

CITY OF OTTERVILLE, MISSOURI

CODE OF ORDINANCES

Manuscript contains:

Local legislation current through Ord. 457, passed 11-11-2020

AMERICAN LEGAL PUBLISHING CORPORATION

525 Vine Street, Ste. 310, Cincinnati, Ohio 45202-3909 (800) 445-5588

COPYRIGHT © 2021

AMERICAN LEGAL PUBLISHING CORPORATION

**OTTERVILLE, MISSOURI
TABLE OF CONTENTS**

Chapter

TITLE I: GENERAL PROVISIONS

10. Rules of Construction; General Penalty

TITLE III: ADMINISTRATION

30. City Organization
31. Elections
32. Mayor and Board of Aldermen
33. City Officials
34. City Policies
35. Municipal Court
36. Taxation, Finance, and Purchasing
37. Police Department

TITLE V: PUBLIC WORKS

50. Solid Waste
51. Waterworks and Sewerage System
52. Sewers

TITLE VII: TRAFFIC CODE

70. General Provisions
71. Traffic Administration
72. Enforcement and Obedience to Traffic Regulations
73. Traffic Control Devices
74. Vehicle Regulations
75. Streets and Intersections
76. Parking, Stopping, and Loading
77. Traffic Violations Bureau
78. Vehicle Equipment
79. Traffic Schedules

TITLE IX: GENERAL REGULATIONS

90. Animal Regulations
91. Nuisances
92. Parks and Recreation
93. Fair Housing

TITLE XI: BUSINESS REGULATIONS

- 110. General Regulations; Licenses
- 111. Business Specific Regulations
- 112. Cigarette Tax
- 113. Alcoholic Beverages

TITLE XIII: GENERAL OFFENSES

- 130. Crimes and Misdemeanors

TITLE XV: LAND USAGE

- 150. Building Regulations
- 151. Dangerous Buildings
- 152. Mobile Homes and Mobile Home Parks

TABLE OF SPECIAL ORDINANCES

[Reserved]

PARALLEL REFERENCES

References to Revised Statutes of Missouri
References to Prior Code
References to Ordinances

INDEX

TITLE I: GENERAL PROVISIONS

Chapter

10. RULES OF CONSTRUCTION; GENERAL PENALTY

CHAPTER 10: RULES OF CONSTRUCTION; GENERAL PENALTY

Section

General Provisions

- 10.01 Contents of code
- 10.02 Citation of code
- 10.03 Official copy of code
- 10.04 Altering or amending code
- 10.05 Numbering of code
- 10.06 Definitions and rules of construction
- 10.07 Words and phrases, how construed
- 10.08 Headings
- 10.09 Continuation of prior ordinances
- 10.10 Effect of repeal of ordinance
- 10.11 Repealing ordinance repealed, former ordinance not revived
- 10.12 Severability
- 10.13 Tense
- 10.14 Notice
- 10.15 Notice; exceptions
- 10.16 Computation of time
- 10.17 Gender
- 10.18 Joint authority
- 10.19 Number

City Incorporation and Seal

- 10.30 Municipal incorporation
- 10.31 City seal

- 10.99 General penalty

Cross-reference:

City officials, see Chapter 33

City organization, see Chapter 30

Mayor and Board of Aldermen, see Chapter 32

GENERAL PROVISIONS**§ 10.01 CONTENTS OF CODE.**

This code contains all ordinances of a general and permanent nature of the city, and includes ordinances dealing with municipal administration, municipal elections, building and property regulation, business and occupations, health and sanitation, public order, and similar objects.
(Prior Code, § 100.030)

§ 10.02 CITATION OF CODE.

This code may be known and cited as the "Municipal Code of the City of Otterville, Missouri".
(Prior Code, § 100.040)

§ 10.03 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.
(Prior Code, § 100.050)

§ 10.04 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 § 10.99.

(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.
(Prior Code, § 100.060) Penalty, see § 10.99

§ 10.05 NUMBERING OF CODE.

Each section number of this code shall consist of two 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.
(Prior Code, § 100.070)

§ 10.06 DEFINITIONS AND RULES OF CONSTRUCTION.

(A) *Definitions.* In the construction of this code and of all other ordinances of the city, the following definitions shall be observed, unless it shall be otherwise expressly provided in any section or ordinance, or unless inconsistent with the manifest intent of the Board of Aldermen, or unless the context clearly requires otherwise.

BOARD OF ALDERMEN. The Board of Aldermen of the City of Otterville, Missouri.

CITY. The City of Otterville, Missouri.

COUNTY, THE COUNTY, or THIS COUNTY. The County of Cooper, Missouri.

DAY. A day of 24 hours, beginning at 12:00 midnight.

MAY. Is permissive.

MAYOR. The Mayor of the Board of Aldermen of the City of Otterville, Missouri.

MONTH. A calendar month.

OATH. 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. 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. Include any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.

REAL PROPERTY, PREMISES, REAL ESTATE, or LANDS. Co-extensive with lands, tenements, and hereditaments.

SHALL. Is mandatory.

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

STATE, THE STATE, and THIS STATE. The State of Missouri.

STREET. 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 and OCCUPANT. As 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, 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 or her mark, is intended.

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

(B) *Newspaper.* Whenever in this code or other ordinance of the city it is required that notice be published in the "official newspaper" or a "newspaper of general circulation published in the city", and if there is no newspaper published within the city, the said notice shall be published in a newspaper of general circulation within the city, regardless of its place of publication. Such newspaper shall not include an advertising circular or other medium for which no subscription list is maintained.
(Prior Code, § 100.080)

§ 10.07 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.
(Prior Code, § 100.090)

§ 10.08 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.
(Prior Code, § 100.100)

§ 10.09 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.

(Prior Code, § 100.110)

§ 10.10 EFFECT OF REPEAL OF ORDINANCE.

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

(A) All such proceedings shall be conducted according to existing procedural laws; and

(B) 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.
(Prior Code, § 100.120)

§ 10.11 REPEALING ORDINANCE REPEALED, FORMER ORDINANCE NOT REVIVED.

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 any way 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.

(Prior Code, § 100.130)

§ 10.12 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.

(Prior Code, § 100.140)

§ 10.13 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.

(Prior Code, § 100.150)

§ 10.14 NOTICE.

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

(A) By delivering the notice to the person to be served personally or by leaving the same at his or her residence, office, or place of business with some person of his or her family over the age of 15 years;

(B) By mailing said notice by certified or registered mail to such person to be served at his or her last known address; or

(C) 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 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.

(Prior Code, § 100.160)

§ 10.15 NOTICE; EXCEPTIONS.

The provisions of § 10.14 shall not apply to those chapters of this code wherein there is a separate definition of notice.

(Prior Code, § 100.170)

§ 10.16 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 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

(Prior Code, § 100.180)

§ 10.17 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.

(Prior Code, § 100.190)

§ 10.18 JOINT AUTHORITY.

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

(Prior Code, § 100.200)

§ 10.19 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.

(Prior Code, § 100.210)

CITY INCORPORATION AND SEAL

§ 10.30 MUNICIPAL INCORPORATION.

The inhabitants of the city, 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 Otterville", 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 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.

(Prior Code, § 100.010)

§ 10.31 CITY SEAL.

(A) The seal of the city shall be circular in form, one and seven-eighths inches in diameter, and the words "Seal of the City of Otterville, Missouri" engraved on the face thereof and near the outer edge of said seal, and the same is hereby declared to be adopted as the seal of the city.

(B) The City Clerk shall be the keeper of the common seal of the city, 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.

(Prior Code, § 100.020)

§ 10.99 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 \$500 or by imprisonment in the city or county jail not exceeding 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.

(Prior Code, § 100.220)