

# 2022 ADOPTING ORDINANCE

**BILL NO. 2022-05**

**ORD. NO. \_\_\_\_\_**

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

Be it ordained by the Board of Aldermen of the City of Merriam Woods, County of Taney, State of Missouri, as follows:

## **Section 1. Approval, Adoption and Enactment of Code.**

Pursuant to Section 71.943 of the Revised Statutes of Missouri, the codification of ordinances, as set out in Titles I through VII, each inclusive, of the "Code of Ordinances of the City of Merriam Woods, County of Taney, State of Missouri," is hereby adopted and enacted as the "Code of Ordinances of the City of Merriam Woods"; which shall supersede all other general and permanent ordinances of the City passed on or before October 12, 2021, to the extent provided in Section 3 hereof.

## **Section 2. When Code Provisions Effective.**

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

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

- A. All ordinances of a general and permanent nature of the City adopted on final passage on or before October 12, 2021, and not included in such Code or recognized and continued in force by reference therein, are hereby repealed from and after the effective date of this ordinance, except those which may be specifically excepted by separate ordinance, and except the following which are hereby continued in full force and effect, unless specifically repealed by separate ordinance:
1. Ordinances promising or guaranteeing the payment of money for the City, or authorizing the issuance of any bonds or notes of the City or any other evidence of the City's indebtedness, or authorizing any contract or obligation assumed by the City.
  2. Ordinances levying taxes or making special assessments.

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

#### **Section 4. Amendments To Code.**

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

#### **Section 5. Violations and Penalties.**

- A. Whenever in this Code or any other ordinance of the City, or in any rule, regulation, notice or order promulgated by any officer or agency of the City under authority duly vested in him/her or it, any act is prohibited or is declared to be unlawful or an offense, misdemeanor or ordinance violation or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense, misdemeanor or ordinance violation, and no specific penalty is provided for the violation thereof, upon conviction of a violation of any such provision of this Code or of any such ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in the City or County Jail not exceeding ninety (90) days, or by both such fine and imprisonment; provided that in any case wherein the penalty for an offense is fixed by a Statute of the State, the statutory penalty, and no other, shall be imposed for such offense, except that imprisonments may be in the City prison or workhouse instead of the County Jail.
- B. Every day any violation of this Code or any other ordinance or any such rule, regulation, notice or order shall continue shall constitute a separate offense.
- C. Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited.

#### **Section 6. Applicability of General Penalty.**

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

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

A copy of such Code shall be kept on file in the office of the City Clerk, preserved in loose-leaf form or in such other form as the City Clerk may consider most expedient. It shall be the express duty of the City Clerk, or someone authorized by said officer, to insert in their designated places all

amendments and all ordinances or resolutions which indicate the intention of the Board of Aldermen to make the same part of such Code when the same have been printed or reprinted in page form and to extract from such Code all provisions which from time to time may be repealed by the Board of Aldermen. This copy of such Code shall be available for all persons desiring to examine the same.

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

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

**Section 9. Severability.**

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

**Section 10. Effective Date.**

This ordinance and the Code adopted hereby shall become effective \_\_\_\_\_, 20\_\_.

PASSED by the Board of Aldermen of the City of Merriam Woods this \_\_\_\_ day of \_\_\_\_\_ 20\_\_.

APPROVED by the Mayor of the City of Merriam Woods this \_\_\_\_ day of \_\_\_\_\_ 20\_\_.

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Mayor of the City of Merriam Woods

ATTEST:

\_\_\_\_\_  
City Clerk

**City of Merriam Woods**  
2021 Statutory Updates Incorporated During **Supplement # 3**

The following Sections of the Code have been updated with the 2021 statutory material. All revised Sections will be in effect following the City's adoption of the Code.

<b>Section/Subsection of the Code</b>	<b>Description of the Revision Based on State Law Change</b>	<b>Pursuant to RSMo. Section</b>
105.030 and 105.040	The opening and closing dates for filing a declaration of candidacy have been changed from the 16 <sup>th</sup> and 11 <sup>th</sup> Tuesdays prior to the election, respectively, to the 17 <sup>th</sup> and 14 <sup>th</sup> Tuesdays.  The date for notice of filing information has also been changed from the 16 <sup>th</sup> Tuesday prior to the election to the 17 <sup>th</sup> Tuesday.	115.127
120.140	The following wording has been removed from Subsection (A) of this Section: "and persons seeking permits to purchase or possess a firearm".	610.120
125.020	Subsection (A)(13) of this Section, which previously set out a surcharge for the Sheriffs' Retirement Fund, has been removed from the Model Code. Said surcharge was found unconstitutional by the Missouri Supreme Court.	488.024
125.025	A new Section has been added regarding charges and fees for police records.	479.162
130.040	A Subsection has been added to this Section setting out a new limitation to a municipality's ability to revise their budget.	67.030
210.840	In Subsection (B)(7) of this Section, "Board of Probation and Parole" has been revised to read "Parole Board."	571.030
210.950	A new Section has been added regarding the use of laser pointers.	574.110
300.010	The definition of "electric bicycle" has been added to this Section.  Provisions regarding electric bicycles have been added to the definitions of "all-terrain vehicle," "motorcycle," "motorized bicycle," "motor tricycle," "motor vehicle," and "vehicle."  Additional organizations whose vehicles may be considered an "emergency vehicle" have been added to the definition of "emergency vehicle."	300.010, 301.010, 302.010, 304.022
310.070	A new Subsection has been added setting out additional organizations whose vehicles may use fixed, flashing, or rotating lights when responding to certain emergencies.	307.175
340.200	Subsection (A) of this Section has been revised to include provisions regarding Head Start buses. The remainder of this Section has been updated to better reflect the statutory provisions.	304.050

<b>Section/Subsection of the Code</b>	<b>Description of the Revision Based on State Law Change</b>	<b>Pursuant to RSMo. Section</b>
370.013	A new Section has been added regarding exceptions to certain equipment and light provisions.	307.025
Chapter 375	The title of this Chapter has been changed to "Bicycles, Motorized Bicycles, and Electric Bicycles" to reflect the addition of statutory provisions regarding electric bicycles to this Chapter.	
375.010	Provisions regarding electric bicycles have been added to the definition of "motorized bicycle."	307.180
375.040	Provisions regarding electric bicycles have been added to this Section.	307.188
375.075	A new Section has been added regarding electric bicycle regulations.	307.194
600.020	The provisions regarding Sunday sales in Subsections (B)(1), (B)(4), and (C) have been updated to allow sales between the hours of 6:00 A.M. on Sundays and 1:30 A.M. on Mondays.	311.200, 311.293
600.030	The provisions regarding Sunday sales in Subsection (B)(2) have been updated to allow sales on Sunday beginning at 6:00 A.M.	311.482
600.055	Subsection (B)(2)(b) of this Section has been revised to remove the requirement to report an employee convicted of a felony to the Division of Alcohol and Tobacco Control.	311.060
600.058	A new Section has been added regarding the sale of sale of retailer-packaged alcoholic beverages to customers for off-premises consumption.	311.202

Journal of "ayes" and "nays"  
First reading

**Board Member**

**Votes**

Aye

Nay

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Journal of "ayes" and "nays"  
Second reading

**Board Member**

**Votes**

Aye

Nay

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