]

All adjourned meetings of the Board shall, to all intents and purposes, be continuations of the meetings of which they are adjournments, and the same proceedings may be had at such adjourned meetings as the meeting of which they are adjournments.

**Section 110.240. Rules of Order.** [CC 1984 §24.060]

Except as otherwise provided by law or ordinance the proceedings of the Board of Aldermen shall be controlled by Robert's Rules of Order, as revised.

**Section 110.250. Decorum.** [CC 1984 §24.070]

The Presiding Officer of the Board of Aldermen shall preserve decorum and shall decide all questions of order subject to appeal to the Board of Aldermen. Any member may appeal to the Board from a ruling of the Presiding Officer upon a question of order. If the motion for an appeal is seconded, the member making the appeal may briefly state his/her reason for the same and the Presiding Officer may briefly express his/her ruling, but there shall be no debate on the appeal and

no other member shall participate in the discussion. The Presiding Officer shall then put the question to vote as to whether the decision of the chair shall be sustained. If a majority of the members present vote "aye", the ruling of the chair is sustained; otherwise, it is overruled.

**Section 110.260. Voting.** [CC 1984 §24.075]

Every member of the Board shall vote upon every question and when requested by any member the vote upon any question shall be taken by "ayes", "nays", or "abstention" and be recorded.

**Section 110.270. Permission Required for Members to Leave Chamber.** [CC 1984 §24.080]

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

**Section 110.280. When Bills May Be Amended.** [CC 1984 §24.140]

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

**Section 110.290. Special Committees.** [CC 1984 §24.160]

All special committees shall be appointed by the Mayor of the City unless otherwise ordered by a majority of the Board. By consent of a majority of the Board, a special committee may be appointed at any time to hold public hearings for the Board upon any matter pending before it. A "*special committee*" is a committee composed of members of the Board of Aldermen; the concurrence of the Board shall not be required as to the membership of the special committee, unless the Board shall order otherwise.

**Section 110.300. Rules of Procedure.** [CC 1984 §24.180]

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

**Section 110.310. Amendment or Suspension of Rules.** [CC 1984 §24.200]

Any rule of the Board may be repealed, altered or amended by a majority vote of the members. Every amendment offered shall lie on the table until the next meeting of the Board before being voted upon except by the unanimous consent of all elected members of the Board of Aldermen (including the Mayor). Any rule may be suspended by a majority vote of the members of the Board, or quorum being present by unanimous consent.

**Section 110.320. Proclamations, Meetings, Elections.** [CC 1984 §21.220]

The Mayor shall have the power to issue proclamations, call mass meetings and regular and special elections in such a manner as this Code or other ordinances or State law may provide.

**Chapter 115**

**CITY OFFICIALS**

**ARTICLE I**

## General Provisions

### **Section 115.010. Elective Officers, Terms.** <sup>3</sup> [CC 1984 §21.100; Ord. No. 850 §§1 — 3, 5-13-2003]

- A. The following officers shall be elected by the qualified voters of the City, and shall hold office for the term of two (2) years, except as otherwise provided in this Section, and until their successors are elected and qualified, to wit: Mayor, Board of Aldermen, City Collector and Municipal Judge.
- B. The Board of Aldermen may provide by ordinance that the term of the Board of Aldermen shall be four (4) years. Such ordinance shall be submitted by the Board to the voters of the City and shall take effect only upon the approval of a majority of the voters voting at an election at which the issue is submitted. Any person elected to the Board of Aldermen after the passage of such an ordinance shall serve for a term of four (4) years and until his/her successor is elected and qualified.

### **Section 115.020. Appointive Officers.** [CC 1984 §§21.100 — 21.110; Ord. No. 850 §1, 5-13-2003]

- A. The Mayor, with the consent and approval of the majority of the members of the Board of Aldermen, shall have power to appoint a City Treasurer, City Attorney, Chief of Police, City Engineer, Building Inspector, Fire Chief and Street Superintendent, and such other officers as he/she may be authorized by ordinance to appoint, and if deemed for the best interests of the City, the Mayor and Board of Aldermen may, by ordinance, employ special counsel to represent the City, either in a case of a vacancy in the office of City Attorney or to assist the City Attorney, and pay reasonable compensation therefor.
- B. *Term Of Appointive Officers.* All appointive officers shall be appointed to serve at the pleasure of the Mayor and Board of Aldermen.

### **Section 115.025. Appointed Advisory Boards.** [Ord. No. 07-958 §1, 4-16-2008]

- A. The Mayor, with the consent and approval of the majority of the members of the Board of Aldermen, shall have power to appoint members to any and all advisory boards as deemed in the best interest of the City. Each board will have a defined number of members, and each shall be appointed to serve at the pleasure of the Mayor and Board of Aldermen.
- B. An advisory board and City shall operate in harmony regarding daily operation of the enterprise; enterprise budget; matters of policy and procedures; employment of enterprise personnel.

### **Section 115.030. Removal of Officers.**

The Mayor may, with the consent of a majority of all the members elected to the Board of Aldermen, remove from office, for cause shown, any elective officer of the City, such officer being first given opportunity, together with his/her witnesses, to be heard before the Board of Aldermen sitting as a Board of Impeachment. Any elective officer, including the Mayor, may in like manner, for cause shown, be removed from office by a two-thirds ( $\frac{2}{3}$ ) vote of all members elected to the Board of Aldermen, independently of the Mayor's approval or recommendation. The Mayor may, with the consent of a majority of all the members elected to the Board of Aldermen, remove from

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<sup>3</sup>. Editor's Note — In the City election April 8, 2003, the voters elected to have an appointed Chief of Police as set out in Section 200.030 of this Code.

office any appointive officer of the City at will, and any such appointive officer may be so removed by a two-thirds ( $\frac{2}{3}$ ) vote of all the members elected to the Board of Aldermen, independently of the Mayor's approval or recommendation. The Board of Aldermen may pass ordinances regulating the manner of impeachments and removals.

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

All officers elected to offices or appointed to fill a vacancy in any elective office under the City Government shall be voters under the laws and constitution of this State and the ordinances of the City except that appointed officers need not be voters of the City. No person shall be elected or appointed to any office who shall at the time be in arrears for any unpaid City taxes, or forfeiture or defalcation in office. All officers, except appointed officers, shall be residents of the City.

**Section 115.050. Officers' Oath — Bond.**

Every officer of the City and his/her assistants, and every Alderman, before entering upon the duties of his/her office, shall take and subscribe to an oath or affirmation before some court of record in the County, or the City Clerk, that he/she possesses all the qualifications prescribed for his/her office by law; that he/she will support the Constitution of the United States and of the State of Missouri, the provisions of all laws of this State affecting Cities of this class, and the ordinances of the City, and faithfully demean himself/herself while in office; which official oath or affirmation shall be filed with the City Clerk. Every officer of the City, when required by law or ordinance, shall, within fifteen (15) days after his/her appointment or election, and before entering upon the discharge of the duties of his/her office, give bond to the City in such sum and with such sureties as may be designated by ordinance, conditioned upon the faithful performance of his/her duty, and that he/she will pay over all monies belonging to the City, as provided by law, that may come into his/her hands. If any person elected or appointed to any office shall fail to take and subscribe such oath or affirmation, or to give bond as herein required, his/her office shall be deemed vacant. For any breach of condition of any such bond, suit may be instituted thereon by the City, or by any person in the name of the City to the use of such person.

**Section 115.060. Commission to Be Delivered.** [CC 1984 §21.140]

Upon filing of the oath of office and approval of bond, when bond is required, the City Clerk shall deliver to the person elected or appointed a commission signed by the Mayor, and under the Seal of the City, duly countersigned by the Clerk, authorizing the person therein named to discharge the duties of the office therein named for the term for which he/she was appointed or elected.

**Section 115.070. Administration of Oaths.** [CC 1984 §21.160]

- A. The Mayor, Municipal Judge and City Clerk are hereby empowered and authorized to administer oaths or affirmations in the following cases:
1. The Mayor, to witnesses or other persons concerned with any subject under consideration by the Board of Aldermen in which the interest of the City is involved.
  2. The Municipal Judge, to witnesses, jurors, or other persons relating to any trial or other proceedings within the jurisdiction of his/her court.
  3. The City Clerk, to any person certifying to any demand or claim against the City concerning the correctness of the same.

**Section 115.080. Salaries Fixed by Ordinance.**

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

**Section 115.090. Vacancies in Certain Offices, How Filled.** [CC 1984 §21.170]

- A. If a vacancy occurs in any elective office, the Mayor or the person exercising the duties of the Mayor shall cause a special meeting of the Board of Aldermen to convene where a successor to the vacant office shall be selected. The successor shall serve until the next regular municipal election. If a vacancy occurs in any office not elective, the Mayor shall appoint a suitable person to discharge the duties of such office until the first (1st) regular meeting of the Board of Aldermen thereafter, at which time such vacancy shall be permanently filled.
- B. Immediately upon the suspension of an officer it shall be the duty of the Mayor to appoint a competent and responsible person to discharge the duties of such officer for the period of the suspension.

**Section 115.100. Powers and Duties of Officers to Be Prescribed by Ordinance.**

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

ARTICLE II  
**City Administrator**

**Section 115.101. Office of City Administrator.** [Ord. No. 796 §1, 10-23-2001]

There is hereby created and established the office of City Administrator for the City of La Plata, Missouri.

**Section 115.102. Appointment and Tenure.** [Ord. No. 796 §2, 10-23-2001]

The Mayor shall appoint a qualified person City Administrator for the City of La Plata; such appointment shall be approved by a majority of the City Council. The person so appointed shall serve for an indefinite term.

**Section 115.103. Qualifications.** [Ord. No. 796 §3, 10-23-2001]

The person appointed to the office of City Administrator shall be at least twenty-one (21) years of age and shall reside within reasonable distance of the City of La Plata. The City Administrator position requires a degree in public or municipal administration, or a combination of education and experience equivalent to desired qualifications.

**Section 115.104. Bond.** [Ord. No. 796 §4, 10-23-2001]

The City Administrator, before entering upon the duties of his office, shall file with the City a bond in the amount of fifty thousand dollars (\$50,000.00); such bond shall be approved by the City Council and such bond shall insure the City of La Plata for the faithful and honest performance of the duties of the City of La Plata and for rendering a full and proper account to the City of La Plata for funds and property that shall come into the possession or control of the City Administrator.



The cost of such bond shall be paid by the City of La Plata; however, should the City Administrator be covered by a blanket bond to the same extent, such individual bond shall not be required.

**Section 115.105. Compensation.** [Ord. No. 796 §5, 10-23-2001]

The City Administrator shall receive such compensation as may be determined from time to time by the City Council and such compensation shall be payable bi-weekly.

**Section 115.106. Removal of City Administrator.** [Ord. No. 796 §6, 10-23-2001]

The City Administrator shall serve at the pleasure of the appointing authority. The Mayor, with the consent of a majority of the City Council, may remove the City Administrator from office at will, and such City Administrator also may be removed by a (local preference) vote of the City Council independently of the Mayor's approval or disapproval.

**Section 115.107. Duties.** [Ord. No. 796 §7, 10-23-2001]

- A. *Administrative Office.* The City Administrator shall be the Chief Administrative Assistant to the Mayor and as such shall be the Administrative Officer of the City Government. Except as otherwise specified by ordinance or by the law of the State of Missouri, the City Administrator shall coordinate and generally supervise the operation of all departments of the City of La Plata.
- B. *Purchasing.* The City Administrator shall be the purchasing agent for the City of La Plata and all purchases amounting to less than five hundred dollars (\$500.00) shall be made under his direction and supervision, and all such purchases shall be made in accordance with purchasing rules and procedures approved by the City Council.
- C. *Budget.* The City Administrator shall be the Budget Officer of the City of La Plata and shall assemble estimates of the financial needs and resources of the City for each ensuing year and shall prepare a program of activities within the financial power of the City, embodying in it a budget document with proper supporting schedules and an analysis to be proposed to the Mayor and City Council for their final approval.
- D. *Financial Reports.* The City Administrator shall make monthly reports to the Mayor and City Council relative to the financial condition of the City. Such reports shall show the financial condition of the City in relation to the budget.
- E. *Annual Report.* The City Administrator shall prepare and present to the Mayor and City Council an annual report of the City's affairs, including in such report a summary of reports of department heads and such other reports as the Mayor and City Council may require.
- F. *Personnel Systems.* The City Administrator shall act as the Personnel Officer of the City and shall recommend an appropriate position classification system and pay plan to the Mayor and City Council. The City Administrator, after consultation with department heads, shall approve advancements and appropriate pay increases within the approved pay plans and position classification system. The City Administrator shall have the power to appoint and remove (in accordance with Personnel System regulations approved by the City Council) all subordinate employees of the City of La Plata. The City Administrator shall make recommendations of appointment and removal of department heads.
- G. *Policy Formulation.* The City Administrator shall recommend to the Mayor and City Council

adoption of such measures, as he may deem necessary or expedient for the health, safety or welfare of the City or for the improvement of administrative services for the City.

- H. *City Council Agenda.* The City Administrator shall submit to the Mayor and City Council a proposed agenda for each Council meeting at least forty-eight (48) hours before the time of the regular Council meeting.
- I. *Boards And Committees.* The City Administrator shall work with all City boards and committees to help coordinate the work of each.
- J. *Attend City Council Meetings.* The City Administrator shall attend all meeting of the City Council.
- K. *Bid Specifications.* The City Administrator shall supervise the preparation of all bid specifications for services and equipment and receive sealed bids for presentation to the City Council.
- L. *State And Federal Aid Programs.* The City Administrator shall coordinate Federal and State programs that may have application to the City of La Plata.
- M. *Conference Attendance.* The City Administrator shall attend State and regional conferences and programs applicable to his office, and the business of the City of La Plata, whenever such attendance is directed and approved by the City Council and Mayor.
- N. *Press Releases.* The City Administrator shall be responsible for keeping the public informed in the purposes and methods of City Government through all available news media.
- O. *Record Keeping.* The City Administrator shall keep full and accurate records of all actions taken by him in the course of his duties, and he shall safely and properly keep all records and papers belonging to the City of La Plata and entrusted to his care; all such records shall be and remain the property of the City of La Plata and be open to inspection by the Mayor and City Council at all times.
- P. *Miscellaneous.* In addition to the foregoing duties, the City Administrator shall perform any and all other duties or functions prescribed by the Mayor and City Council.

**Section 115.108. Powers of City Administrator.** [Ord. No. 796 §8, 10-23-2001]

- A. *City Property.* The City Administrator shall have responsibility for all real and personal property of the City of La Plata. He shall have responsibility for all inventories of such property and for the upkeep of all such property. Personal property may be sold by the City Administrator only with approval of the City Council. Real property may be sold only with the approval of the City Council by resolution or ordinance.
- B. *Set Administrative Policies.* The City Administrator shall have the power to prescribe such rules and regulations as he shall deem necessary or expedient for the conduct of administrative agencies subject to his authority, and he shall have the power to revoke, suspend or amend any rule or regulation of the administrative service except those prescribed by the City Council.
- C. *Coordinate Departments.* The City Administrator shall have the power to coordinate the work of all the departments of the City, and, at times of an emergency, shall have authority

to assign the employees of the City to any department where they are needed for the most effective discharge of the functions of City Government.

- D. *Investigate And Report.* The City Administrator shall have the power to investigate and to examine or inquire into the affairs or operation of any department of the City under his jurisdiction and shall report on any condition or fact concerning the City Government requested by the Mayor or City Council.
- E. *Coordinate Officials.* The City Administrator shall have the power to overrule any action taken by a department head and may supersede him in the functions of his office.
- F. *Appear Before The City Council.* The City Administrator shall have the power to appear before and address the City Council at any meeting.
- G. At no time shall the duties or powers of the City Administrator supersede the action by the Mayor and City Council.

**Section 115.109. Interference by Members of the City Council.** [Ord. No. 796 §9, 10-23-2001]

No member of the City Council shall directly interfere with the conduct of any department or duties of employees subordinate to the City Administrator except at the express direction of the City Council or with the approval of the City Administrator.

ARTICLE III  
**City Clerk**

**Section 115.110. City Clerk, Election — Duties.** [Ord. No. 729 §§1 — 2, 4-11-2000]

The Board of Aldermen shall elect a suitable and qualified person to serve as City Clerk who shall hold office at the pleasure of the Council. Among other things, the City Clerk shall keep a journal of the proceeding of the Board of Aldermen. He/she shall safely and properly keep all the records and papers belonging to the City which may be entrusted to his/her care; he/she shall be the general accountant of the City; he/she is hereby empowered to administer official oaths and oaths to persons certifying to demands or claims against the City.

**Section 115.120. Duties, Generally.** [CC 1984 §21.610; Ord. No. 729 §3, 4-11-2000]

- A. The City Clerk shall, in addition to other duties which are or may be required of him/her by this Code or other ordinance, attend all meetings of the Board of Aldermen.
  - 1. He/she shall have the custody of the books, records, papers and documents belonging to the City.
  - 2. He/she shall prepare all certificates of election or appointment of the City Officers, and deliver the same to the persons elected or appointed.
  - 3. He/she shall countersign all City bonds, warrants, drafts and orders upon the Treasury for money, and shall see that all ordinances appropriating money out of the Treasury are endorsed by the Treasurer before passage, and shall affix thereto the Seal of the City and keep a record thereof, showing the number, date and amount thereof, the name of the person to whom, and on what account issued, and when redeemed.
  - 4. He/she shall record the certificates, oaths and bonds of all the City Officers.

5. He/she shall keep an index of the records of the proceedings of the Board of Aldermen.
6. He/she shall prepare licenses for all purposes for which licenses are required to be issued, and when required, shall cause the same to be issued, signing his/her name and affixing the Seal of the City thereto, and shall keep an account with the Collector for such licenses and the amount of the license tax thereon.
7. He/she shall furnish without delay to any person, when called upon during business hours to do so, certified copies of any records, books, or papers which are in his/her custody, for which services a reasonable fee to be set by City ordinance may be charged, and which shall be paid by the person demanding such certified copy into the Treasury of the City, of fifty cents (\$0.50) per sheet.
8. The City Clerk is hereby designated as the custodian who is to be responsible for the maintenance of the records of the City for purposes of complying with Section 610.023, RSMo. The City Clerk shall determine the reasonable fees for providing access to or furnishing copies of the public records in accord with Section 610.026, RSMo.

**Section 115.130. Temporary City Clerk.** [CC 1984 §21.630]

- A. Upon temporary disability or inability of the City Clerk to perform his/her duties as set forth in this Code or other ordinances of the City due to illness, absence from the City or other cause, the Board of Aldermen shall, in the same manner as the City Clerk is elected as set forth in Section 115.110, proceed to elect a temporary City Clerk who shall have the same powers and duties as the regular City Clerk and shall hold office until the disability of the City Clerk is removed.
- B. Such temporary City Clerk shall receive as compensation such salary as the Board of Aldermen shall provide for at the time of appointment.

**Section 115.140. Deputy City Clerk.** [Ord. No. 575 §I, 6-9-1987]

The Mayor with the consent and approval of the Board of Aldermen may appoint a Deputy City Clerk, who shall perform such duties as may be designated by the Board of Aldermen.

ARTICLE IV  
**City Treasurer**

**Section 115.150. Appointment.** [CC 1984 §21.800]

The Mayor, with the advice and consent of the Board of Aldermen, at the first (1st) meeting after each annual City election may appoint a suitable person as City Treasurer who shall hold office for one (1) year and until his/her successor is appointed and qualified. The City Clerk shall perform the duties of the City Treasurer, if a City Treasurer is not appointed.

**Section 115.160. Oath.** [CC 1984 §21.810]

Before entering upon the discharge of the duties of his/her office, the City Treasurer shall take and subscribe an oath that he/she possesses all of the qualifications prescribed for his/her office by this Code or other ordinance; that he/she will support the Constitution of the United States and of the State, the provisions of the State law which relate to this City and this Code and other ordinances of the City, and that he/she will faithfully demean himself/herself in office.

**Section 115.170. Treasurer, Duties — Bond.** [CC 1984 §21.820]

The Treasurer shall receive and safely keep all monies, warrants, books, bonds and obligations entrusted to his/her care, and shall pay over all monies, bonds or other obligations of the City on warrants or orders, duly drawn, passed or ordered by the Board of Aldermen, and signed by the Mayor and attested by the City Clerk, and having the Seal of the City affixed thereto, and not otherwise; and shall perform such other duties as may be required of him/her by ordinance. Within fifteen (15) days after his/her appointment, and before entering upon the duties of his/her office, he/she shall give bond in the amount of fifteen thousand dollars (\$15,000.00).

**Section 115.180. Duties, Generally.** [CC 1984 §21.830]

The Treasurer shall receive and safely keep all money of the City which may come into his/her hands, and shall disburse the same only upon warrants properly drawn, and which are signed by the Mayor and attested by the City Clerk. He/she shall keep, in a set of books provided for that purpose, a full and accurate account of all money received or disbursed by him/her on behalf of the City specifying the date of receipt or disbursement, from whom received, to whom disbursed and on what account received and disbursed. He/she shall keep a separate account of each fund and appropriation, and the debits and credits belonging thereto. On the last week of each month he/she shall furnish the City Clerk with a written statement showing the balance in the Treasury at the beginning of the month, the amount received during the month and on what account received, the amounts disbursed during the month and on what account disbursed, and the balance remaining to the credit of each fund and constituting the general balance in the Treasury at the close of business on the date when such statement is made as aforesaid. He/she shall receive and safely keep all warrants, bonds and obligations of the City entrusted to his/her care and shall dispose of the same only upon proper authority from the Board of Aldermen, or as provided by this Code or other ordinance. He/she shall provide to the City Collector a copy of the extended taxes by August first (1st), charging the Collector with the amounts of taxes due as shown by tax records; and shall perform such other duties as may be required of him/her. He/she shall prepare semi-annually a statement of the receipts and expenditures of the City, and cause the same to be published in a newspaper published in the City.

**Section 115.190. Annual Report.**

No money shall be paid out of the treasury except on a warrant signed by the Mayor and attested by the City Clerk. No warrant shall be drawn upon the Treasurer, nor shall any ordinance appropriating money be passed, unless there is an unexpended balance to the credit of the City in the fund in the treasury upon which such warrant is drawn, to meet such warrant, or a sufficient sum of unappropriated money in the fund in the treasury upon which such ordinance is drawn, to meet such ordinance. Every bill that contemplates the payment of money shall, upon its second (2nd) reading, be referred to the Treasurer, or the person acting as Treasurer, for his endorsement, to the effect that a sufficient sum stands to the credit of the City, unappropriated, in the fund covered by such ordinance, to meet the requirements of such bill. The Treasurer shall report to the Board of Aldermen, on or before the first (1st) day of July in each year, the amount of receipts and expenditures of the treasury, the amount of money on hand, and the amount of bonds falling due, if any, for the redemption of which provision must be made; also, the amount of interest to be paid during the next fiscal year. The report of the Treasurer may be published if deemed necessary by the Board of Aldermen.

ARTICLE V  
City Collector

**Section 115.200. Election — Term — Qualifications.** [CC 1984 §21.700; Ord. No. 724 §1, 11-24-1999]

No person shall be eligible to the office of City Collector who is not twenty-one (21) years of age, a citizen of the United States, and an inhabitant and resident of the City for at least one (1) year next before his/her election; nor shall any person be elected a City Collector who is in arrears for any tax, lien, forfeiture or defalcation in office. City Collector shall hold office for a term of two (2) years.

**Section 115.210. Oath.** [CC 1984 §21.710]

The Collector shall, before entering upon the duties of the office, take and subscribe an oath or affirmation that he/she possesses all the qualifications prescribed for the office by law, and that he/she will support the Constitution of the United States and of this State, the provisions of all laws of this State affecting Cities of the Fourth Class, and this Code and other ordinances of this City, and faithfully demean himself/herself in office.

**Section 115.220. Duties, Generally.** [CC 1984 §21.720]

The Collector shall, monthly, at such times as may be designated by the Board of Aldermen, make a detailed report to the Board of Aldermen stating the various monies collected by him/her during the month. The amount uncollected and the names of the persons from whom he/she failed to collect and the causes therefor shall be reported annually.

**Section 115.230. Collector to Make Annual Report.**

The Collector shall, annually, at such times as may be designated by ordinance, make a detailed report to the Board of Aldermen, stating the various monies collected by him/her during the year, and the amounts uncollected and the names of the persons from which he/she failed to collect and the causes therefor.

**Section 115.240. Bond.** [CC 1984 §21.750]

Within fifteen (15) days after his/her election and before entering upon the discharge of the duties of his/her office, the City Collector shall execute to the City a bond in the sum of fifteen thousand dollars (\$15,000.00), conditioned that he/she will faithfully perform all the duties of his/her office as required by the laws of the State governing this City, and by this Code or other ordinances of the City, and that he/she will account for and promptly pay over all money coming into his/her possession that belongs to the City, at the time and in the manner provided by law.

**Section 115.250. Deputy Collector.**

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

ARTICLE VI  
City Attorney

**Section 115.260. Appointment — Term.**

A. The Mayor, with the advice and consent of the Board of Aldermen, at the first (1st) meeting

after each annual City election shall appoint a suitable person as City Attorney who shall hold office until his/her successor is appointed and qualified.

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

**Section 115.270. Duties, Generally.** [CC 1984 §21.520]

- A. The City Attorney shall, in addition to his/her other duties which are or may be required by this Code or other ordinance, prepare all charges or complaints against any party, or parties, charged with violation of this Code or other ordinance of the City, and, when ordered by the Mayor or Board of Aldermen to do so, to prosecute or defend all suits and actions originating or pending in any court of this State, to which the City is a party, or in which the City is interested.
1. It shall be the duty of the City Attorney to prosecute all persons charged with a violation of this Code or other ordinance of the City.
  2. The City Attorney shall make, and he/she is hereby authorized and empowered to make, affidavits on behalf of the City in all cases where the same may be necessary in taking an appeal or change of venue or any other matter necessary to proper legal proceedings.
  3. The City Attorney shall give his/her opinion to all City Officials.

**Section 115.280. Report to Board of Aldermen.** [CC 1984 §21.530]

- A. The City Attorney shall attend all meetings of the Board of Aldermen unless excused by the Mayor or a majority of the Board of Aldermen. Any member of the Board of Aldermen may at any time call upon the City Attorney for an oral or written opinion to decide any question of law, but not to decide upon any parliamentary rules or to resolve any dispute over the propriety of proposed legislative action.
- B. The City Attorney shall report to the Board of Aldermen the condition of any matters pending or unsettled in the City Municipal Court, or any other proceeding pending in any other court of which he/she may have charge under orders of the Mayor or Board of Aldermen.

**Section 115.290. Temporary Absence — Acting City Attorney.** [CC 1984 §21.540]

In case of absence, sickness or other inability of the City Attorney to attend court, or when, before assuming his/her official duties, he/she shall have been counsel adverse to the City, he/she shall inform the Mayor thereof, in writing, and the Mayor shall appoint some other attorney to represent the City in such case, or during temporary absence, sickness or inability. Should the City Attorney fail, neglect, or refuse to give such notice, as above provided, and the interests of the City in case of such failure, neglect or refusal need the immediate services of an attorney, then the Mayor may appoint some other attorney to attend to such cases, who shall receive the compensation allowed to the City Attorney for like services.

ARTICLE VII  
**Utility/Tax Billing Coordinator**

**Section 115.291. Utility/Tax Billing Coordinator.** [Ord. No. 26-917 §§1 — 11, 11-8-2005; Ord. No. 06-923 §I, 3-20-2006]

A. *General Purpose.* Performs technical administrative accounting work in maintaining the fiscal record's system of the City and performs routine clerical, accounting work in the electric, water, sewer, trash, personal property tax and real estate tax operations. Oversees customer service and other related utility/tax billing functions.

B. *Essential Job Functions.*

1. Oversees processing and maintenance activities of the utility and tax billing systems, including the customer service functions.
2. Exercises supervision over customer service clerks and customer service representatives, advises and resolves problems, performs back-up assistance at the front counter during personnel shortages and during peak times, determines work procedures to improve efficiency and effectiveness of operations.
3. Supervises the collection of all utility billing receipts, deposits all such funds in the City of La Plata bank account, and provides the City Clerk/Treasurer with a deposit reconciliation on a weekly basis.
4. Performs utility billing by downloading and uploading meter reading information from the hand-held meter reading computers, review and examine each account for inconsistencies or readings out of range of normal consumption, submits work orders for customer service representatives to perform maintenance checks. Performs analysis of high/low accounts and makes necessary corrections to accounts. Responsible for utility billing problem resolution, including analysis of account, determination of a problem, appropriate adjustment as determined through a series of procedures and preparation of back-up documentation.
5. Answers calls from the public regarding out-of-service meters, requests for re-reads and other customer complaints; contacts customers in regard to meter problems and/or billing problems, and sets up connection and disconnection appointments and computes water and electric meter adjustments; enters corrected information into the computer. Files records, maintains indexes and updates customer deposit files and prepares various reports for the monthly reconciliation.
6. Performs routine trash pickup audits to determine proper billing for trash service.
7. Reviews second-year electric and water accounts to determine who is eligible for deposit credit refunds.
8. Does the data entry and collection of the Missouri Drinking Water Primacy and Sewer Primacy fees that are charged to each account on the June utility bills and prepares the State reports for proper remittance of funds to the State.
9. Assists in the operation and maintenance of the central financial computer system. Is responsible for the loading of software updates and problem resolution of hardware and software issues. Maintains the rate description and rate list for the electrical and water billing systems and updates customer records for new rates and sales tax increases.
10. Prepares a year-end report of water and electrical usage billed to customers in comparison to the amount purchased/produced.



11. Coordinates with the Macon County Assessor's and Collector's office in the preparation of yearly personal property and real estate tax statements. Obtains the tax assessment books from the Macon County Assessor's office on or before the first (1st) of June each year in order to begin data entry for the October first (1st) billings. Is responsible for the detailed and descriptive data entry into each customer's computer account and for balancing the assessment books with the computer listings. Coordinates with all mortgage companies in order to obtain escrow requests prior to September first (1st) of the tax-billing year.
12. Prepares and mails the personal property and real estate tax statements on the first (1st) day of October of each year. Is responsible for supervising the collection of said taxes that are due without penalty on or before December thirty-first (31st) of each year. Deposits all such funds in the City of La Plata bank account and provides the City Clerk/Treasurer with a deposit reconciliation on a weekly basis.

C. *Peripheral Duties.*

1. Is responsible for the monitoring of delinquent electric and water accounts and exercises authority to disconnect those accounts that are unpaid as of noon on the last working day of the month.
2. Operates base radio and communicates with utility employees on a regular basis.
3. Maintains inventory of paper and bill cards and other computer supplies and orders as needed within purchasing guidelines.
4. Attends training courses as appropriate.

D. *Physical Demands.*

1. The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.
2. While performing the duties of this job, the employee is frequently required to sit and talk or hear. The employee is occasionally required to walk, use hands to finger, handle or feel objects, tools or controls, and reach with hands and arms.
3. The employee must occasionally lift and/or move up to twenty-five (25) pounds. Specific vision abilities required by this job include close vision and the ability to adjust the focus.

E. *Supervision Exercised.* Supervision of customer service clerks and customer service representatives.

F. *Supervision Received.* Under the general supervision of the Mayor and Board of Aldermen.

G. *Knowledge, Skill And Ability.*

1. Considerable knowledge of modern office practices, procedures and equipment; of business English, spelling and arithmetic; of bookkeeping principles and practices;

basic principles and techniques of supervision. Considerable knowledge of operating system software capabilities and software applications. Considerable knowledge of applicable laws, ordinances and departmental rules and regulations.

2. Ability to organize and plan work effectively, often working under pressure to carry out assigned projects for completion. Ability to think logically and to analyze operations and organize their component parts into a logical system. Ability to establish and maintain effective working relationships with associates and personnel of organization divisions and units. Ability to understand and follow written and oral instructions. Ability to operate basic office machines such as a typewriter, calculators, copiers, computers, etc. Ability to make decisions in accordance with laws, policies and regulations and apply these to work problems.
3. Skill in the operation of listed tools and equipment.

H. *Tools And Equipment Used.* Calculator, data processing equipment, duplicating equipment, computer, telephone, typewriter, hand-held meter reading computers, base and remote radios.

I. *Work Environment.*

1. The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.
2. The noise level in the work environment is usually moderate.

J. *Minimum Qualifications.*

1. High school graduate or equivalent G.E.D.
2. Two (2) years of post high school technical training or equivalent job experience.
3. Any combination of education and experience providing the required skill and knowledge for successful performance would be qualifying. Typical qualifications would be equivalent to sufficient formal or informal education to ensure ability to perform at a level required for successful job performance and three (3) years progressively responsible work experience.
4. The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.
5. The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.
6. Will report directly to the City Administrator.
7. Will train/cross train employees as directed by the Mayor and Aldermen.

8. Employee recognizes that they are part of the City administrative team and will positively support that team.
  9. Employee will abide by the policy manual.
  10. Employee will receive wage and benefit package as already set by Mayor and Aldermen.
- K. *Financial Bonding.* After the appointment of such position, the City of La Plata will provide a sufficient amount of financial bonding for said utility/tax billing coordinator.

ARTICLE VIII  
**Miscellaneous Provisions**

**Section 115.300. Officers to Report Receipts and Expenditures.**

It shall be the duty of all the officers of the City to report annually to the Board of Aldermen, such reports to embrace a full statement of the receipts and expenditures of their respective offices, and such other matters as may be required by the Board of Aldermen by ordinance, resolution or otherwise.

**Section 115.310. Mayor or Board May Inspect Books and Records of Officers.**

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

**Chapter 117**

**BOARDS, COMMISSIONS AND COMMITTEES**

ARTICLE I  
**Park Board**

**Section 117.010. Established — Composition — Appointment, Term and Removal of Directors.** [CC 1984 §21.950]

- A. Pursuant to the provisions of Sections 90.520 and 90.530, RSMo., a Park Board of nine (9) Directors for the City of La Plata is hereby established. Directors shall be chosen from the citizens at large with reference to their fitness for such office, and no member of the City Government shall be a Park Director. The Mayor, with the approval of the Board of Aldermen, shall appoint three (3) Park Directors each year during the month of May, to take office on the first (1st) day of June following their appointment, and each Park Director shall serve for a term of three (3) years and until his/her successor is appointed and qualified.
- B. The Mayor may, by and with the consent of the Board of Aldermen, remove any Park Director for misconduct or neglect of duty.

**Section 117.020. Organization — Officers — Powers and Duties.** [CC 1984 §21.960]

The Park Board shall organize, have such officers, and exercise the powers and perform the duties as prescribed in Sections 90.550 to 90.570, RSMo.

**Chapter 120**

**OPEN MEETINGS AND RECORDS POLICY**

**ARTICLE I  
In General**

**Section 120.010. Definitions.**

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

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

**COPYING** — If requested by a member of the public, copies provided in accord with the cost schedule established by this Article, if duplication equipment is available.

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

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

1. Any advisory committee or commission appointed by the Mayor or Board of Aldermen.
2. Any department or division of the City.
3. Any other legislative or administrative governmental deliberative body under the direction of three (3) or more elected or appointed members having rulemaking or quasi-judicial power.
4. Any committee appointed by or at the direction of any of the entities and which is authorized to report to any of the above-named entities, any advisory committee appointed by or at the direction of any of the named entities for the specific purpose of recommending, directly to the public governmental body's governing board or its Chief Administrative Officer, policy or policy revisions or expenditures of public funds.
5. Any quasi-public governmental body. The term "*quasi-public governmental body*" means any person, corporation or partnership organized or authorized to do business in this State pursuant to the provisions of Chapters 352, 353, or 355, RSMo., or unincorporated association which either:
  - a. Has as its primary purpose to enter into contracts with public governmental bodies, or to engage primarily in activities carried out pursuant to an agreement or agreements

with public governmental bodies; or

- b. Performs a public function, as evidenced by a statutorily or ordinance-based capacity to confer or otherwise advance through approval, recommendation or other means, the allocation or issuance of tax credits, tax abatement, public debt, tax exempt debt, rights of eminent domain, or the contracting of lease-back agreements on structures whose annualized payments commit public tax revenues; or any association that directly accepts the appropriation of money from the City, but only to the extent that a meeting, record, or vote relates to such appropriation.

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

**PUBLIC RECORD** — Any record, whether written or electronically stored, retained by or of any public governmental body including any report, survey, memorandum, or other document or study prepared and presented to the public governmental body by a consultant or other professional service paid for in whole or in part by public funds. 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.

**PUBLIC VOTE** — Any vote cast at any public meeting of any public governmental body.

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

- A. All meetings, records and votes are open to the public, except that any meeting, record or vote relating to one (1) or more of the following matters, as well as other materials designated elsewhere in this Chapter, shall be closed unless the public governmental body votes to make them public:
  1. Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public governmental body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of Section 610.011, however, the amount of any monies paid by, or on behalf of, the public governmental body shall be

disclosed; provided however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record.

2. Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes or vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public within seventy-two (72) hours after 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 must be made available with a record of how each member voted to the public within seventy-two (72) hours of the close of the meeting where such action occurs; provided however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two (72) hour period before such decision is made available to the public. As used in this subdivision, the term "*personal information*" means information relating to the performance or merit of individual employees.
4. Non-judicial mental or physical health proceedings involving an identifiable person, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment.
5. Testing and examination materials, before the test or examination is given or if it is to be given again, before so given again.
6. Welfare cases of identifiable individuals.
7. Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups.
8. Software codes for electronic data processing and documentation thereof.
9. Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid.
10. Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected.
11. Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such.
12. Records which are protected from disclosure by law.
13. Meetings and public records relating to scientific and technological innovations in

which the owner has a proprietary interest.

14. Records relating to municipal hotlines established for the reporting of abuse and wrongdoing.
15. Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product.
16. In preparation for and implementation of electric restructuring, a municipal electric utility may close that portion of its financial records and business plans which contains information regarding the name of the suppliers of services to said utility and the cost of such services, and the records and business plans concerning the municipal electric utility's future marketing and service expansion areas. However, this exception shall not be construed to limit access to other records of a municipal electric utility, including but not limited to the names and addresses of its business and residential customers, its financial reports, including but not limited to, its budget, annual reports, and other financial statements prepared in the course of business, and other records maintained in the course of doing business as a municipal electric utility. This exception shall become null and void if the State of Missouri fails to implement by December 31, 2001, electric restructuring through the adoption of Statutes permitting the same in this State.

**Section 120.030. Records Pertaining to Internal Investigations and Investigations of Allegedly Illegal Conduct.**

In order to allow the fullest cooperation by employees and members of the public in 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.

**Section 120.040. Records Pertaining to Medical Condition or History.**

- A. 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.

**Section 120.050. Records Containing Confidential, Proprietary or Private Information.**

- A. In order to protect reasonable expectations of 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 the 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 City Clerk 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 the specified information is in the public interest.
- B. The City Clerk 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 City Clerk may conduct a hearing at which all interested parties may be heard. At such hearing the Clerk 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 City Clerk 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 interest of the persons to whom the information pertains, the Clerk shall provide the requested information to the requesting party.

- C. In addition to or in lieu of the hearing described above, the City Clerk may afford all interested parties a reasonable opportunity to seek judicial review of or relief from the proposed disclosure. The City Clerk may also utilize the procedures for judicial determination and/or opinion solicitation provided in Section 120.110.

**Section 120.060. Notices of Meetings.**

- A. All public governmental bodies shall give notice of the time, date, and place of each meeting, and its tentative agenda, in a manner reasonably calculated to advise the public of the matters to be considered. 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 the appropriate bulletin board at the



City Hall.

- B. Notice conforming with all of the requirements of Subsection (A) of this Section shall be given at least twenty-four (24) hours, exclusive of weekends and holidays when City Hall is closed, prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given.
- C. Each governmental body proposing to hold a closed meeting or vote shall give notice of the time, date and place of such closed meeting or vote and the reason for holding it by reference to a specific exception allowed pursuant to Section 120.020 hereof. The notice shall be the same as described in Subsection (A) herein.
- D. A formally constituted subunit of a parent governmental body may conduct a meeting without notice during a lawful meeting of the parent governmental body, a recess in that meeting, or immediately following that meeting, if the meeting of the subunit is publicly announced at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body.

**Section 120.070. Closed Meetings, How Held.**

- A. Except as set forth in Subsection (C) of Section 120.060, no meeting or vote may be closed without an affirmative public vote of the majority of a quorum of the public governmental body. The vote of each member of the governmental body on the question of closing a public meeting or vote and the specific reason for closing that public meeting or vote by reference to a specific Section of this Chapter shall be announced publicly at an open meeting of the governmental body and entered into the minutes.
- B. Any meeting or vote closed pursuant to Section 120.020 shall be closed only to the extent necessary for the specific reason announces to justify the closed meeting or vote. Public governmental bodies shall not discuss any business in a closed meeting, record or vote. Public governmental bodies holding a closed meeting must close only an existing portion of the meeting facility necessary to house the members of the public governmental body in the closed session, allowing members of the public governmental body in the closed session, allowing members of the public to remain to attend any subsequent open session held by the public governmental body following the closed session.

**Section 120.080. Journals of Meetings and Records of Voting.**

- A. Except as provided in Section 120.020, rules authorized pursuant to Article III of the Missouri Constitution and as otherwise provided by law, all votes shall be recorded, and if a roll call is taken, as to attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body. Any votes taken during a closed meeting shall be taken by roll call. All public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication.
- B. A journal or minutes of open meetings shall be taken and retained by the public governmental body, including, but not limited to a record of any vote taken at such meeting. The minutes shall include the date, time, place, members present, members absent and a record of votes taken. When a roll call vote is taken, the minutes shall attribute each "yea" and "nay" vote,

or abstinence if not voting, to the name of the individual member of the public governmental body.

**Section 120.090. Accessibility of Meetings.**

- A. Each meeting shall be held at a place reasonably accessible to the public and of sufficient size to accommodate the anticipated attendance by members of the public, and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. 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.
- B. When it is necessary to hold a meeting on less than twenty-four (24) hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

**Section 120.100. Segregation of Exempt Material.**

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

**Section 120.110. Custodian Designated — Response to Request for Access to Records.**

- A. The City Clerk shall be the custodian of records and will be responsible for maintenance and control of all records. The custodian may designate deputy custodians in operating departments of the City and such other departments or offices as the custodian may determine. Deputy custodians shall conduct matters relating to public records and meetings in accord with the policies enumerated herein.
- B. The custodian shall provide public access to all public records as soon as possible but no later than the end of the third (3rd) business day following the date the request is received by the custodian. If additional delay is necessary, the custodian shall give an explanation for the delay and the place and the earliest time and date the record will be available for inspection.
- C. If a request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third (3rd) business day following the date that the request for the statement is received.

**Section 120.120. Procedures for Resolving Questions of Public Accessibility.**

A public governmental body or record custodian in doubt about the legality of closing a particular meeting, record or vote may, subject to approval by the Board of Aldermen, bring suit at the

expense of the public governmental body, in the Circuit Court for the County of Macon to ascertain the propriety of such action. In addition, subject to approval by the Board of Aldermen, the public governmental body or custodian may seek a formal opinion of the Attorney General or an attorney for the City regarding the propriety of such action. 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 actions so taken.

**Section 120.130. Fees.**

The custodian shall charge twenty-five cents (\$.25) per page for duplication costs and ten dollars (\$10.00) per hour for document search; provided however, that the fee for copies of bond receipts and other bond documents of the La Plata Municipal Court and/or La Plata Police Department shall be two dollars (\$2.00) for the first (1st) page and one dollar (\$1.00) for each additional page per request and no hourly charge for document search shall be levied for such documents. The fee for copying accident reports shall be five dollars (\$5.00). Said fees for copying public records shall not exceed the actual cost of document search and duplication. Upon request, the public governmental body shall certify in writing that the actual cost of document search and duplication is fair, reasonable and does not exceed the actual cost incurred by the public governmental body. The custodian may require payment prior to duplicating any documents.

ARTICLE II

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

**Section 120.140. Definitions.**

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

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

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

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

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

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

**INVESTIGATIVE REPORT** — A record, other than an arrest or incident report, prepared by

personnel of a law enforcement agency, inquiring into a crime or suspected crime, either in response to an incident report or in response to evidence developed by law enforcement officers in the course of their duties.

**Section 120.150. Police Department Records.**

- A. The Police Department of the City shall maintain records of all incidents reported to the Police Department, and investigations and arrests made by the Police Department. All incident reports and arrest reports shall be open records. Notwithstanding any other provision of law other than the provisions of Subsection (C) of this Section or Section 320.083, RSMo., investigate reports of the Police Department are closed records until the investigation becomes inactive. If any person is arrested and not charged with an offense against the law within thirty (30) days of the person's arrest, the arrest report shall thereafter be a closed record except that the disposition portion of the record may be accessed except as provided in Section 120.170.
- B. Except as provided in Subsections (C) and (D) of this Section, if any portion of a record or document of a Police Department Officer or the Police Department, other than an arrest report, which would otherwise be open, contains information that is reasonably likely to pose a clear and present danger to the safety of any victim, witness, undercover officer, or other person; or jeopardize a criminal investigation, including records which would disclose the identity of a source wishing to remain confidential or a suspect not in custody; or which would disclose techniques, procedures or guidelines for Police Department investigations or prosecutions, that portion of the record shall be closed and shall be redacted from any record made available pursuant to this Chapter.
- C. Any person, attorney for a person, or insurer of a person involved in any incident or whose property is involved in an incident, may obtain any records closed pursuant to this Section or Section 120.170 for purposes of investigation of any civil claim or defense, as provided by this Subsection. Any individual, his/her attorney or insurer, involved in an incident or whose property is involved in an incident, upon written request, may obtain a complete unaltered and unedited incident report concerning the incident, and may obtain access to other records closed by the Police Department pursuant to this Section. Within thirty (30) days of such request, the Police Department shall provide the requested material or file a motion pursuant to this Subsection with the Circuit Court having jurisdiction over the Police Department stating that the safety of the victim, witness or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized. Pursuant to Section 610.100(4), RSMo., if, based on such motion, the court finds for the Police Department, the court shall either order the record closed or order such portion of the record that should be closed to be redacted from any record made available pursuant to this Subsection.
- D. The victim of an offense as provided in Chapter 566, RSMo., may request that his/her identity be kept confidential until a charge relating to such incident is filed.

**Section 120.160. Effect of Nolle Pros, Dismissal and Suspended Imposition of Sentence on Records.**

If the person arrested is charged but the case is subsequently nolle prossed, dismissed, or the accused is found not guilty, or imposition of sentence is suspended in the court in which the action is prosecuted, official records pertaining to the case shall thereafter be closed records when such

case is finally terminated except that the disposition portion of the record may be accessed except as provided in Section 120.170. If the accused is found not guilty due to mental disease or defect pursuant to Section 552.030, RSMo., official records pertaining to the case shall thereafter be closed records upon such findings, except that the disposition may be accessed only by law enforcement agencies, child care agencies, facilities as defined in Section 198.006, RSMo., and in-home services provider agencies as defined in Section 660.250, RSMo., in the manner established by Section 120.170.

**Section 120.170. Public Access of Closed Arrest 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, 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.
- 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.

**Section 120.180. "911" Telephone Reports.**

Excepted 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 120.150. Any closed records pursuant to this Section shall be available upon request by law enforcement agencies or the Division of Workers' Compensation or pursuant to a valid court order authorizing disclosure upon motion and good cause shown.

**Section 120.190. Daily Log or Record Maintained by Police Department of Crimes, Accidents or**

### **Complaints — Public Access to Certain Information.**

- A. Except as provided in Subsection (B) of this Section, the City of La Plata Police Department, if it maintains a daily log or record that lists suspected crimes, accidents, or complaints, shall make available the following information for inspection and copying by the public:
1. The time, substance, and location of all complaints or requests for assistance received by the Police Department;
  2. The time and nature of the Police Department's response to all complaints or requests for assistance; and
  3. If the incident involves an alleged offense or infraction:
    - a. The time, date, and location of occurrence;
    - b. The name and age of any victim, unless the victim is a victim of a crime under Chapter 566, RSMo.;
    - c. The factual circumstances surrounding the incident; and
    - d. A general description of any injuries, property or weapons involved.
- B. The Police Department, having custody of an accident report or incident report, as defined in Section 120.140, shall not release for sixty (60) days after the date of the accident or incident the report containing the factual circumstances or general description of any injuries as provided in paragraphs (c) and (d) of Subdivision (3) of Subsection (A) of this Section to a person that is not an interested party. For the purposes of this Subsection, an "*interested party*" is any law enforcement agency, any person who was involved in the accident or incident, the owner of any vehicle involved in the accident or incident, the insurance company, physician or family member of any person involved in the accident or incident or any attorney or any member of the news media.

## **Chapter 125**

### **MUNICIPAL COURT**

#### **ARTICLE I General Provisions**

#### **Section 125.010. Court Established.**<sup>4</sup>

There is hereby established in the City of La Plata a Municipal Court, to be known as the "*La Plata Municipal Court*", a Division of the 41st Judicial Circuit Court of the State of Missouri". In the event a Police Court existed prior to the establishment of a Municipal Court, this Court is a continuation of the Police Court of the City as previously established, and is termed herein "*The*

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<sup>4</sup>. Editor's Note: Sections 1 — 2 of Ord. No. 16-06, adopted 11-8-2016, provided that the Circuit Court of Macon County would be designated as the Municipal Court of the City of La Plata, and all records would be transferred from the municipal court, effective 1-1-2017.

*Municipal Court".*

**Section 125.020. Jurisdiction.**

The jurisdiction of the Municipal Court shall extend to all cases involving alleged violations of the ordinances of the City.

**Section 125.030. Selection of Municipal Judge.**

The Judge of the City's Municipal Court shall be known as a Municipal Judge of the La Plata Municipal Division of the 41st Judicial Circuit Court, and shall be elected to the position as set out in Section 105.020 hereof.

**Section 125.040. Municipal Judge — Term of Office.**

The Municipal Judge shall hold his/her office for a period of two (2) years. If for any reason a Municipal Judge vacates his/her office, his/her successor shall complete that term of office, even if the same be for less than two (2) years.

**Section 125.050. Municipal Judge — Vacation of Office.**

- A. The Municipal Judge shall vacate his/her office under the following conditions:
1. Upon removal from office by the State Commission on the Retirement, Removal and Discipline of Judges, as provided in Missouri Supreme Court Rule 12;
  2. Upon attaining his/her seventy-fifth (75th) birthday; or
  3. If he/she is not a licensed attorney and has not met the requirements of Section 125.060(7) hereof.

**Section 125.060. Municipal Judge — Qualifications for Office.**

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

**Section 125.070. Superintending Authority.**

The Municipal Court of the City shall be subject to the rules of the Circuit Court of which it is a part, and to the rules of the State Supreme Court. The Municipal Court shall be subject to the general administrative authority of the Presiding Judge of the Circuit Court, and the Judge and Court personnel of said Court shall obey his/her directives.

**Section 125.080. Report to Board of Aldermen.**

The Municipal Judge shall cause the Court Clerk to prepare, within the first (1st) ten (10) days of every month, a report indicating the following:

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

**Section 125.090. Docket and Court Records.**

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

**Section 125.100. Municipal Judge — Powers and Duties Generally.**

- A. The Municipal Judge shall be and is hereby authorized to:
1. Establish a Traffic Violations Bureau as provided for in the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and Section 479.050, RSMo.
  2. Administer oaths and enforce due obedience to all orders, rules and judgments made by him/her, and may fine and imprison for contempt committed before him/her while holding Court, in the same manner and to the same extent as a Circuit Judge.
  3. Stay execution of any fine or sentence, suspend any fine or sentence, and make such other orders as the Municipal Judge deems necessary relative to any matter that may be pending in the Municipal Court.
  4. Make and adopt such rules of practice and procedure as are necessary to implement and carry out the provisions of this Chapter, and to make and adopt such rules of practice and procedure as are necessary to hear and decide matters pending before the Municipal Court and to implement and carry out the provisions of the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts.
  5. The Municipal Judge shall have such other powers, duties and privileges as are or may be prescribed by the laws of this State, this Code or other ordinances of this City.



**Section 125.110. Compensation.**

The Municipal Judge for the City of La Plata shall be paid a sum as fixed by ordinance from time to time.

**Section 125.120. Traffic Violations Bureau.**

Should the Municipal Judge determine that there shall be a Traffic Violations Bureau, the City shall provide all expenses incident to the operation of the same. The City Clerk is hereby designated as the Traffic Violations Clerk for said Bureau, if established, and may appoint or designate such persons as are necessary to conduct said office.

**Section 125.130. Issuance and Execution of Warrants.** <sup>5</sup> [Ord. No. 850 §§1 — 3, 5-13-2003]

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

**Section 125.140. Arrests Without Warrants.** <sup>6</sup> [Ord. No. 850 §§1 — 3, 5-13-2003]

The Chief of Police or other Police Officer of the City may, without a warrant, make arrest of any person who commits an offense in his/her presence, but such officer shall, before the trial, file a written complaint with the Judge hearing violations of municipal ordinances.

**Section 125.150. Jury Trials.**

Any person charged with a violation of a municipal ordinance of this City shall be entitled to a trial by jury, as in prosecutions for misdemeanors before an Associate Circuit Court Judge. Whenever a defendant accused of a violation of a municipal ordinance has a right to and demands such trial by jury, the Municipal Court shall certify the case to the Presiding Judge of the Circuit Court for reassignment.

**Section 125.160. Duties of the City's Prosecuting Attorney.**

It shall be the duty of an attorney designated by the municipality to prosecute the violations of the City's ordinances before the Municipal Judge or before any Circuit Judge hearing violations of the City's ordinances. The salary or fees of the attorney and his/her necessary expenses incurred in such prosecutions shall be paid by the City. The compensation of such attorney shall not be contingent upon the number of cases tried, the number of guilty verdicts reached or the amount of fines imposed or collected.

**Section 125.170. Summoning of Witnesses.**

It shall be the duty of the Municipal Judge to summon all persons whose testimony may be deemed essential as witnesses at the trial, and to enforce their attendance by attachment, if necessary. The

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<sup>5</sup>. Editor's Note — In the City election April 8, 2003, the voters elected to have an appointed Chief of Police as set out in Section 200.030 of this Code.

<sup>6</sup>. Editor's Note — In the City election April 8, 2003, the voters elected to have an appointed Chief of Police as set out in Section 200.030 of this Code.

fees of witnesses shall be the same as those fixed for witnesses in trials before Associate Circuit Court Judges and shall be taxed as other costs in the case. When a trial shall be continued by a Municipal Judge it shall not be necessary to summon any witnesses who may be present at the continuance, but the Municipal Judge shall orally notify such witnesses as either party may require to attend before him/her on the day set for trial to testify in the case, and enter the names of such witnesses on his/her docket, which oral notice shall be valid as a summons.

**Section 125.180. Transfer of Complaint to Associate Circuit Judge.**

If, in the progress of any trial before the Municipal Judge, it shall appear to the Judge that the accused ought to be put upon trial for an offense against the criminal laws of the State and not cognizable before him/her as Municipal Judge, he/she shall immediately stop all further proceedings before him/her as Municipal Judge and cause the complaint to be made before some Associate Circuit Court Judge of the County.

**Section 125.190. Jailing of Defendants.**

If in the opinion of the Municipal Judge, the City has no suitable and safe place of confinement, the Municipal Judge may commit the defendant to the County Jail, and it shall be the duty of the Sheriff, if space for the prisoner is available in the County Jail, upon receipt of a warrant of commitment from the Judge to receive and safely keep such prisoner until discharged by due process of law. The municipality shall pay the board of such prisoner at the same rate as may now or hereafter be allowed by law to such Sheriff for the keeping of other prisoners in his/her custody. The same shall be taxed as cost.

**Section 125.200. Parole and Probation.**

- A. Any Judge hearing violations of municipal ordinances may, when in his/her judgment it may seem advisable, grant a parole or probation to any person who shall plead guilty or who shall be convicted after a trial before such Judge. When a person is placed on probation he/she shall be given a certificate explicitly stating the conditions on which he/she is being released.
- B. In addition to such other authority as exists to order conditions of probation, the Court may order conditions which the Court believes will serve to compensate the victim of the crime, any dependent of the victim, or society in general. Such conditions may include, but need not be limited to:
  1. Restitution to the victim or any dependent of the victim, in an amount to be determined by the Judge; and
  2. The performance of a designated amount of free work for a public or charitable purpose, or purposes, as determined by the Judge.
- C. A person may refuse probation conditioned on the performance of free work. If he/she does so, the Court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. Any County, City, person, organization, or agency, or employee of a County, City, organization or agency charged with the supervision of such free work or who benefits from its performance shall be immune from any suit by the person placed on parole or probation or any person deriving a cause of action from him/her if such cause of action arises from such supervision of performance, except for intentional torts or gross negligence. The services performed by the probationer or parolee shall not be deemed

employment within the meaning of the provisions of Chapter 288, RSMo.

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

**Section 125.210. Right of Appeal.**

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

**Section 125.220. Appeal From Jury Verdicts.**

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

**Section 125.230. Breach of Recognizance.**

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

**Section 125.240. Disqualification of Municipal Judge From Hearing a Particular Case.**

A Municipal Judge shall be disqualified to hear any case in which he/she is in any way interested, or, if before the trial is commenced, the defendant or the prosecutor files an affidavit that the defendant or the municipality, as the case may be, cannot have a fair and impartial trial by reason of the interest or prejudice of the Judge. Neither the defendant nor the municipality shall be entitled to file more than one (1) affidavit or disqualification in the same case.

**Section 125.250. Failure to Appear in Municipal Court.**

- A. A person commits the offense of failure to appear in Municipal Court if:
1. He/she has been issued a summons for a violation of any ordinance of the City of La Plata, and fails to appear before the Judge of the Municipal Court at the time and on the date on which he/she was summoned, or at the time or on the date to which the case was continued;
  2. He/she has been released upon recognition of bond and fails to appear before the Judge of the Municipal Court at the time and on the date on which he/she was summoned, or at the time or on the date to which the case was continued;
  3. He/she has been placed on Court supervised probation, and fails to appear before the Judge of the Municipal Court at the time specified by said Judge as a condition of the probation.

- B. Nothing in this Section shall prevent the exercise of the Municipal Court of its power to punish for contempt.

ARTICLE II  
**Court Clerk**

**Section 125.260. Office Established.**

There is hereby established the office of Court Clerk for the City of La Plata Municipal Division of the Macon County Circuit Court.

**Section 125.270. Selection and Term of Court Clerk.**

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

**Section 125.280. Hours and Authorization of Compensation.**

The position of Court Clerk shall be a part-time position. The Court Clerk shall attend all sessions of the La Plata Municipal Division of the 41st Judicial Circuit Court and may be required to be present at the La Plata City Hall to perform the duties of the office at such additional times as the Mayor or Board of Aldermen may specify. Compensation for the Court Clerk shall be established by ordinance from time to time.

**Section 125.290. Duties.**

- A. The Court Clerk's duties shall include the following:
1. To prepare and maintain the Municipal Court docket;
  2. To log and file all tickets, information, complaints, summonses, bonds, bond receipts and reports;
  3. To prepare all warrants, REGIS sheets, summonses, bonds, bond forfeitures and notices pertaining to same;
  4. To receipt and account for all bonds, fines, costs or other monies paid to the Municipal Court;
  5. To deliver monies collected in Court to the City Clerk for deposit into appropriate City accounts;
  6. To maintain and respond to all correspondence directed to the Municipal Court;
  7. To prepare and forward to the Director of Revenue all records of moving violations as required by law;
  8. To report to City Treasurer each month on the amount of Crime Victims' Compensation (CVC) Fund and any other funds collected for distribution to parties or entities other than the City in association with Court proceedings;
  9. To serve as the Traffic Violations Clerk for the La Plata Municipal Division of the 41st Judicial Circuit Court and receive entries of appearance, waivers of appearance, pleas of guilty and payments of fines and costs in accord with the Laws of the State of

Missouri and the Rules of the Circuit Court for Macon County; and

10. To perform such other duties as may be directed by the Judge of the Municipal Division.

**Section 125.300. Bond.**

Within fifteen (15) days after election, and before entering upon the discharge of the above described duties of office, the Court Clerk shall give bond to the City in an amount as determined by the Board of Aldermen, conditioned upon the faithful performance of said duties and the said Court Clerk will pay over all monies belonging to the City, as provided by law, that may come into the Court Clerk's hands.

ARTICLE III  
**Fines and Court Costs**

**Section 125.310. Installment Payment of Fine.**

When a fine is assessed for violation of an ordinance, it shall be within the discretion of the Judge assessing the fine to provide for the payment of the fine on an installment basis under such terms and conditions as he/she may deem appropriate.

**Section 125.320. Court Costs.** [Ord. No. 794 §§1 — 2, 10-9-2001]

- A. In addition to any fine that may be imposed by the Municipal Judge in any case filed in the La Plata Municipal Division of the 41st Judicial Circuit Court, and in addition to all other fees authorized or required by law, there shall be assessed as costs the following:
  1. Costs of Court in the amount of twelve dollars (\$12.00).
  2. *Police Officer training fee.* A fee of three dollars (\$3.00) is hereby established and assessed as additional Court costs in each Court proceeding, except that no such fee shall be collected when the proceedings against the defendant have been dismissed.
    - a. Two dollars (\$2.00) of each such Court cost shall be transmitted monthly to the Treasurer of the City and used to pay for Police Officer training as provided by Sections 590.100 to 590.180, RSMo. The City shall not retain for training purposes more than one thousand five hundred dollars (\$1,500.00) of such funds for each certified Law Enforcement Officer or candidate for certification employed by the City. Any excess funds shall be transmitted quarterly to the City's General Fund.
    - b. One dollar (\$1.00) of each such Court cost shall be sent to the State Treasury to the credit of the Peace Officers Standards and Training Commission Fund created by Section 590.178, RSMo.
  3. *Crime Victims' Compensation Fund.* An additional sum of seven dollars fifty cents (\$7.50) shall be assessed and added to the basic costs in Subsection (1) of this Section, provided that no such cost shall be collected in any proceeding when the proceeding or the defendant has been dismissed by the Court. All sums collected pursuant to this Subsection shall be paid at least monthly as follows:
    - a. Ninety-five percent (95%) of such fees shall be paid to the Director of Revenue

of the State of Missouri for deposit as provided in Section 595.045.5, RSMo.

- b. Five percent (5%) shall be paid to the City Treasury.
4. *Motorcycle Safety Trust Fund.*
    - a. Any person who violates a municipal ordinance when the Court finds that the violation occurred when the defendant was the operator of a motorcycle or motortricycle shall have a judgment assessed against the defendant of five dollars (\$5.00) in the favor of the State of Missouri Motorcycle Safety Trust Fund. Any motor vehicle operator who violates a municipal ordinance where the violation involves a motorcycle or motortricycle or where the operator causes an accident involving a motorcycle or motortricycle shall have a judgment assessed against the defendant of five dollars (\$5.00) in the favor of the State of Missouri Motorcycle Safety Trust Fund.
    - b. Each Court cost assessed under this Section shall be doubled if the operator at fault violated any State law or local ordinance relating to the consumption of alcohol.
    - c. The Court costs collected under this Section by the Clerk of the Court shall be paid into the State Treasury to the credit of the Motorcycle Safety Trust Fund created in Section 302.137, RSMo.
  5. Other costs, such as for the issuance of a warrant, a commitment, or a summons, as provided before the Associate Circuit Judge in criminal prosecutions.
  6. Actual costs assessed against the City by the County Sheriff for apprehension or confinement in the County Jail.
  7. Mileage, in the same amount as provided to the Sheriff in criminal violations, for each mile and fraction thereof the officer must travel (both directions) in order to serve any warrant or commitment or order of this Court.
  8. Any other reasonable cost as may be otherwise provided by ordinance, including but not limited to costs of confinement, including any necessary transportation related thereto, medical costs incurred by the City while a defendant is in City custody and costs related to the arrest and testing of any person for any intoxication-related traffic offense as set out in Subsection (9) hereof.
  9. *Reimbursement of certain costs of arrest.*
    - a. Upon a plea or a finding of guilty for a first (1st) offense of violating the provisions of an ordinance of the City of La Plata, involving alcohol- or drug-related traffic offenses, the Court may, in addition to imposition of any penalties provided by law, order the convicted person to reimburse the Police Department for the costs associated with such arrest.
    - b. Such costs hereby authorized shall include the reasonable cost of making the arrest, including the cost of any chemical test made as authorized or required by law or ordinance to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking and holding such person in

custody.

- c. The Chief of Police shall establish a schedule of such costs hereby authorized and shall submit the same to the Municipal Judge. However, the Court may order the costs reduced if it determines that the costs are excessive.
- d. Upon receipt of such additional costs authorized by this Subsection, the City Treasurer shall retain such costs in a separate fund to be known as the "DWI/Drug Offense Cost Reimbursement Fund". Monies with such fund shall be appropriated by the Board of Aldermen to the Police Department in amounts equal to those costs so collected and shall be used by such Department specifically to enhance and support the enforcement and prosecution of alcohol- and drug-related traffic laws within the City.

### **Chapter 130**

## **TAXATION AND FINANCE**

### **ARTICLE I**

#### **Fiscal Year**

#### **Section 130.010. Fiscal Year Established.** [CC 1984 §22.010]

The fiscal year for the City of La Plata shall begin on July first (1st) of each year and all City budgets, audits and other statutory requirements shall be prepared on a July first (1st) fiscal year and all required matters concerning same be required to use such dates for those statutory and other necessary purposes.

### **ARTICLE II**

#### **Budget**

#### **Section 130.020. Budget Required — Contents — Expenditures Not to Exceed Revenues.**

- A. Prior to the commencement of each fiscal year, a budget for the City shall be prepared, and the same will be presented to and approved by the Board of Aldermen.
- B. The annual budget shall present a complete financial plan for the ensuing fiscal year, and shall include at least the following information:
  1. A budget message describing the important features of the budget and major changes from the preceding year.
  2. Estimated revenues to be received from all sources for the budget year, with a comparative statement of actual or estimated revenues for the two (2) years next preceding, itemized by year, fund, and source.
  3. Proposed expenditures for each department, office, commission, and other classification for the budget year, together with a comparative statement of actual or estimated expenditures for the two (2) years next preceding, itemized by year, fund,

activity, and object.

4. The amount required for the payment of interest, amortization, and redemption charges on the debt of the City.
  5. A general budget summary.
- C. In no event shall the total proposed expenditures from any fund exceed the estimated revenues to be received plus any unencumbered balance or less any deficit estimated for the beginning of the budget year; provided, that nothing herein shall be construed as requiring the City to use any cash balance as current revenue or to change from a cash basis of financing its expenditures.

**Section 130.030. Budget Officer.** [CC 1984 §22.120]

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

**Section 130.040. Board of Aldermen May Revise Budget, Limits — Approval.**

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

**Section 130.050. Increase of Expenditure Over Budgeted Amount to Be Made Only on Formal Resolution.**

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

**Section 130.060. Mayor to Supervise.** [CC 1984 §22.130]

The Budget Officer shall prepare the City budget under the direction of the Mayor. The Mayor



shall concur in the budget prior to its submission to the Board of Aldermen.

**Section 130.070. Debt Limited.** [CC 1984 §22.150]

The City shall not incur any debts which aggregate an amount greater than the anticipated revenues for the budget year, without the approval of the voters of the City, as required by law.

**Section 130.080. Budget Calendar.** [CC 1984 §22.160]

- A. The Budget Officer shall prepare the City budget in accordance with the following calendar:
1. In January of each year, the Budget Officer will collect the data necessary, and make preliminary revenue estimates for the coming fiscal year. He/she will estimate expenditures for the present year, and note expenditures and revenues for the previous two (2) fiscal years.
  2. In February of each year, the Budget Officer will request from each City Officer a statement of expenditures requested for the coming fiscal year.
  3. In March of each year, the Budget Officer will review the departmental requests and make his/her final revenue estimates for the coming fiscal year, and will confer with department heads to discuss these requests.
  4. In April of each year, the Budget Officer will begin assembling the City budget.
  5. In May of each year, the Budget Officer will confer with the Mayor and any such other officers as the Mayor may designate, for preparation of the City budget for the next fiscal year to be submitted to the Board of Aldermen.
  6. The budget shall be submitted to the Board of Aldermen at the regular meeting in June.

ARTICLE III  
**Levy of Taxes**

**Section 130.090. Board to Provide for Levy and Collection of Taxes — Fix Penalties.**

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

**Section 130.100. Board to Fix Rate of Levy.**

The Board of Aldermen shall, within a reasonable time after the Assessor's books of each year are returned, ascertain the amount of money to be raised thereon for general and other purposes, and fix the annual rate of levy therefor by ordinance.

**Section 130.110. Assessment — Method of.**

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

which abstract shall be immediately transmitted to the Board of Aldermen, and it shall be the duty of the Board of Aldermen to establish by ordinance the rate of taxes for the year.

**Section 130.120. Clerk to Prepare Tax Books.**

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

**Section 130.130. Taxes Delinquent — When.**

On the first (1st) day of January of each year, all unpaid City taxes shall become delinquent and the taxes on real estate are hereby made a lien thereon; and all such delinquent taxes shall bear interest thereon at the rate of one and one-half percent (1.5%) per month from the time they become delinquent, not to exceed eighteen percent (18%) per year, until paid; and shall also be subject to the same fees, penalties, commissions and charges as provided by law of the State of Missouri for delinquent State and County taxes, and shall be collected from the property owners and the enforcement of all taxes, penalties, fees, commissions and charges authorized by law and provided for herein to be paid by property owners shall be made in the same manner and under the same rules and regulations as are or may be provided by law for the collection and enforcement of the payment of State and County taxes, including fees, penalties, commissions and other charges.

ARTICLE IV  
**Sales Tax**

**Section 130.140. Imposition of City Sales Tax.** [CC 1984 §89.010]

Pursuant to the authority granted by and subject to the provisions of Sections 94.500 to 94.550, RSMo., a tax for general revenue purposes is hereby imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in Sections 144.010 to 144.525, RSMo., and the rules and regulations of the Director of Revenue issued pursuant thereto. The rate of the tax shall be one percent (1%) on the receipts from the sale at retail of all tangible personal property or taxable services at retail within La Plata, Missouri, if such property and taxable services are subject to taxation by the State of Missouri under the provisions of Sections 144.010 to 144.525, RSMo. The tax shall be collected pursuant to the provisions of Sections 94.500 to 94.550, RSMo.

**Section 130.150. Tax on Utilities.** [CC 1984 §89.020; Ord. No. 15-01 §§ 1 — 2, 1-8-2015]

The municipal sales tax on all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil used for non-business, non-commercial or non-industrial purposes heretofore imposed within the corporate limits of this municipality is hereby reimposed. The rate of taxation shall be, as heretofore, one and five-tenths percent (1.5%).

**Section 130.160. Imposition of Sales Tax for Capital Improvements.** [Ord. No. 07-951 §1, 2-12-2008]

It is hereby found and determined that it is advisable and in the interests of the City to impose a sales tax of one-half of one percent (.5%) for the purpose of funding capital improvements.

ARTICLE V  
**Enhanced Enterprise Zone**

**Section 130.170. Enhanced Enterprise Zone.** [Ord. No. 10-982 §§1 — 6, 9-14-2010]

- A. The City Council of the City of La Plata, Missouri hereby authorize a one hundred percent (100%) property tax abatement for a period of five (5) years on improvements to real property made by eligible businesses.
- B. The City Council of the City of La Plata, Missouri hereby authorize a fifty percent (50%) property tax abatement for a period of ten (10) years on improvements to real property made by eligible businesses.
- C. The City Council of the City of La Plata, Missouri hereby authorizes a special utility discount for eligible businesses.
- D. The City Council of the City of La Plata, Missouri hereby authorizes eligible businesses shall pay employees a wage equal to or exceeding the Macon County median income level at the time of initial operation of the facility.
- E. The City Council of the City of La Plata, Missouri hereby authorizes the following types of businesses will be eligible for expanded Enhanced Enterprise Zone incentives provided they are located within the zone and make improvements to their property:
  - 1. Manufacturing (NAICS 31-34)
  - 2. Distribution/Wholesale (NAICS 42)
  - 3. Telecommunications (NAICS 517)
  - 4. Professional, Scientific and Technical Services (NAICS 54)
  - 5. Information Technology (NAICS 516-518)
  - 6. Health Services (NAICS 62)
  - 7. Transportation (NAICS 48, 49)
  - 8. Wind Energy (NAICS 237130 and 221119)
- F. Any other business that creates and maintains a minimum of ten (10) full-time jobs, excluding retail, eating and drinking establishments and gaming operations. All eligible businesses must pay employees a wage equal to or exceeding the Macon County median income level at the time of initial operation and provide a benefits package to include health insurance.

**Chapter 135**

**CONFLICTS OF INTEREST**

**Section 135.010. Declaration of Policy.** [Ord. No. 700 §1, 7-8-1997; Ord. No. 715 §1, 6-15-1999; Ord.

No. 791 §1, 8-14-2001; Ord. No. 855 §1, 8-12-2003; Ord. No. 18-910 §1, 8-9-2005; Ord. No. 07-939 §1, 8-14-2007; Ord. No. 09-971 §1, 8-4-2009; Ord. No. 10-992 §1, 9-13-2011; Ord. No. 17-11 § 1, 6-13-2017]

The proper operation of municipal government requires that public officials and employees be independent, impartial and responsible to the people; that government 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. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the City.

**Section 135.020. Conflicts of Interest.** [Ord. No. 700 §2, 7-8-1997; Ord. No. 715 §2, 6-15-1999; Ord. No. 791 §2, 8-14-2001; Ord. No. 855 §2, 8-12-2003; Ord. No. 18-910 §2, 8-9-2005; Ord. No. 07-939 §2, 8-14-2007; Ord. No. 09-971 §2, 8-4-2009; Ord. No. 10-992 §2, 9-13-2011; Ord. No. 17-11 § 2, 6-13-2017]

The Mayor or any member of the Board of Aldermen who has a substantial personal or private interest, as defined by State law, in any bill shall disclose on the records of the City Council the nature of his/her interest and shall disqualify himself/herself from voting on any matters relating to this interest.

**Section 135.030. Disclosure Reports.** [Ord. No. 700 §3, 7-8-1997; Ord. No. 715 §3, 6-15-1999; Ord. No. 791 §3, 8-14-2001; Ord. No. 855 §3, 8-12-2003; Ord. No. 18-910 §3, 8-9-2005; Ord. No. 07-939 §3, 8-14-2007; Ord. No. 10-992 §1, 9-13-2011; Ord. No. 09-971 §3, 8-4-2009; Ord. No. 10-992 §3, 9-13-2011; Ord. No. 17-11 § 3, 6-13-2017]

- A. Each elected official, candidate for elective office, the Chief Administrative Officer, the Chief Purchasing Officer and the full-time general counsel shall disclose the following Information by May 1, or the appropriate deadline as referenced in Section 105.487, RSMo., if any such transactions occurred during the previous calendar year:
1. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars (\$500.00), if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision.
  2. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars (\$500.00), if any, that any business entity in which such person had a substantial interest had with the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision.
  3. The Chief Administrative Officer, the Chief Purchasing Officer, and candidates for either of these positions also shall disclose by May 1, or the appropriate deadline as referenced in Section 105.487, RSMo., the following information for the previous calendar year:
    - a. The name and address of each of the employers of such person from whom income of one thousand dollars (\$1,000.00) or more was received during the year covered by the statement;

- b. The name and address of each sole proprietorship which he/she owned; the name, address and general nature of the business conducted of each general partnership and joint venture in which he/she was a partner or participant; the name and address of each partner or coparticipant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent (10%) or more of any class of the outstanding stock or limited partners' units; and the name of any publicly traded corporation or limited partnership which is listed on a regulated stock exchange or automated quotation system in which the person owned two percent (2%) or more of any class of outstanding stock, limited partnership units or other equity interests;
- c. The name and address of each corporation for which such person served in the capacity of a director, officer, or receiver.

**Section 135.040. Filing of Reports.** [Ord. No. 700 §4, 7-8-1997; Ord. No. 715 §5, 6-15-1999; Ord. No. 791 §4, 8-14-2001; Ord. No. 855 §4, 8-12-2003; Ord. No. 18-910 §4, 8-9-2005; Ord. No. 07-939 §4, 8-14-2007; Ord. No. 09-971 §4, 8-4-2009; Ord. No. 10-992 §4, 9-13-2011; Ord. No. 17-11 § 4, 6-13-2017]

- A. The financial interest statements shall be filed at the following times, but no person is required to file more than one financial interest statements in any calendar year:
  - 1. Every person required to file a financial interest 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 Board of Aldermen may supplement the financial interest statement to report additional interests acquired after December 31 of the covered year until the date of filing of the financial interest statement.
  - 2. Each person appointed to office shall file the statement within thirty (30) days of such appointment or employment covering the calendar year ending the previous December 31.
  - 3. Every candidate required to file a personal financial disclosure statement shall file not later than fourteen (14) days after the close of filing at which the candidate seeks nomination or election or nomination by caucus. The time period of this statement shall cover the twelve (12) months prior to the closing date of filing for candidacy.
- B. Financial disclosure reports giving the financial information required in Section 135.030 shall be filed with the local political subdivision and with the Missouri Ethics Commission. The reports shall be available for public inspection and copying during normal business hours.

## Chapter 140

### CITY CEMETERY

**Section 140.010. Sexton.** [CC 1984 §35.010]

The City shall have the care and control of the City cemetery. Except as may be provided otherwise by resolution or order of the Board of Aldermen, all work done within the City cemetery shall be under the general supervision of the City.

**Section 140.020. Sales of Cemetery Lots — Fees to Sexton.** [CC 1984 §35.020]

Lots in the City cemetery shall be sold by the City at such prices and upon such terms as the Board of Aldermen may by resolution prescribe, and the sexton shall receive such fees therefor as the Board of Aldermen may deem just.

**Section 140.030. Deeds to Lots When Sold.** [CC 1984 §35.030]

Upon receipt by the sexton that he/she has sold any lot or part of lot, it shall be the duty of the City Clerk to make out a certificate, specifying that the purchaser to whom it is issued is the owner of the lot, or part of lot, described therein by numbers, as laid down upon the official plat of the cemetery, for the purpose of interment only. Such certificate shall be signed by the Mayor and countersigned by the City Clerk, and shall be under the common Seal of the City; and every such certificate shall vest in the purchaser, his/her heirs and assigns, a right in fee simple to such lot or part of lot, for the sole purpose of interment, under the regulations of the Board of Aldermen.

**Section 140.040. Disposition of Proceeds of Lot Sales — Cemetery Fund.** [CC 1984 §35.040]

All money received from sale of lots shall be paid into the City Treasury, and constitute the Cemetery Fund, to be expended under the direction of the Board of Aldermen in maintaining, beautifying and improving the cemetery.

**Section 140.050. Personal Conduct.** [CC 1984 §35.050]

- A. No person shall use obscene or profane language or conversation within the City cemetery.
- B. No person shall pick any flowers or break any tree or shrub within the City cemetery.
- C. No person shall write upon, make, cut, bruise, break, discolor or otherwise deface or injure any stone, monument, fence or other structure within the City cemetery.
- D. No person shall discharge any firearm within the City cemetery, except at military funerals and then only to fire blank ammunition as a member of a firing squad, and except as may otherwise be lawful in self defense or in arresting felons or preventing felonies.
- E. No person shall, without proper authority, sit or walk upon or otherwise occupy any private property within the City cemetery.
- F. No person shall commit any act of vandalism within the City cemetery or commit any breach of the peace therein.
- G. No person shall leave within the City cemetery any waste paper, cans, bottles, food scraps or other items commonly known as "litter".

**Section 140.060. Children Under Fourteen Years of Age.** [CC 1984 §35.060]

Children under fourteen (14) years of age shall not be permitted within the City cemetery except when accompanied by and in the charge of responsible adults.

**Section 140.070. Entering or Remaining in Cemetery When Closed to Visitors.** [CC 1984 §35.070]

No person other than a public officer or employee acting in line of official duty shall enter or remain within the City cemetery while such cemetery is closed to visitors except by authority of the Board of Aldermen or the sexton.

**Section 140.080. Livestock Prohibited — Duty of Owners of Livestock.** [CC 1984 §35.080]

It shall be unlawful for any person to turn any horse, cow or other stock into the City cemetery, or allow such stock to remain therein after being notified thereof, whether such stock got therein by accident or otherwise.

**Section 140.090. Animals Generally — Seeing-Eye Dogs.** [CC 1984 §35.090]

No person shall bring within the City cemetery any animal other than a seeing-eye dog, except that horses shall be permitted as provided in Section 140.100 of this Chapter.

**Section 140.100. Vehicles and Horses.** [CC 1984 §35.100]

Only those vehicles and horses used for funerals or for other purposes necessary for the use or maintenance of the cemetery, or motor vehicles of orderly persons visiting lots or graves within the cemetery, shall be admitted to the City cemetery; and any horse so authorized to enter the cemetery shall not be left unattended within the cemetery.

**Section 140.110. Speed Limits.** [CC 1984 §35.110]

No motor vehicle other than an authorized emergency vehicle as defined in Section 300.020 of this Code, shall be propelled within the City cemetery at a rate of speed in excess of fifteen (15) miles per hour; and no animal or animal-drawn vehicle shall be ridden or driven within the City cemetery at any gait other than walk.

**Section 140.120. Rules and Regulations.** [CC 1984 §35.120]

The Board of Aldermen may, by resolution, provide rules and regulations for the government and maintenance of the City cemetery, to include such subjects as, among others, the digging, opening and closing of graves; interments and disinterments; the marking of graves; records of interments and disinterments; the platting of lots and burial spaces; lot prices and terms for the purchase of lots; the maintenance and use of roads, grounds, fences and other public real property of the cemetery; the planting of trees, shrubbery and other plants; the erection and maintenance of mausoleums, monuments and other structures on private lots within the cemetery; the hours during which the cemetery shall be open to visitors and vehicles; and the prices and fees to be paid to the City and employees for services rendered with respect to the cemetery.

**Section 140.130. Board of Directors.** [Ord. No. 847 §1, 4-8-2003]

- A. The La Plata Cemetery Association is hereby designated as the Board of Directors of the La Plata Cemetery.
- B. The Mayor, with the approval of the Board of Aldermen, shall proceed to appoint a Board of five (5) Directors of the La Plata Cemetery, chosen from the citizens at large with reference to their fitness for such office. Vacancies in the Board of Directors, occasioned by removal, resignation or otherwise, shall be reported to the Board of Aldermen and be filled in like matter as original appointments.

- C. The Board of Directors shall make recommendations to the City Administrator and the Board of Aldermen concerning the expenditures of all money collected to the credit of the City Cemetery Fund.
- D. The Board of Directors shall make recommendations of the City Administrator and Board of Aldermen as per setting of budget and operating within the established budget guidelines.
- E. The Board of Directors shall have at their discretion the control over spending an amount up to five thousand dollars (\$5,000.00) per vendor transaction from the City Cemetery Fund without prior approval from the City Administrator or Board of Aldermen. In order to exercise this spending power, the Board of Directors must first follow bidding procedures as defined by the City Administrator and Board of Aldermen.
- F. The Board of Directors shall have power to hire a suitable person(s) to take care of said cemetery. Benefits, terms of employment and compensation of said person(s) will be determined by the City Administrator and Board of Aldermen.
- G. The Board of Directors shall have exclusive control over the daily maintenance and upkeep of the La Plata Cemetery.
- H. The Board of Directors shall make recommendations to the City Administrator and the Board of Aldermen concerning all other matters not included in daily maintenance and upkeep of said cemetery. The City Administrator and Board of Aldermen have the final decision as to defining daily maintenance and upkeep.
- I. The Mayor may, by and with the consent of the Board of Aldermen, remove any member of the Board of Directors for misconduct or neglect of duty. Misconduct shall include, but is not limited to, failure to abide by all Subsections of this Section.