

TITLE I. GOVERNMENT CODE

CHAPTER 100: GENERAL PROVISIONS

SECTION 100.010: HOW CODE DESIGNATED AND CITED

CONTROLLING LAW.

Chapter 610 of the Revised Statutes of Missouri (commonly referred to the “Sunshine Law”) governs open meetings and records, and shall control in the event that the provisions contained herein are inconsistent with Chapter 610, RSMo.

SECTION 100.020: DEFINITIONS AND RULES OF CONSTRUCTION

In the construction of this Code and of all other ordinances of the City, the following definitions and rules of construction 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 OR BOARD: The Board of Aldermen of the City of Windsor, Missouri.

CITY: The City of Windsor, Missouri.

COMPUTATION OF TIME: The time within which an act is to be done shall be computed by excluding the first day and including the last. If the last day is Sunday it shall be excluded.

COUNTY: The County of Henry, State of Missouri.

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.

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 provided by statute, this Code or any other City ordinance.

MONTH: A calendar month.

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.

OATH: Shall be construed to include an affirmation in all cases in which, by law, 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*", 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: Includes a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals. It shall also include an executor, administrator, trustee, receiver or other representative, appointed according to law, Whenever the word "*person*" is used in any Section of this Code prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members thereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such Section.

PERSONAL PROPERTY: Includes money, goods, chattels, things in action and evidence of debt.

PRECEDING, FOLLOWING: Shall mean next before and next after, respectively.

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 coextensive with lands, tenements and hereditaments.

SHALL, MAY: The word "*shall*" is mandatory, and the word "*may*" is permissive.

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

SIGNATURE: Where the written signature of any person is required, the proper handwriting of such person or his/her mark shall be intended.

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

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

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

WRITTEN 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*". (CC 1968 §1-2)

SECTION 100.030: PROVISIONS OF CODE DEEMED CONTINUATIONS OF PRIOR ORDINANCES

The provisions appearing in this Code, so far as they are in substance the same as those of ordinances or previous versions of this Code existing at the time of the adoption of this Code, shall be considered as a continuation thereof and not as new enactments. (CC 1968 §1-3)

SECTION 100.040: REPEAL OF ORDINANCE NOT TO AFFECT LIABILITIES, ETC.

Whenever any provision of this Code or any ordinance or part of an ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, the provision of this Code or ordinance or part of an ordinance thus repealed or modified shall continue in force until the ordinance repealing or modifying the same shall go into effect, unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under any provisions of this Code or other ordinance previous to its repeal shall in anywise be affected, released or discharged, but be prosecuted, enjoyed and recovered as fully as if such ordinance or provision had continued in force, unless it shall be therein otherwise expressly provided. (CC 1968 §1-4)

SECTION 100.050: REPEAL NOT TO REVIVE FORMER ORDINANCE

When an ordinance repealing a provision of this Code or former ordinance or clause or provision thereof shall itself be repealed, such repeal shall not be construed to revive such former ordinance, clause or provision unless it is expressly so provided. (CC 1968 §1-5)

SECTION 100.055: ENACTING ORDINANCES

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 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 100.060: CATCHLINES OF SECTIONS

The catchlines of the several Sections of this Code are intended as mere catchwords to indicate the contents of the Section and shall not be deemed or taken to be titles of such Section, nor as any part of the Section, nor, unless expressly so provided, shall they be so deemed when any of such Sections, including the catchlines, are amended or re-enacted. (CC 1968 §1-6)

SECTION 100.070: SEVERABILITY OF PARTS OF CODE

It is hereby declared to be the intention of the Board of Aldermen that the Sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or Section of this Code 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 or Sections 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.
(CC 1968 §1-7)

SECTION 100.080: GENERAL PENALTY—CONTINUING VIOLATIONS

Whenever in the Code of the City of Windsor, Missouri, or any other ordinances or resolutions of the City of Windsor, or in any rule, regulation or ordinance promulgated or issued pursuant thereto, any act is prohibited or is made or declared to be unlawful or an offense or a 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 misdemeanor, where no specific penalty is provided therefore, the violation of any such provision of the Code of the City of Windsor, Missouri, or other ordinances or resolutions of the City or any such rule, regulation or ordinance shall be punished by a fine of not more than five hundred dollars (\$500.00) and costs or imprisonment for a period not exceeding ninety (90) days, or by both such fine and imprisonment, except as otherwise provided by State laws. Where the City of Windsor and the State of Missouri have a penalty for the same offense, then the penalty for violating such ordinances shall be the same as is set out by Statute, except that imprisonments when made under City ordinances may be in the City Jail instead of the County Jail. Every day in violation of the Code of the City of Windsor or any other ordinances or resolutions of the City or any such rule, regulation or order shall continue shall constitute a separate offense.

(CC 1968 §1-8; Ord. No. I-1973 §3, 7-11-73)

Cross References—As to penalty for violating provisions relating to intoxicating liquors, see §600.230 of this Code; as to penalty for creating or maintaining a nuisance, see §220.200.

SECTION 100.090: CITY SEAL

The Corporate Seal of the City shall be circular, with the words, "*Seal of the City of Windsor, Mo.*" on the margin of the circle, and in the center of the circle a representation of a sheaf of wheat.

(CC 1968 §1-11; Ord. No. 27 §1, 3-11-1890)

CHAPTER 105: MAYOR AND BOARD OF ALDERMEN

ARTICLE I. MAYOR

SECTION 105.010: ELIGIBILITY FOR OFFICE

No person shall be eligible to the office of Mayor of the City unless he/she is at least twenty-five (25) years of age, a citizen of the United States and a resident of the City and has resided therein one (1) year prior to his/her election. (CC 1968 §2-1; Ord. No. 2 Art. 2 §1, 7-11-1882)

SECTION 105.020: APPOINTMENT OF OFFICERS

- A. The Mayor, with the consent and approval of the Board of Aldermen, shall have the power to appoint the City Officers prescribed by Section 110.100 and such other officers as he/she may be authorized by ordinance to appoint.
- B. If a vacancy occurs in any office not elective, the Mayor shall have the power to fill such vacancy by appointment of a suitable person, as prescribed by Section 110.060. (CC 1968 §2-2)

SECTION 105.030: 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 105.040: BOARD TO SELECT AN ACTING PRESIDENT, TERM

The Board shall elect one of their own numbers who shall be styled "Acting President of the Board of Aldermen" and assume mayoral duties in the absence of the Mayor and who shall serve for a term of one (1) year. (Ord. No. 2013-29 § 10-8-13)

SECTION 105.050: APPROVAL AND VETO POWER

The Mayor shall approve or veto all ordinances passed by the Board of Aldermen and should he/she neglect or refuse to sign any ordinance or return the same with his/her objection, in writing, at the next regular meeting of the Board of Aldermen, the same shall become a law without his/her signature. (CC 1968 §2-5; Ord. No. 4 §7, 12-12-1889)

SECTION 105.060: 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 105.070: INSPECTION OF BOOKS AND RECORDS, ETC.

The Mayor shall have power to require all officers of the City to exhibit their accounts or other papers and to make reports to the Board of Aldermen in writing touching the subject or matter pertaining to their offices. (CC 1968 §2-7; Ord. No. 4 §3, 12-12-1889)

SECTION 105.080: 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 105.090: 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.

Cross Reference—As to imposition of fines and penalties, see §100.080 of this Code.

SECTION 105.100: COMPENSATION

The Mayor of the City of Windsor, Missouri, shall receive as compensation for his/her services the sum of six thousand dollars (\$6,000.00) annually, payable at the rate of five hundred dollars (\$500.00) monthly; and shall receive from the Municipal utilities all water and sewer usage required at his/her residence without charge; and in addition shall be reimbursed at the rate of twenty and one-half cents (\$.20½) a mile for reasonable travel expense incurred in connection with his/her duties. (Ord. No. 1992-20 §1, 12-14-92; Ord. No. 1994-12 §1, 12-13-94; Ord. No. 1996-15 §1, 11-12-96; Ord. No 2012-13§ 8-14-12)

ARTICLE II. BOARD OF ALDERMEN

SECTION 105.110: ELIGIBILITY OF ALDERMEN

No person shall be eligible to the office of Aldermen of the City unless he/she is at least twenty-one (21) years of age, a citizen of the United States, a bona fide resident of the Ward in which he/she is elected and has resided in the City one (1) year before his/her election.
(CC 1968 §2-10; Ord. No. 2 Art. 2 §2, 7-11-1882)

SECTION 105.120: MEETINGS—REGULAR

- A. The regular meetings of the Board of Aldermen of the City shall be held at the Board of Aldermen Room on the third (3rd) Tuesday evening of each month.
- B. Notice of all regular meetings of the Board of Aldermen shall be posted at City Hall at least twenty-four (24) hours prior to said meetings. (CC 1968 §2-11; Ord. No. 3 §1, 7-14-1882; Ord. No. 73 §1, 6-3-01; Ord. No. 1990-20 §2, 9-10-90; Ord. No. 2021-11 §1, 9-29-21)

SECTION 105.125: MEETINGS-PUBLIC-TAX INCREASES-EMINENT DOMAIN-CREATION OF CERTAIN DISTRICTS AND CERTAIN REDEVELOPMENT PLANS

Notice of all public meetings of the Board of Aldermen shall be posted at City Hall at least 4-days prior to any meeting, exclusive of weekends and holidays when City Hall is closed, where a vote will be taken to increase taxes; except for a vote to set annual property tax rates, or with respect to eminent domain, creation of certain districts and certain redevelopment plans. No vote shall occur until after a public meeting on the matter at which parties in interest and citizens shall have an opportunity to be heard. Any legal action challenging the notice requirements provided herein shall be filed within thirty (30) days of the subject meeting, or such meeting shall be deemed to have been properly noticed and held. For the purpose of this section, a tax increase shall not include the setting of the annual tax rates provided for under RSMo sections 67.110 and 137.055. These provisions do not apply to any votes or discussions related to proposed ordinances that require a minimum of two separate readings on different days for passage. (Ord. No. 2013-19 § 9-10-2013)

SECTION 105.130: MEETINGS—SPECIAL

Special meetings of the Board of Aldermen may be called at any time by the Mayor, by sending to each of the members of the Board of Aldermen a written notice of the time, place and object of the meeting at least one (1) hour previous thereto. (CC 1968 §2-12; Ord. No. 3 §2, 7-14-1882)

SECTION 105.140: MEETINGS—PRESIDING OFFICER

At all meetings of the Board of Aldermen, the Presiding Officer shall exercise a superintending control over the meeting, and shall exact of the members a strict compliance with all rules of order. (CC 1968 §2-13; Ord. No. 3 §5, 7-14-1882; Ord. No 2012-14§ 8-14-12)

SECTION 105.150 MEETINGS—QUORUM—ETC.

At all meetings of the Board of Aldermen, a majority shall be a quorum to do business, but a less number may adjourn from day to day and compel attendance of absentees. (CC 1968 §2-14; Ord. No. 3 §3, 7-14-1882; Ord. No. 2012-03 § 5-8-2012)

SECTION 105.160: COMPENSATION

The Board of Aldermen of the City of Windsor, Missouri, shall receive as compensation for their service the sum of two hundred dollars (\$200.00) annually and shall receive twenty dollars (\$20.00) per month paid quarterly, and shall receive from the municipal utilities all water and sewer usage required at his/her residence without charge; and in addition shall be reimbursed at the rate of twenty and one-half cents (\$.20 ½) per mile for reasonable travel expense incurred in connection with his/her duties. (Ord. No. 1992-19 §1, 12-8-92; Ord. No. 1994-11 §1, 12-13-94; Ord. No. 1995-9 §1, 12-12-95; Ord. No. 1996-14 §1, 11-12-96; Ord. No. 1997-13 §1, 11-12-97) Ord. No. 2011-09§1, 6-14-11)

SECTION 105.170: 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 therefore 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.

CHAPTER 110: CITY OFFICERS

Cross Reference—As to chief of police, see Ch. 200 of this Code.

ARTICLE I. GENERAL PROVISIONS

SECTION 110.010: MISCONDUCT GENERALLY

No person exercising or holding any office under this Code or other ordinances of the City, shall be guilty of oppression, partiality, misconduct or abuse of authority, willfully and intentionally in his/her official capacity or under color of his/her office.
(CC 1968 §2-16; Ord. No. 6 §75, 12-16-1889)

SECTION 110.020: FAILURE, ETC. TO PAY OVER MONEY, ETC.

Any officer of the City who shall fail, neglect or refuse to pay over any money coming into his/her possession by virtue of his/her office, to the person to whom the same shall be due, or any officer who shall withhold any money or other property from the person entitled to the same, shall upon conviction thereof, be punished as provided in Section 100.080, and in addition thereto shall be suspended from exercising the duties of his/her office until the fine and costs are paid.
(CC 1968 §2-17; Ord. No. 6 §72, 12-16-1889)

SECTION 110.030: OFFICIAL BONDS—REQUIRED—AMOUNTS

Before entering upon the duties of their respective offices, the following officers shall make and enter into a bond to the City in amounts as follows:

1. *City Treasurer.* The City Treasurer shall give a bond in the sum of one annual payment of bond(s) debt service or not lower than the sum of forty thousand dollars (\$40,000.00) to the City. Such bond shall be signed by the Treasurer as principal and by two (2) or more solvent sureties, conditioned that he/she will account for all money coming into his/her hands and belonging to the

City. (Ord. No. 2012-06 § 5-8-2012)

2. *Position Bond.* The City Clerk and City Collector shall be covered under a Government Crime position bond – position bond of fifty thousand (\$50,000.00) dollars. (CC 1968 §2-18; Ord. No. 26 §2, 7-14-1882; Ord. No. 315 §1, 5-3-14; Ord. No. 847 §1, 4-5-39; Ord. No. 2012-02 § 5-8-12; Ord. No. 2013-20 § 9-10-2013)
3. *Reserved.* (CC 1968 §2-18; Ord. No. 26 §2, 7-14-1882; Ord. No. 315 §1, 5-3-14; Ord. No. 847 §1, 4-5-39; Ord. No. 2012-02 § 5-8-12)

SECTION 110.040: OFFICIALS BONDS—APPROVAL—FILING

All of the bonds mentioned in the preceding Section shall be approved by the Mayor before the officers giving them shall be permitted to enter upon the duties of their offices and shall be filed among the records of the City. (CC 1968 §2-19; Ord. No. 26 §2, 7-14-1882; Ord. No. 847 §1, 4-5-39)

SECTION 110.050: 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 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 110.060: VACANCIES IN CERTAIN OFFICES, HOW FILLED

If a vacancy occurs in any elective office, the Mayor or the person exercising the duties of the Mayor shall cause a special meeting of the Board of Aldermen to convene where a successor to the vacant office shall be selected. The successor shall serve until the next regular municipal election. If a vacancy occurs in any office not elective, the Mayor shall appoint a suitable person to discharge the duties of such office until the first (1st) regular meeting of the Board of Aldermen thereafter, at which time such vacancy shall be permanently filled.

SECTION 110.070: OFFICERS TO BE VOTERS AND RESIDENTS—EXCEPTIONS

All officers elected or appointed to offices under the City Government shall be voters under the laws and Constitution of this State and the ordinances of the City except that appointed Police Officers, the City Attorney, the City Clerk, and other employees having only ministerial duties need not be voters of the City. No person shall be elected or appointed to any office that shall at the time be in arrears for any unpaid City taxes, or forfeiture or defalcation in office. All officers, except appointed Police Officers, the City Attorney, the City Clerk and other employees having only ministerial duties, shall be residents of the City.

ARTICLE II. ELECTIVE OFFICERS

Cross Reference—As to elections, see Ch. 130 of this Code.

SECTION 110.080: ENUMERATION, TERM OF OFFICE, ETC.

There shall be held a municipal election in the City in odd numbered years for the purpose of electing a Mayor and one (1) Alderman from each Ward. All of such officers shall hold their respective offices for a term of two (2) years, and until their successors are elected and qualified. There shall also be held a municipal election in even numbered years for the purpose of electing one (1) Alderman from each Ward in the City, who shall hold his/her office for a term of two (2) years, and until his/her successor is elected and qualified. (CC 1968 §2-20; Ord. No. 2 Art. 1 §1, 7-11-1882; Ord. No. 69 §1, 6-3-01; Ord. No. 943 §2, 6-26-42; Ord. No. 1996-21 §1, 12-3-96; Ord. No. 2000-07 §1, 12-11-00; Ord. No. 2017-02 §1, 4-13-17)

SECTION 110.090: QUALIFICATIONS

All persons elected to offices in the City shall be qualified voters under the laws and Constitution of this State. No person shall be elected to any office who shall at the time be in arrears for any unpaid City taxes or forfeiture or defalcation in office or who is not a resident of the City. The City Clerk shall not accept an application for anyone to register as a candidate for an elective office in the City who shall at the time of filing be in arrears for any unpaid City taxes or forfeiture or defalcation in office or who is not a resident of the City. (CC 1968 §2-21; Ord. No. 1977-4 §1, 2-9-77)

ARTICLE III. APPOINTIVE OFFICERS

SECTION 110.100: ENUMERATION, TERM OF OFFICE, ETC.

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 Collector, City Treasurer, City Attorney, Chief of Police, Building Inspector, Municipal Judge, 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 vacancy in the office of City Attorney or to assist the City Attorney, and pay reasonable compensation therefor. (CC 1968 §2-22; Ord. No. 1980-23 §1, 12-8-80; Ord. No. 1996-21 §2, 12-3-96; Ord. No. 2000-07 §1, 12-11-00; Ord. No. 2017-02 §1, 4-13-17)

ARTICLE IV. CITY ATTORNEY

SECTION 110.110: COMPENSATION

The City Attorney of the City of Windsor, Missouri, shall receive a salary per negotiated contract.

(CC 1968 §2-36; Ord. No. 1363 §2, 4-14-63; Ord. No. 1987-23 §2, 10-7-87; Ord. No. 2000-04, 2-8-00; Ord. No. 2005-10 §1, 12-13-05; Ord. No. 2015-07, 8-13-15)

SECTION 110.120: DUTIES

- A. It shall be the duty of the City Attorney to give legal advice to all officers of the City pertaining to their respective offices when called upon and, when required, to attend and prosecute all cases in behalf of the City in the Municipal Court.
- B. It shall also be the duty of the City Attorney to attend to all such legal duties as may be required of him/her by the Mayor or Board of Aldermen, to bring suit and to collect all money to be collected by suit at law, to report to the Board of Aldermen any legal defect in any City Ordinance or in a power of any City Officer, to prescribe the form of all deeds, contracts or other legal instruments executed by or to the City and, when required to do so by the Mayor or Board of Aldermen, to draft the same. Where so required, his/her opinion shall be given in writing in relation to any point of law under consideration by the Board of Aldermen. (CC 1968 §2-37; Ord. No. 4 §11, 12-12-1889; Ord. No. 1363 §3, 4-14-63; Ord. No. 1981-17 §2, 9-14-81)

ARTICLE V. CITY CLERK

SECTION 110.130: CITY CLERK, ELECTION—DUTIES

The Board of Aldermen shall elect a Clerk for such Board, to be known as the "City Clerk", whose duties and term of office shall be fixed by ordinance. Among other things, the City Clerk shall keep a journal of the proceedings of the Board of Aldermen. He/she shall safely and properly keep all the records and papers belonging to the City which may be entrusted to his/her care; he/she is hereby empowered to administer official oaths and oaths to persons certifying to demands or claims against the City. (Ord. No. 2012-02 § 5-8-2012)

SECTION 110.140: SPECIFIC DUTIES

The City Clerk shall keep the regular minutes of the proceedings of the Board of Aldermen, take care that all records belonging to the City and entrusted to him/her are properly and safely kept, charge the Municipal Court Clerk with all fines reported by the Municipal Judge, in a book kept for that purpose, and perform the following duties:

1. Have the care and custody of the City Seal.
2. File and prove all papers, documents and original drafts of ordinances belonging to the Board of Aldermen, upon which shall be endorsed a succinct history of all the proceedings had thereon.
3. Prepare copies of all resolutions and transmit them to the persons therein designated.
4. Keep in his/her office a book or record of all ordinances, petitions, resolutions, bills and other documents and proceedings, as may be necessary to give a brief history of the same, and also record on a book kept for that purpose all of the ordinances, in full, adopted by the Board of Aldermen with the date of adoption and the effective date.

5. Prepare all commissions and other official documents which the Mayor is required to issue.
6. Issue all bonds to persons desiring to procure a license from the City and for which licenses a bond is required.
7. Perform such other and further duties as may be required of him/her by this Code or any other ordinances of the City or by the Board of Aldermen. (CC 1968 §2-38; Ord. No. 4 §18, 12-12-1889)

ARTICLE VI. CITY COLLECTOR

Cross Reference—As to finance and taxation, see Ch. 145 of this Code.

**Editor's Note—At the April 4, 2017 General Municipal Election voters approved a proposition to authorize the Board of Alderman to appoint a person to the City Collector position in place of an election, the city has instructed to delete the following sections concerning city collector: Section 110.160, derived from ord. no. 1992-21 §3, 12-8-92; section 110.200, derived from ord. no. 1994-14 §7, 12-13-94; Section 110.210, derived from ord. no. 1444 §3, 6-5-67; Section 110.260, derived from ord. no. CC 1968 §2-44.*

SECTION 110.150: APPOINTMENT AND TENURE

A qualified person shall be appointed City Collector for the City of Windsor by the Mayor; such appointment shall be approved by a majority of the Board of Aldermen. The person so appointed shall serve for an indefinite term. (Ord. No. 1992-21 §2, 12-8-92; Ord. No. 1994-14 §2, 12-13-94; Ord. No. 1996-22 §1, 12-3-96; Ord. No. 2000-07 §1, 12-11-00; Ord. No. 2002-07 §1, 2002; Ord. No. 2017-02 §1, 4-13-17)

SECTION 110.160: RESERVED

Editor's Note—At the direction of the city, we have deleted section 110.160 which previously derived from Ord. No. 1992-21 §3, 12-8-92.

SECTION 110.170: 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 Article, he/she shall possess all the qualifications and powers and be charged with the same duties as the Collector. (Ord. No. 1992-21 §4, 12-8-92; Ord. No. 1994-14 §4, 12-13-94)

SECTION 110.180: DEPOSIT OF CHECKS

Every check, draft, or other negotiable instrument of any type which is drawn in favor of the City of Windsor, Missouri, may be negotiated only by including in the endorsement thereof on behalf of said City the phrase "For Deposit Only" or some similar statement, and the actual deposit thereof to the credit of said City in a depository designated for receipt of the funds of said City. No such instrument shall be negotiated for cash. (Ord. No. 1992-21 §5, 12-8-92; Ord. No. 1994-14 §5, 12-13-94)

SECTION 110.190: BOND REQUIRED

Within fifteen (15) days after the election and before entering upon the discharge of the duties of the office of City Collector, the Collector shall be bonded by the City in the amount of fifty thousand dollars (\$50,000.00) with such surety as may be approved by the Board of Aldermen, conditioned upon the faithful performances of his/her duty and that he/she will pay over all money belonging to the City as provided by law that may come into his/her hands. City shall pay all surety bonds required by ordinance. (CC 1968 §2-39; Ord. No. 1444 §9, 6-5-67; Ord. No. 1991-1 §2, 1-8-91; Ord. No. 1992-21 §6, 12-8-92; Ord. No. 1994-14 §6, 12-13-94; Ord. No. 1996-22 §2, 12-3-96; Ord. No. 2000-07 §2, 12-11-00; Ord. No. 2002-07 §2, 2002)

SECTION 110.200: RESERVED

Editor's Note—At the direction of the city, we have deleted section 110.200 which previously derived from Ord. No. 1994-14 §7, 12-13-94.

SECTION 110.210: RESERVED

Editor's Note—At the direction of the city, we have deleted section 110.210 which previously derived from Ord. No. 1444 §3, 6-5-67.

SECTION 110.220: DUTIES—SPECIFIC

The City Collector is hereby charged with the collection of all money payable to the City from any source including but not limited to licenses, fines and revenues from all municipally owned utilities or facilities and at the end of each business day enter and post all collections into the City accounting system. The City Collector shall perform routine clerical, fiscal, record keeping and customer relations work. Cross training in the performance of other finance office functions in order to support and fill-in for other employees of the department and all other duties as assigned as per the created job description. (CC 1968 §2-42; Ord. No. 1444 §2, 6-5-67; Ord. No. 1991-1 §5, 1-8-91; Ord. No. 1992-21 §9, 12-8-92; Ord. No. 1994-14 §9, 12-13-94); Ord. No. 11-9-10.

SECTION 110.230: PAY FUNDS INTO CITY TREASURY

It shall be the duty of the City Collector to pay into the City Treasury daily, all money received by him/her from all sources that may be levied by law or ordinances, also all licenses and revenues of every description authorized by law to be collected, and all money belonging to the City that may come into his/her hands. (CC 1968 §2-43; Ord. No. 1444 §4, 6-5-67; Ord. No. 1991-1 §6, 1-8-91; Ord. No. 1992-21 §10, 12-8-92; Ord. No. 1994-14 §10, 12-13-94)

SECTION 110.240: MONTHLY REPORTS

A Collector report shall be given monthly in writing to the Mayor, Board of Aldermen on or prior to the regular monthly meeting date all sums received, the source from which received, the accounts credited with the money so received and all delinquencies in revenues due from a period exceeding

thirty (30) days. Reports shall be in such form as requested by the Mayor and Board of Aldermen. (CC 1968 §2-44; Ord. No. 1444 §5, 6-5-67; Ord. No. 1991-1 §7, 1-8-91; Ord. No. 1992-21 §11, 12-8-92; Ord. No. 1994-14 §11, 12-13-94; Ord. No. 2017-02 §1, 4-13-17)

SECTION 110.250: DELINQUENT TAX LIST

The City Collector at the first (1st) meeting of the Board of Aldermen in April in each year shall make out under oath lists of delinquent taxes remaining due and uncollected for each year, to be known as "The Land and Lot Delinquent List," and "The Personal Tax Delinquent List". (CC 1968 §2-45; Ord. No. 1444 §7, 6-5-67; Ord. No. 1991-1 §8, 1-8-91; Ord. No. 1992-21 §12, 12-8-92; Ord. No. 1994-14 §12, 12-13-94)

SECTION 110.260: RESERVED

Editor's Note—At the direction of the city, we have deleted section 110.260 which previously derived from Ord. No. CC 1968 §2-44.

SECTION 110.270: 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.

ARTICLE VII. ECONOMIC DEVELOPMENT DIRECTOR

Editor's Note—Since the County does the tax assessment for Windsor, the city has instructed us to delete sections 110.280—110.300 concerning city assessor. Said former sections derived from cc 1968 §§2-48—2-50 and ord. no. 4 §§26—28, 12-12-1889. Ord. no. 1998-1 §§1—3, enacted 1-13-98, has been used to fill these previously reserved sections.

SECTION 110.280: ESTABLISHMENT AND QUALIFICATIONS

The office of Economic Development Director of the City of Windsor (the "Economic Development Director") is hereby established. The Economic Development Director shall have the following minimum qualifications:

1. Education and experience in the fields of public or business administration, urban planning, marketing, real estate, economics, finance, or landscape architecture.
2. Understanding and familiarity with State and local government.
3. Knowledge of State and local economic development laws and programs.
4. Ability to work well with a variety of groups and individuals. (Ord. No. 1998-1 §1, 1-13-98)

SECTION 110.290: DUTIES

The duties of Economic Development Director shall include the following:

1. Create and maintain materials such as State community profile, industrial park brochures, fact books, internet web pages and other items designed to promote the community or specific properties;
2. Establish and implement a business development program designed to assist existing Windsor employers and educate them on the benefits of doing business in Windsor;
3. Establish and implement marketing plans for the community and/or specific properties designed to attract new employers and investment to Windsor;
4. Complete studies, plans and projects such as Strengths and Weaknesses Study, Cost-Benefit Analyses, Target Industry Analyses, Direct Mail Marketing Campaigns, and other activities designed to facilitate the effective marketing of the community and the effective evaluation of potential business investment into the community;
5. Conduct presentations, tours, and meetings with prospects evaluating Windsor for potential investment;
6. Meet with and conduct community tours with State and regional, both public and private, economic development allies;
7. Develop incentive policies and market same; and
8. Conduct other activities as needed generally designed to promote the community and its specific sites and to create a greater awareness of Windsor within the State and region.
(Ord. No. 1998-1 §2, 1-13-98)

SECTION 110.300: APPOINTMENT

The Economic Development Director shall be appointed by the Mayor with the consent of a majority of the Board of Aldermen and may be a duly qualified City employee or a consultant. Compensation shall be as determined by the Mayor and Board of Aldermen. (Ord. No. 1998-1 §3, 1-13-98)

ARTICLE VIII. CITY TREASURER

Cross Reference—As to finance and taxation, see ch. 145 of this Code.

SECTION 110.310: TREASURER, DUTIES—BOND

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. Before entering upon the duties of his/her office he/she shall give bond in such sum as may be required by ordinance.

SECTION 110.320: ANNUAL REPORT

The City Treasurer shall report to the Board of Aldermen on or before the first (1st) day of July in each year, which report shall show the receipts and expenditures of the Treasurer, the amount of money on hand and the amount of bonds, falling due for the redemption of which provision must be made. (CC 1968 §2-57; Ord. No. 4 §21, 12-12-1889)

ARTICLE IX. CITY ENGINEER

SECTION 110.330: RESERVED

Editor's Note—At the direction of the city, we have deleted section 110.330 which previously derived from cc 1968 §2-60 and ord. no. 414 §2, 5-2-21.

SECTION 110.340: DUTIES

It shall be the duty of the City Engineer to give advice to the proper officers or committees of the City pertaining to any engineering matter or questions of engineering that may arise and matters in regard to surveying proper fall for City waterworks and sewers, grades for sidewalks and such other similar questions that may arise. (CC 1968 §2-61; Ord. No. 414 §3, 5-2-21)

ARTICLE X. RESERVED

SECTIONS 110.350–110.380: RESERVED

ARTICLE XI. CITY ADMINISTRATOR

Cross Reference—As to duties concerning purchasing policies, see ch. 140.

SECTION 110.390: OFFICE OF CITY ADMINISTRATOR

There is hereby created and established the office of City Administrator for the City of Windsor, Missouri. (Ord. No. 1990-7 §1, 7-9-90)

SECTION 110.400: APPOINTMENT AND TENURE

A qualified person shall be appointed City Administrator for the City of Windsor by the Mayor; such appointment shall be approved by a majority of the Board of Aldermen. The person so appointed shall serve for an indefinite term. (Ord. No. 1990-7 §2, 7-9-90)

SECTION 110.410: QUALIFICATIONS

The person appointed to the office of the City Administrator shall be at least twenty-five (25) years of age and shall be a resident of the City of Windsor at the time of the effective date of such appointment; and shall be a graduate of an accredited university or college, majoring in public or municipal administration, or shall have the equivalent qualifications and administration, or shall have the equivalent qualifications and experience in financial administration and/or public relations fields. (Ord. No. 1990-7 §3, 7-9-90)

SECTION 110.420: BOND

The City Administrator, before entering upon the duties of his/her office, shall file with the City of Windsor a bond in the amount of fifty thousand dollars (\$50,000.00); such bond shall be approved by the Board of Aldermen and such bond shall insure the City of Windsor for the faithful and honest performance of the duties of the City of Windsor and for rendering a full and proper account to the City of Windsor for funds and property which shall come into the possession or control of the City Administrator. The cost of such bond shall be paid by the City of Windsor; however, should the City Administrator be covered by a blanket bond to the same extent, or if he/she is covered as the treasurer such individual bond shall not be required. (Ord. No. 1990-7 §4, 7-9-90; Ord. No. 2012-07 § 5-8-2012)

SECTION 110.430: COMPENSATION

The City Administrator shall receive such compensation as may be determined from time to time by the Board of Aldermen and such compensation shall be payable monthly. (Ord. No. 1990-7 §5, 7-9-90)

SECTION 110.440: REMOVAL OF CITY ADMINISTRATOR

The City Administrator shall serve at the pleasure of the appointing authority. The Mayor, with the consent of a majority of the whole Board of Aldermen, may remove the City Administrator from office at will, and such City Administrator may also be removed by a two-thirds ($\frac{2}{3}$) vote of the whole Board of Aldermen independently of the Mayor's approval or disapproval. If requested, the Mayor and Board of Aldermen shall grant the City Administrator a public hearing within thirty (30) days following notice of such removal. During the interim, the Mayor, with the approval of a majority of the Board of Aldermen, or by a two-thirds ($\frac{2}{3}$) vote of the Board of Aldermen without the Mayor's approval may suspend the City Administrator from duty, but shall continue his/her salary and, if after the hearing, removal becomes final, shall pay his/her salary for two (2) calendar months following the final removal date, provided however, that if the City Administrator shall be removed for acts of dishonesty or acts of moral turpitude, such salary shall not be continued. (Ord. No. 1990-7 §6, 7-9-90)

SECTION 110.450: DUTIES

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 Windsor, excluding Police Chief and Municipal Court.

- B. *Purchasing.* The City Administrator shall be the Purchasing Agent for the City Windsor and all purchases amounting to less than five hundred dollars (\$500.00) shall be made under his/her direction and supervision, and all such purchases shall be made in accordance with purchasing rules and procedures approved by the Board of Aldermen.
- C. *Budget.* The City Administrator shall be the Budget Officer of the City of Windsor 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 with proper supporting schedules and an analysis to be proposed to the Mayor and Board of Aldermen for their final approval.
- D. *Financial Reports.* The City Administrator shall make monthly reports to the Mayor and Board of Aldermen 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 Board of Aldermen 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 Board of Aldermen may require.
- F. *Policy Formulation.* The City Administrator shall recommend to the Mayor and Board of Aldermen adoption of such measures as he/she may deem necessary or expedient for the health, safety, or welfare of the City or for the improvement of administrative services for the City.
- G. *Board of Aldermen Agenda.* The City Administrator shall submit to the Mayor and Board of Aldermen a proposed Agenda for each Board of Aldermen meeting at least forty-eight (48) hours before the time of the regular Board of Aldermen meeting.
- H. *Boards and Committees.* The City Administrator shall work with all City Boards and Committees to help coordinate the work of each.
- I. *Attend Board of Aldermen Meetings.* The City Administrator shall attend all meetings of the Board of Aldermen.
- J. *Bids Specifications.* The City Administrator shall supervise the preparation of all bid specifications for services and equipment and receive sealed bids for presentation to the Board of Aldermen.
- K. *State and Federal Aid Programs.* The City Administrator shall coordinate Federal and State programs which may have application to the City of Windsor.
- L. *Conference Attendance.* The City Administrator shall attend State and Regional conferences and programs applicable to his/her office, and the business of the City of Windsor whenever such attendance is directed and approved by the Board of Aldermen and Mayor.
- M. *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.

- N. *Record Keeping.* The City Administrator shall keep full and accurate records of all actions taken by him/her in the course of his/her duties, and he/she shall safely and properly keep all records and papers belonging to the City of Windsor and entrusted to his/her care; all such records shall be and remain the property of the City of Windsor and be open to inspection by the Mayor and Board of Aldermen at all times.
- O. *Miscellaneous.* In addition to the foregoing duties, the City Administrator shall perform any and all duties or functions prescribed by the Mayor and Board of Aldermen; he/she shall be the general accountant of the City. (Ord. No. 1990-7 §7, 7-9-90; 2012-05 § 5-8-2012)

SECTION 110.460: POWERS

- A. *City Property.* The City Administrator shall have responsibility for all real and personal property of the City of Windsor. He/she shall have responsibility of 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 Board of Aldermen by Resolution or ordinance.
- B. *Set Administrative Policies.* The City Administrator shall have the power to recommend to the Board of Aldermen such rules and regulations as he/she shall deem necessary or expedient for the conduct of administrative agencies of the City.
- C. *Coordinate Departments.* The City Administrator shall have the power to coordinate the work of all departments of the City, and, at times of an emergency, shall have authority to assign 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 operations of any department of the City under his/her jurisdiction, and shall report on any condition or fact concerning the City Government requested by the Mayor or Board of Aldermen.
- E. *Coordinate Officials.* The City Administrator shall have the power to overrule any action taken by a department head, and may supersede him/her in the functions of his/her office.
- F. *Appear Before the Board of Aldermen.* The City Administrator shall have the power to appear before and address the Board of Aldermen at any meeting.
- G. At no time shall the duties or powers of the City Administrator supersede the action by the Mayor and Board of Aldermen. (Ord. No. 1990-7 §8, 7-9-90)

SECTION 110.470: INTERFERENCE BY MEMBERS OF THE BOARD OF ALDERMEN

No member of the Board of Aldermen shall directly interfere with the conduct of any department or duties of employees subordinate to the City Administrator except at the express direction of three-fourths ($\frac{3}{4}$) of the whole Board of Aldermen, or with the approval of the City Administrator, or at the direction of the Mayor with the consent of a majority of the whole Board of Aldermen.
(Ord. No. 1990-7 §9, 7-9-90)

ARTICLE XII. SEWER INSPECTOR

SECTION 110.480: RESERVED

SECTION 110.490: APPOINTMENT

The office of City Sewer Inspector shall be an appointive office, such appointment to be made annually by the Mayor with the advice and consent of the Board of Aldermen at the first (1st) meeting of the newly elected Board of Aldermen following the annual election on the first (1st) Tuesday of April in each year. (Ord. No. F-1971 §2, 5-5-71)

SECTION 110.500: TERM

The office of City Sewer Inspector shall serve for a period of one (1) year or until his/her successor has been appointed and approved. (Ord. No. F-1971 §3, 5-5-71)

SECTION 110.510: COMPENSATION

The City Sewer Inspector shall receive no compensation. (Ord. No. F-1971 §4, 5-5-71)

SECTION 110.520: DUTIES

The City Sewer Inspector shall perform such duties from time to time as may be delegated to him/her by the Mayor and Board of Aldermen, or by ordinance and shall perform the duties now prescribed for superintendent in Chapter 705 of this Code. (Ord. No. F-1971 §5, 5-5-71)

CHAPTER 115: BOARDS AND COMMISSIONS

Section 115.010 – 115.060 Reserved

ARTICLE I. PARK BOARD

SECTION 115.070: ESTABLISHED

The City Park Board is hereby established. (CC 1968 §2-72)

SECTION 115.080: COMPOSITION–QUALIFICATIONS AND APPOINTMENT OF MEMBERS

The City Park Board shall consist of nine (9) members, who shall be chosen from the citizens at large, with reference to their fitness for such office, and who shall not be a member of the Government of the City. Such members shall be appointed by the Mayor, with the approval of the Board of Aldermen. (CC 1968 §2-73)

SECTION 115.090: TERM OF OFFICE

The members of the City Park Board shall hold office, one-third ($\frac{1}{3}$) for one (1) year; one-third ($\frac{1}{3}$) for two (2) years and one-third ($\frac{1}{3}$) for three (3) years, from June first (1st) following appointment. Annually thereafter, the Mayor shall, before June first (1st) of each year, appoint three (3) members who shall hold offices for three (3) years and until their successors are appointed.
(CC 1968 §2-74)

SECTION 115.100: VACANCIES—COMPENSATION

Vacancies in the Board of Directors, occasioned by removal, resignation or otherwise, shall be reported to the Board of Aldermen and shall be filled in like manner as original appointments. No director shall receive compensation. (CC 1968 §2-75)

SECTION 115.110: ORGANIZATION—POWERS AND DUTIES GENERALLY

The Park Board Directors shall immediately after their appointment, meet and organize by the election of one (1) of their number, President and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules and regulations for their guidance and for the government of the parks as may be expedient, not inconsistent with Sections 90.500 to 90.570, RSMo. (CC 1968 §2-76)

SECTION 115.120: CARE OF FUNDS

The Park Board shall have the exclusive control of the expenditures of all money collected to the credit of the Park Fund and of the supervision, improvement, care and custody of such park. All money received for such parks shall be deposited in the Treasury of the City to the credit of the Park Fund and shall be kept separate and apart from the other money of the City and drawn upon by the proper officers of the City upon the properly authenticated vouchers of the Park Board.
(CC 1968 §2-77)

SECTION 115.130: ACQUISITION OF LAND—SELECTION OF CARETAKER— COMPLIANCE WITH STATE LAW

The Park Board shall have power to purchase or otherwise secure ground to be used for parks, shall have power to appoint a suitable person to take care of such parks and necessary assistants for such person and fix their compensation and shall have power to remove such appointees and shall in general carry out the intent of Sections 90.500 to 90.570, RSMo., in establishing and maintaining public parks.
(CC 1968 §2-78)

SECTION 115.140: ANNUAL REPORT TO BOARD OF ALDERMEN

The Park Board of Directors shall make, on or before the second (2nd) Monday in June, an annual report to the Board of Aldermen, stating the condition of their trust on the first (1st) day of May of that year, the various sums of money received from the Park Fund and other sources and how much money has been expended and for what purposes, with such other statistics, information and suggestions as they may deem of general interest. All portions of such report as relate to the receipt and expenditure of money shall be verified by affidavit. (CC 1968 §2-79)

SECTION 115.150: PRIVATE DONATIONS TO PARK BOARD

Any person desiring to make donations of money, personal property or real estate for the benefit of such park shall have a right to vest the title to the money or real estate so donated in the Board of Directors created under Sections 90.500 to 90.570, RSMo., to be held and controlled by such Board when accepted according to the terms of the deed, gift, devise or bequest of such property and as to such property, the Board shall be held and considered to be the special trustees. (CC 1968 §2-80)

CHAPTER 120: CONFLICTS OF INTEREST

SECTION 120.010: DECLARATION OF POLICY

The proper operation of municipal government requires that public officials and employees be independent, impartial and responsible to the people; that 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. (Ord. No. 1991-7 §1, 8-13-91; Ord. No. 1993-7 §1, 8-10-93; Ord. No. 1995-2 §1, 7-11-95; Ord. No. 1996-9 §1, 9-10-96; Ord. No. 1998-7 §1, 8-11-98; Ord. No. 1999-6 §1, 8-10-99; Ord. No. 2001-06 §1, 8-14-01; Ord. No. 2003-02 §1, 8-12-03; Ord. No. 2005-04 §1, 8-9-05; Ord. No. 2005-06 §1, 8-9-05; Ord. No. 2007-14 §1, 9-11-07; Ord. No. 2009-005 §1, 4-14-09; Ord. No. 2010-01 §1, 4-13-10; Ord. No. 2011-08 §3,6-14-11; Ord. No. 2014-10 §4-14-2014)

SECTION 120.020: CONFLICTS OF INTEREST

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 Board of Aldermen the nature of his/her interest and shall disqualify himself/herself from voting on any matters relating to this interest. (Ord. No. 1991-7 §2, 8-13-91; Ord. No. 1993-7 §2, 8-10-93; Ord. No. 1995-2 §2, 7-11-95; Ord. No. 1996-9 §2, 9-10-96; Ord. No. 1998-7 §2, 8-11-98; Ord. No. 1999-6 §2, 8-10-99; Ord. No. 2001-06 §2, 8-14-01; Ord. No. 2003-02 §2, 8-12-03; Ord. No. 2005-04 §2, 8-9-05; Ord. No. 2005-06 §2, 8-9-05; Ord. No. 2007-14 §2, 9-11-07; Ord. No. 2009-005 §2, 4-14-09; Ord. No. 2010-01 §2, 4-13-10; Ord. No. 2011-08 §3,6-14-11; Ord. No. 2014-10 §4-14-2014)

SECTION 120.030: DISCLOSURE REPORTS

Each elected official, the Chief Administrative Officer, the Chief Purchasing Officer and the general Aldermen (if employed full-time) shall disclose the following information by May first (1st) if any such transactions were engaged in during the previous calendar year:

1. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars (\$500.00), if any, that such person had with the 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; and

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, other than payment of any tax, fee or penalty due to 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 and the Chief Purchasing Officer also shall disclose by May first (1st) for the previous calendar year the following information:
 - 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 that he/she owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he/she was a partner or co-participant; the name and address of each partner or co-participant 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 partnership units; and the name of any publicly traded corporation or limited partnership that 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. (Ord. No. 1991-7 §3, 8-13-91; Ord. No. 1993-7 §3, 8-10-93; Ord. No. 1995-2 §3, 7-11-95; Ord. No. 1996-9 §3, 9-10-96; Ord. No. 1998-7 §3, 8-11-98; Ord. No. 1999-6 §3, 8-10-99; Ord. No. 2001-06 §3, 8-14-01; Ord. No. 2003-02 §3, 8-12-03; Ord. No. 2005-04 §3, 8-9-05; Ord. No. 2005-06 §3, 8-9-05; Ord. No. 2007-14 §3, 9-11-07; Ord. No. 2009-005 §3, 4-14-09; Ord. No. 2010-01 §3, 4-13-10; Ord. No. 2011-08 §3, 6-14-11; Ord. No. 2014-10 §4-14-2014)

SECTION 120.040: FILING OF REPORTS

The reports, copies of which are on file in the City offices, shall be filed with the City Clerk and with the Missouri Ethics Commission. The reports shall be available for public inspection and copying during normal business hours. (Ord. No. 1991-7 §4, 8-13-91; Ord. No. 1993-7 §4, 8-10-93; Ord. No. 1995-2 §4, 7-11-95; Ord. No. 1996-9 §4, 9-10-96; Ord. No. 1998-7 §4, 8-11-98; Ord. No. 1999-6 §4, 8-10-99; Ord. No. 2001-06 §4, 8-14-01; Ord. No. 2003-02 §4, 8-12-03; Ord. No. 2005-04 §4, 8-9-05; Ord. No. 2005-06 §4, 8-9-05; Ord. No. 2007-14 §4, 9-11-07; Ord. No. 2009-005 §4, 4-14-09; Ord. No. 2010-01 §4, 4-13-10; Ord. No. 2011-08 §3, 6-14-11; Ord. No. 2014-10 §4-14-2014)

SECTION 120.050: FINANCIAL INTEREST STATEMENTS—WHEN FILED

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

1. Each person appointed to office shall file the statement within thirty (30) days of such appointment or employment.
2. Every other person required to file a financial interest statement shall file the statement annually not later than May first (1st) and the statement shall cover the calendar year ending the immediately preceding December thirty-first (31st); provided that any member of the Board of Aldermen may supplement the financial interest statement to report additional interest acquired after December thirty-first (31st) of the covered year until the date of filing of the financial interest statement. (Ord. No. 1991-7 §5, 8-13-91; Ord. No. 1993-7 §5, 8-10-93; Ord. No. 1995-2 §5, 7-11-95; Ord. No. 1996-9 §5, 9-10-96; Ord. No. 1998-7 §5, 8-11-98; Ord. No. 1999-6 §5, 8-10-99; Ord. No. 2001-06 §5, 8-14-01; Ord. No. 2003-02 §5, 8-12-03; Ord. No. 2005-04 §5, 8-9-05; Ord. No. 2005-06 §5, 8-9-05; Ord. No. 2007-14 §5, 9-11-07; Ord. No. 2009-005 §5, 4-14-09; Ord. No. 2010-01 §5, 4-13-10; Ord. No. 2011-08 §3,6-14-11; Ord. No. 2014-10 §4-14-2014)

CHAPTER 125: PERSONNEL

ARTICLE I. PERSONNEL CODE

SECTION 125.010: PERSONNEL CODE—ADOPTION BY REFERENCE

The Personnel Code for the City of Windsor's Officers and employees is adopted as if fully set out herein and shall be on file in the office of the City Clerk. (Ord. No. 1989-10 §1, 3-30-89; 6-20-11; 2-21-13; 12-10-13)

ARTICLE II. MISSOURI LOCAL GOVERNMENT EMPLOYEES RETIREMENT SYSTEM

SECTION 125.020: IN GENERAL

- A. The Board of Aldermen on behalf of the City of Windsor a "political subdivision" as defined in Section 70.600, V.A.M.S. hereby elects to have covered by the Missouri Local Government Employees System all its eligible employees in the following classes; present and future general employees, present and future Policemen (as defined in the Act).
- B. The City of Windsor hereby elects that one hundred percent (100%) of prior employment be considered for prior service credit in computing benefits and contributions to the system.
- C. The City Clerk is hereby authorized and directed to deduct from the wages and salaries of each employee member the member contributions required by Section 70.705 V.A.M.S. and to promptly remit the deductions to the Retirement System, together with the employer contributions required by Section 70.730 V.A.M.S.

- D. Employee and employer contributions are to be effective August 1, 1973. (Ord. No. K-1973, 8-1-73)

ARTICLE III. ALCOHOL AND CONTROLLED SUBSTANCE TESTING POLICY

SECTION 125.030: POLICY ON FILE IN CITY OFFICES

An Alcohol and Controlled Substance Testing Policy for the City of Windsor, Missouri, is hereby established and incorporated as if fully set out herein. The policy shall be on file in the office of the City Clerk. (Ord. No. 1996-4 §1, 2-13-96)

CHAPTER 130: ELECTIONS

Cross Reference—As to elective officers, see §§110.080—110.090 of this Code.

SECTION 130.010: WARDS

- A. The City of Windsor shall be divided into three (3) Wards as follows:

1. *First Ward.* Shall include all that part of the City lying north and easterly of a boundary line described as starting at the intersection of the North City Limits and the midpoint of the MKT Railroad Right of Way, thence southwesterly along the middle of said Railroad Right of Way to its intersection with Taylor Street, thence southeast on Taylor Street to its intersection with Commercial Street thence southwest on Commercial Street to its intersection with West Florence Street thence southeast along West Florence Street to its intersection with Main Street thence southwesterly along Main Street to the intersection of Main Street and Benton Street thence southeasterly along Benton Street to its intersection with Jackson Street thence westerly on Jackson Street to the intersection of Jackson Street and Smith Street thence south on Smith Street to the south City limits.
2. *Second Ward.* Shall include all that part of the City lying southeasterly of a boundary line described as beginning at the intersection of the south City limits and Missouri Highway 52 thence northeasterly along Highway 52 (Main Street) to the intersection of Highway 52 (Main) and Benton Street thence following the boundary of the First Ward at Benton Street south to the City limits.
3. *Third Ward.* Shall include all that part of the City lying north and westerly of a boundary line described as beginning at the intersection of the south City limits and Missouri Highway 52 thence northeast along Highway 52 (Main Street) to the intersection of Highway 52 and West Florence Street thence northwesterly along West Florence to its intersection with Commercial Street thence northeasterly along Commercial Street to its intersection with Taylor Street thence northwest to the MKT Railroad thence northeasterly along the MKT Railroad to the north City limits.

- B. *Maps of Boundaries.* A map of the boundaries of the three (3) Wards shall be published and maintained in the City records and one (1) shall be posted at City Hall.
(CC 1968 §6-1; Ord. No. 1991-11 §§1–2, 12-19-91)

SECTION 130.020: APPLICABILITY OF STATE LAW

All City elections shall be held in conformance with State law.

CHAPTER 135: MUNICIPAL COURT

ARTICLE I. MUNICIPAL JUDGE

SECTION 135.010: APPOINTMENT OF JUDGE—TERM OF OFFICE

The office of Municipal Judge shall be appointed and shall be for a term of two (2) years, and until a successor is duly appointed and qualified. (Ord. No. 1992-18 §2, 12-8-92; Ord. No. 1994-15 §2, 12-12-94; Ord. No. 1996-20 §1, 12-3-96)

SECTION 135.020: QUALIFICATIONS FOR OFFICE

In order to qualify to serve as Municipal Judge, the aspirant:

1. Must be between the ages of twenty-one (21) and seventy (70); and
2. Hold no other public office with the City; and
3. Be otherwise qualified in accordance with Chapter 110 of this Code, as amended.
(Ord. No. 1992-18 §3, 12-8-92; Ord. No. 1994-15 §3, 12-12-94; Ord. No. 1997-3 §1, 2-19-97)

SECTION 135.030: SALARY

The Municipal Judge of the City of Windsor, Missouri, shall receive a salary as established by the Board of Aldermen. This salary shall be set each year when the Board of Aldermen establishes the annual budget for the City of Windsor and shall be paid in monthly installments, in arrears, for each month worked while in that office. The current salary shall continue until being set with next year's budget. (Ord. No. 1994-15 §4, 12-12-94; Ord. No. 1997-4 §1, 2-19-97)

SECTION 135.040: COURT CLERK

The Board of Aldermen shall be entitled to appoint a Municipal Court Clerk to assist in performing the functions of this office. This Clerk shall be paid a salary by the City to be set by the Board of Aldermen, and it shall be paid in arrears for each month worked while in that capacity. Additional non-judicial personnel will be provided the Municipal Judge at the City's expense as may be required by the Circuit Court of Henry County, Missouri, or the Supreme Court of Missouri.
(Ord. No. 1992-18 §5, 12-8-92; Ord. No. 1994-15 §5, 12-12-94)

SECTION 135.050: JURISDICTION

The Municipal Judge shall have original jurisdiction to hear and determine all violations of the ordinances of the City of Windsor, and shall in all respects be governed by the laws and Constitution of this State. (Ord. No. 1992-18 §6, 12-8-92; Ord. No. 1994-15 §6, 12-12-94)

ARTICLE II. COURT COSTS

SECTION 135.060: COURT COSTS

In addition to any fine that may be imposed by the Municipal Judge there shall be assessed as costs in all cases the following:

1. Court costs (CC)..... \$35.50
2. Clerk fee..... \$15.00
2. Law enforcement training fee (LET)..... 3.00
 - a. 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 for non-moving traffic violations, and in any proceeding in court when the proceeding or the defendant has been dismissed by the Court.
 - b. Two dollars (\$2.00) of such fee collected shall be transmitted monthly to the Treasurer of the City, to be used for training Law Enforcement Officers. One dollar (\$1.00) of such fees collected shall be deposited into the Peace Officer Standards and Training Commission Fund, to be used statewide for training Law Enforcement Officers. The checks should be payable to the "Treasurer, State of Missouri". Address and mail checks after the last day of each month to: Budget Director, Department of Public Safety, P.O. Box 749, Jefferson City, MO 65102.
3. Crime victim's compensation (CVC)..... \$5.00
4. Any person who is convicted of or pleads guilty to a drug-related offense pursuant to the provisions of Chapter 195, RSMo., or an intoxicated-related traffic offense, as defined in Section 577.023, RSMo., shall be assessed as costs a victims' services fee in the amount of five dollars (\$5.00). Such fee shall be collected by the Clerk of the Municipal Court and paid at least monthly to the Director of Revenue and placed to the credit of the Independent Living Center Fund.
5. Other costs, such as for the issuance of a warrant, a commitment or summons, as provided before the Associate Circuit Court Judge in criminal prosecutions.
6. Actual costs assessed against the City by any Law Enforcement Agency for apprehension or confinement or jail fees.
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. (Ord. No. 2014-03 § 4-14-2014)

Cross Reference—As to reimbursement of costs in certain cases, see §135.070.

SECTION 135.070: REIMBURSEMENT OF COSTS FOR ALCOHOL AND DRUG-RELATED OFFENSES

- A. Upon a plea of guilty, finding of guilt, or conviction for violation of the provisions of Section 340.190 (alcohol- or drug-related traffic offenses), the Court may, in addition to imposition of any penalties provided by law, order the person to reimburse Law Enforcement authorities for the costs associated with such arrest.
- B. Such costs shall include the reasonable cost of making the arrest, including the cost of any chemical tests to determine the alcohol or drug content of the person's blood, and the cost of processing, charging, booking and holding such person in custody.
- C. Law Enforcement authorities may establish a schedule of such costs for submission to the court; however, the court may order the costs reduced, if it determines that the schedule of costs is excessive given the circumstances of the case or for good cause shown.
- D. These fees shall be calculated as additional costs by the Municipal Court and shall be collected by the court in the same manner as other costs and fees are collected and remitted to the City Treasurer. (Ord. No. 1992-11 §1, 8-11-92)

ARTICLE II. ADMINISTRATIVE SEARCH WARRANTS.

SECTION 135.080: ESTABLISHMENT

Since the Missouri Supreme Court has authorized municipal administrative search warrants and the City of Windsor has determined that the same is necessary for the public health and welfare to assist the city in enforcing its ordinances relating to housing, zoning, health and safety, administrative search warrants may be issued under the provisions of this article.

SECTION 135.090: ADMINISTRATIVE SEARCH WARRANT DEFINED

An “administrative search warrant” is a written order of the judge of the City of Windsor Municipal Division of the Circuit Court of Henry County, Missouri, commanding the search or inspection of any property, place or thing and the seizure, photographing, copying or recording of property or physical conditions found thereon or therein to determine or prove the existence of violations of any ordinance or Code section of the city relating to the use, condition or occupancy of property or structures located within the said City or to enforce the provisions of any such ordinance or Code section.

SECTION 135.100: WHO MAY ISSUE

The judge of the city municipal division of the county circuit court having original and exclusive jurisdiction to determine violations against the ordinances of the municipality, or another judge of the county circuit court if he or she is unavailable, may issue an administrative search warrant when:

1. The property or place to be searched or inspected or the thing to be seized is located within the city at the time of the making of the application.

SECTION 135.110: WHO MAY EXECUTE

Any such warrant shall be directed to the chief of police or any other police officer, the Mayor, or any code enforcement officer, fire department personnel, or building inspector of the city, and shall be executed by authorized city personnel within the city limits and not elsewhere.

SECTION 135.120: APPLICATION

1. The Mayor, any code enforcement officer, fire department personnel, building inspector, or city attorney for the City of Windsor, Missouri, may make application to the municipal judge for the issuance of an administrative search warrant.
2. The application shall:
 - a. Be in writing;
 - b. State the time and date of the making of the application;
 - c. Identify the property or places to be entered, searched, inspected or seized in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
 - d. State that the owner or occupant of the property or places to be entered, searched, inspected, or seized has been requested by an appropriate officer of the city to allow such action and has refused to allow such action;
 - e. State facts sufficient to show probable cause for the issuance of a search warrant, as provided in the chapter to:
 - i. Search or inspect for violations of an ordinance or Code section specified in the application; or
 - ii. Show that entry or seizure is authorized and necessary to enforce an ordinance or Code section specified in the application and that any required due process has been afforded prior to the entry or seizure.
 - f. Be verified by the oath or affirmation of the applicant;
 - g. Be signed by the applicant and filed in the municipal court.
3. The application may be supplemented by a written affidavit by oath or affirmation. Such affidavit shall be considered in determining where there is a probable cause for the issuance of a search warrant and in filling out any deficiencies in the description of the property or place to be searched or inspected. Oral testimony shall not be considered. The application or execution of a search warrant shall not be deemed invalid for the sole reason that the application or execution of the warrant relies upon electronic signatures of the peace officer or prosecutor seeking the warrant or judge issuing the warrant.

SECTION 135.130: HEARING AND PROCEDURE

1. The municipal judge shall hold a non-adversary ex parte hearing to determine whether probable cause exists to inspect or search for violations of any ordinance or Code section, including the abatement of violations and the seizure of property related thereto.
2. The municipal judge shall determine whether the action to be taken is reasonable in light of the facts stated. The municipal judge shall consider the goals of the ordinance or Code section sought to be enforced and such other factors as may be appropriate including, but not limited to, the

physical condition of the specified property, the age and nature of the property, the condition of the area in which the property is located, the known violation of any relevant ordinance or Code section and the passage of time since the property's last inspection. The standard for issuing a warrant need not be limited to actual knowledge of an existing violation of an ordinance or Code section.

3. If it appears from the application and any supporting affidavit that there is probable cause to inspect or search for violations of any ordinance or Code section or to enforce any such ordinance or Code section, a search warrant shall immediately be issued.
4. The warrant shall be issued in the form of an original and two (2) copies and the application and any supporting affidavits and one (1) copy of the warrant as issued shall be retained in the records of the municipal court.

SECTION 135.140: CONTENTS OF SEARCH WARRANT

1. The search warrant shall:
 - a. Be in writing and in the name of the City of Windsor, Missouri;
 - b. Be directed to any police officer, code enforcement officer, building inspector, or Mayor in the City of Windsor, Missouri;
 - c. State the time and date the warrant was issued;
 - d. Identify the property or places to be searched, inspected or entered upon in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
 - e. Command that the described property or places to be searched or entered upon and that any evidence of any ordinance violations found therein or thereon, or any abatement performed therein or thereon, or a description of any property seized pursuant to an abatement, be returned within ten (10) days after filing the application, via a warrant return to the municipal judge who issued the warrant, to be dealt with according to law;
 - f. Be signed by the judge and the title of their office indicated.

SECTION 135.150: EXECUTION AND RETURN

1. A search warrant issued under this chapter shall be executed only by the chief of police, other police officer, codes enforcement officer, building inspector, or the Mayor of the City of Windsor, Missouri; provided however, that one or more designated city officials may accompany the officer and the warrant shall be executed in the following manner:
 - a. The warrant shall be executed by conducting the search, inspection, entry or seizure as commanded and shall be executed as soon as practicable and in a reasonable manner.
 - b. The officer shall give the owner or occupant of the property searched, inspected or entered upon a copy of the warrant.
 - i. If any property is seized incident to the search, the officer shall give the person from whose possession it was taken, if the person is present, an itemized receipt for the property taken. If no such person is present, the officer shall leave the receipt at the site of the search in a conspicuous place.
 - ii. A copy of the itemized receipt of any property taken shall be delivered to an attorney for the city within two (2) working days of the search.
 - iii. The disposition of property seized or abated pursuant to a search warrant under this section shall be in accordance with an applicable ordinance or Code section, but in the absence of same, then with RSMo. 542.301.

- c. The officer may summon as many persons as they deem necessary to assist them in executing the warrant and such persons shall not be held liable as a result of any illegality of the search and seizure.
- d. An officer making a search pursuant to an invalid warrant, the invalidity of which is not apparent on its face, may use such forces as they would be justified in using if the warrant was valid.
- e. A search warrant shall expire if it is not executed and the required return made within ten (10) days after the date of the issuance of the warrant.
- f. After execution of the search warrant, the warrant, with a return thereon signed by the officer making the search, shall be delivered to the municipal court.
- g. The return shall show the date and manner of execution and the name of the possessor and of the owner, when not the same person, if known, of the property and places searched or seized.
- h. The return shall be accompanied by any photographs, copies or recordings made, a description of any abatements performed, and by any property seized pursuant to an abatement, along with a copy of the itemized receipt of such property required by this section; provided however, that seized property may be disposed of as provided herein and in such a case a description of the property seized shall accompany the return.
- i. The court clerk, upon request, shall deliver a copy of the return to the possessor and the owner, when not the same person, of the property searched or seized.

SECTION 135.160: WARRANT INVALID-WHEN

- 1. A search warrant shall be deemed invalid:
 - a. If it was not issued by the municipal judge, or another judge of Henry County Circuit Court if he/she is unavailable; or
 - b. If it was issued without a written application having been filed and verified; or
 - c. If it was issued without sufficient probable cause in light of the goals of the ordinance to be enforced and such other factors as provided in this chapter; or
 - d. If it was not issued with respect to property or places in the City of Windsor; or
 - e. If it does not describe the property or places to be searched, inspected, entered upon or seized with sufficient certainty; or
 - f. If is not signed by the judge who issued it; or
 - g. If it is not executed and the required return made within ten (10) days after the date of the making of the application.

CHAPTER 140: PURCHASING POLICY

SECTION 140.010: PURCHASING AGENT–DUTIES

The Purchasing Agent shall be, or be appointed by, the City Administrator. If appointed, the person shall perform the duties prescribed by the City Administrator and by ordinance and be administratively responsible to the City Administrator. The Purchasing Agent shall:

- 1. *Purchase.* Purchase, with due regard to quality and competitive prices, all supplies, materials, contractual services and equipment required by the City in accordance with the procedures prescribed by ordinance or required by law;

2. *Minimum expenditure.* Act to procure for the City highest quality in supplies and contractual services at least expense to the City.
3. *Encourage competition.* Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases and sales.
4. *Specifications.* Review and approve department specifications and thereafter enforce specifications with respect to supplies, materials, and equipment required by the City.
5. *Inspection.* Inspect or supervise the inspection of all deliveries with regard to quantity, quality, and conformance to specifications.
6. *Procedures.* Prepare and maintain the procedures, forms and purchasing nomenclature necessary to the performance of duties prescribed in this Section.
7. *Inventory.* Supervise inventory and storerooms maintained by the City, acting through the appropriate chain of command whenever possible.
8. *Catalog file.* Establish and maintain a vendors' catalog file.
9. *Rules and regulations.* Establish and amend when necessary, all rules and regulations authorized by this Chapter and any others necessary to its operation.
Ord. No. 1991-3 §1, 2-12-91)

Cross Reference—As to other duties of city administrator, see §§110.390—110.470.

SECTION 140.020: OPERATING PROCEDURE

- A. When the estimated cost of materials, supplies and contractual services, except as otherwise provided herein, exceeds amount required by State Statute or local ordinance they shall be purchased by sealed bids, formal bidding procedures, and from the lowest or best bidder after an adequate period of public notice.
- B. *Purchases Less Than One Hundred Dollars (\$100.00):* Purchases within this category may be authorized by a department head.
- C. *Purchases From One Hundred Dollars (\$100.00) to Five Hundred Dollars (\$500.00):*
 1. At least two (2) unsealed bids, either oral or written, shall be solicited.
 2. The purchase may then be awarded by the City Administrator, to the lowest bidder who submits the bid which is most advantageous to the City.
- D. *Purchases From Five Hundred Dollars (\$500.00) to One Thousand Dollars (\$1,000.00):*
 1. For purchases within this category at least two (2) unsealed written bids for the item or items shall be solicited.
 2. The City Administrator may then, with the approval of the Chairman of the appropriate Superintending Board Committee or the Mayor, award the purchase to the lowest or best bidder

who submits the bid, which is most advantageous to the City.

E. *Purchase Equal to or Greater Than One Thousand Dollars (\$1,000.00):*

1. Whenever any contemplated purchase or contract for services is reasonably anticipated to cost more than one thousand dollars (\$1,000.00), a notice inviting sealed bids shall be published in a newspaper of general circulation for a minimum of two (2) consecutive days. The notice shall be published at least ten (10) days prior to the date set for receipt of bids. In addition the notice shall be sent via Certified Mail to all known prospective potential suppliers located within the City limits. Notices or the invitation to bid shall be made available in the office of the City Clerk. The notice shall include a general description of the articles to be purchased or service to be performed and time and place for opening of sealed bids.
2. Sealed bids shall be received by the City Administrator and shall be identified as bids on the envelope.

F. *Opening.* Bids shall be opened in public at the time and place stated in the public notices.

1. The Board of Aldermen may then award the purchase to the lowest or best bidder who submits the bid which is most advantageous to the City. The Board of Aldermen shall have the right to reject any and all bids.
2. When deemed necessary by the City Administrator, or when directed by the Board of Aldermen, bid deposits shall be prescribed in inviting bids. A successful bidder shall forfeit any surety required by the City upon failure on the bidder's part to enter into a contract within ten (10) days after the award, and the invitation to bid shall so state. An unsuccessful bidder shall be entitled to the return of his/her surety.
3. The purchasing designee shall review each request form, have the authority to consult the Requesting Department, and make any necessary revisions. The designee must communicate with Requesting Department before making any decision that deviates from the original request.

G. *Emergency Procedure.* The agent shall prescribe by rules and regulations the procedure under which emergency purchase by heads of using agencies may be made.

H. *Situations Calling For Competitive Negotiations.* Where it can be demonstrated that the City receives the best value on a purchase through informal discussion and bargaining rather than through the conventional bidding process exclusively, such purchase shall be documented by the City Administrator and given prior approval by the Chairman of the Superintending Board Committee.

Examples would include, but not be limited to, circumstances where time is a crucial factor, when the procurement involves high technology items, or when there is obvious inherent economy in purchasing from a particular vendor.

I. *Cooperative Purchasing.* The purchasing procedures established shall not apply to purchases made by, through or with any Governmental Agency or unit with whom the City is permitted to engage in cooperative purchasing. The City Administrator has the authority to join with any other governmental unit in cooperative purchasing when the best interests of the City shall be served by such cooperative purchasing.

- J. *Professional Services and Real Estate.* Contracts for the services of professional persons including, but not limited to, attorneys, physicians, architects, accountants, or other services requiring expert or special knowledge or skill, including, but not limited to, planning consultants, insurance advisors and brokers, auditors, public relations consultants, real estate brokers, landscape architects, and designers, and the purchase of real estate shall be exempt from the requirement of competitive bidding. Selection procedures for professional services shall be developed by the City Administrator as the need requires and approved by the Board of Aldermen. Requirements for competitive bidding: bond, prevailing wage, PPA (Prompt Pay Act), E-Verify, OSHA-10 safety training, and MO Laborers Requirements.
- K. *Per Unit Pricing.* When it shall be deemed more appropriate to obtain per unit pricing at the beginning of the fiscal year, at which time items shall be subject to Board of Aldermen approval, supplies, materials and equipment may be secured from that same supplier throughout the fiscal year.
- L. *Caveat.* Individual contracts, purchases or sales for goods, supplies, commodities or services shall not be excluded from the requirements of competitive bidding herein described.
- M. *Revisor Power in Agent.* The agent shall examine each requisition or estimate and shall have the authority to revise it as to quantity, quality, or estimated cost; but revision as to quality shall be in accordance with the standards and specifications established pursuant to this Chapter.
- N. *Encumbrance of Funds.* Except in cases of emergency, the Agent shall not issue any order for delivery on a contract or open market purchase until City Clerk shall have certified, after pre-audit, that there is to the credit for the using agencies concerned a sufficient encumbered appropriation balance, in excess of all unpaid obligations, to defray the amount of such order.
- O. *Prohibition of Interest.* Any purchase order or contract within the purview of this Chapter in which the Agent, or any officer or employee of the City is financially interested, directly or indirectly, shall be void, except that before the execution of a purchase order or contract the Board shall have the authority to waive compliance with this Section when it finds such action to be in the best interest of the City.
- P. *Gifts and Rebates.* The agent and every officer and employee of the City are expressly prohibited from accepting, directly or indirectly, from any person, company, firm or corporation to which any purchase order or contract is, or might be awarded, any rebate, gift, money, or anything of value whatsoever, except where given for the use and benefit of the City.
- Q. *Surplus Stock.* All using agencies shall submit to the Agent, at such times and in such form as he/she shall prescribe, reports showing stocks of all supplies which are no longer used or which have become obsolete, worn out or scrapped.
1. *Transfer.* The Agent shall have the authority to transfer surplus stock to other using agencies.
 2. *Sale.* The Agent shall have the authority to sell all supplies which become unsuitable for public use, or to exchange the same for, or trade in the same on, new supplies.
- R. *Competitive Bidding.* Sales under this Section shall be made to the highest responsible bidder and in conformance with Section 140.020 or Section 140.010 hereof, whichever is applicable.
(Ord. No. 1991-3 §2, 2-12-91)

SECTION 140.030: CRITERIA FOR BEST, RESPONSIVE, RESPONSIBLE BIDDER

The following shall be the minimal guidelines in determining the best, responsive, responsible bidder: (Ord. No. 2013-21 § 9-10-2013)

1. The ability, capacity and skill of the bidder to perform the contract or provide the services required;
2. Whether the bidder can perform the contract or provide the services promptly or within the time specified, without delay or interference;
3. The character, integrity, responsibility, judgment, experience and efficiency of the bidder;
4. Whether the bidder is in default on the payment of taxes, license or other monies due the City, and this factor alone shall justify disqualifications;
5. The quality and performance of previous contracts or services;
6. The previous and existing compliance by the bidder with laws, the provisions of this Chapter and City ordinances relating to the contract services;
7. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service. Bidder must also be able to provide insurance and bonds.
8. The quality, availability and adaptability of the supplies or contractual services to the particular use required;
9. The ability of the bidder to provide, where applicable, future service and maintenance of equipment which is the subject of the contract; and
10. The number and scope of conditions attached to the bid. (Ord. No. 1991-3 §3, 2-12-91; Ord. No. 2013-21 § 9-10-13)

SECTION 140.040: PETTY EXPENDITURES REVOLVING FUND

There is hereby appropriated out of any money in the City Treasury, not otherwise appropriated, one hundred dollars (\$100.00) which shall be known as the Petty Expenditures Revolving Fund. From this Fund shall be paid all purchases not in excess of twenty dollars (\$20.00) each, made by the heads of using agencies for incidentals, with the approval of the City Clerk.

1. *Accounting.* At the end of each month, the City Clerk shall render to the City Administrator a statement showing the actual expenditures for each using agency so made out of such Petty Expenditures Revolving Fund, and the City Treasurer shall reimburse said revolving fund for such expenditures in the same manner as other expenditures of such using agencies are paid.
2. *Rules and regulations.* The Agent shall promulgate rules and regulations for use of the Petty Expenditures Revolving Fund. (Ord. No. 1991-3 §4, 2-12-91)

SECTION 140.050: EXCEPTIONS TO THE PURCHASING POLICY

- A. *Single—Sources Purchases.* If there is only one (1) acceptable vendor capable of furnishing a particular service or commodity, the Mayor or City Administrator may be authorized to procure such service or commodity without bidding. The Mayor or City Administrator shall document the particular facts which make the item a single-source purchase, and the purchase shall be approved by the Budget and Finance Committee or Mayor.
- B. *Emergency Purchases.*
1. *By agent.* In case of an apparent emergency which requires immediate purchase of supplies or contractual services, the Mayor or City Administrator shall be empowered to authorize the Agent to secure by open market procedure as herein set forth, at the lowest obtainable price, any supplies or contractual services regardless of the amount of the expenditure.
 2. *Recorded explanations.* A full report of the circumstances of an emergency purchase shall be filed by the Agent with the Board of Aldermen and shall be entered in the minutes of the Board and shall be open to public inspection.
- C. *By Head of Departments.*
1. In case of actual emergency, and with the consent of the Agent, and the approval of the Mayor or City Administrator, the head of any using agency may purchase directly any supplies whose immediate procurement is essential to prevent delays in the work of the using agency which may vitally affect the life, health or convenience of citizens.
 2. *Recorded explanation.* The head of such using agency shall send to the Agent a requisition and a copy of the delivery record together with a full written report of the circumstances of the emergency. The report shall be filed with the Board as provided by Subsection (A) above.
(Ord. No. 1991-3 §5, 2-12-91)

SECTION 140.060: STATE AND FEDERAL LAWS

Except in cases where they are not as restrictive as the City's purchasing regulations, applicable State and Federal laws shall supersede any regulations of the City concerning purchasing.
(Ord. No. 1991-3 §6, 2-12-91)

SECTION 140.070: SUBDIVISION OF CONTRACTS

No contract or purchase shall be subdivided to avoid the requirements of the City's purchasing policy.
(Ord. No. 1991-3 §7, 2-12-91)

CHAPTER 145: FINANCE AND TAXATION

Cross References—As to city collector, see §§110.150 to 110.270 of this Code; as to city assessor, see §§110.280 to 110.300; as to city treasurer, see §§110.310 to 110.320.

ARTICLE I. IN GENERAL

SECTION 145.010: FISCAL YEAR

The Fiscal Year of the City shall be from October first (1st) through September thirtieth (30th).
(CC 1968 §7-1)

SECTION 145.020: MONEY DRAWN FROM TREASURY, HOW–TREASURER REPORT, WHEN

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 un-appropriated 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 reading, be referred to the Treasurer or the person acting as Treasurer, for his/her endorsement, to the effect that a sufficient sum stands to the credit of the City, un-appropriated, 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. He/she shall also perform such other duties in the line of his/her office as may be required of him/her by ordinance. The report of the Treasurer may be published if deemed necessary by the Board of Aldermen.

(a) The Board of Alderman hereby orders and authorizes the payment of moneys, bonds or other obligations of the city in the following circumstances:

(1) All payments for:

- (a) Electric, phone, gas, and other utility services;
- (b) Obligations imposed by law;
- (c) Employee salaries and benefits; and
- (d) Ongoing contractual obligations for services such as insurance coverage and professional services payable on a periodic basis pursuant to contracts authorized and approved by the Board of Alderman.

Upon signature of the mayor and attestation by the city clerk, if sufficient funds are on hand for such payment within the amount allocated for such purposes in the annual budget adopted or approved by the Board of Aldermen. A listing of such payments shall be provided to the Board of Alderman by the treasurer at least monthly.

SECTION 145.030: PAYMENT OF WARRANTS TO PERSONS INDEBTED TO CITY

No City warrant for the payment of money from the City Treasury shall be issued or delivered to any person who is indebted to the City for taxes, license or upon any account whatever until such license or account shall be paid or discharged. The City Clerk is hereby authorized to call upon the City Collector for all information necessary to carry this Section into effect. (CC 1968 §7-3; Ord. No. 21 §3, 3-10-1890)

ARTICLE II. CITY DEPOSITARIES

SECTION 145.040: TIME OF SELECTION–INSTITUTION–DURATION

The Board of Aldermen shall, at their first (1st) regular meeting in January of every three years, shall select and designate some bank, or trust company in the City as a depositary of the City Funds, for a period of three years from the date of such selection. For the purpose of making such selection, the Board shall accept bids from all banks and trust companies in the manner hereinafter provided. (CC 1968 §7-4; Ord. No. 554 §1, 12-7-25) Ord. No.2011-19§1, 11-08-11, 8-14-12.

SECTION 145.050: DEPOSITARIES REQUIRED TO SUBMIT BIDS UNDER SEPARATE ITEMS—SINKING FUNDS

- A. All eligible banks or trust companies desiring to make a bid for the City Funds shall be required to make the same under two (2) separate items, as follows:
 - 1. The amount of interest they will pay to the City on all funds coming into their hands, in the fund known and designated as the Sinking Funds of the City.
 - 2. The amount of interest they will pay to the City on all funds, other than the Sinking Funds, coming into their hands and belonging to the City.
- B. In the event the bids on the Sinking Funds are at a lower rate than the rate paid by the bank for other time deposits for a like length of time, the Board of Aldermen shall have the right to reject all bids on the Sinking Fund, and may invest the same in United States bonds or other securities approved by the Board until such funds shall be needed for the purpose of paying the bonded indebtedness of the City. (CC 1968 §7-5; Ord. No. 554 §3, 12-7-25)

SECTION 145.060: AWARDING OF BIDS

The bank or trust company making the highest bid for the funds, exclusive of the Sinking Funds, shall be given preference as a depository for the Sinking Funds in event there are two (2) or more bids of the same amount for such Sinking Funds. (CC 1968 §7-6; Ord. No. 554 §4, 12-7-25)

SECTION 145.070: COMPUTATION OF INTEREST

The interest on all funds, exclusive of Sinking Funds shall be computed on average daily balance and paid annually. The interest on the Sinking Funds shall be computed from the date such funds are deposited until the same are withdrawn and paid annually. (CC 1968 §7-7; Ord. No. 554 §5, 12-7-25)

SECTION 145.080: REJECTION OF BIDS

The Board of Aldermen shall have the right to reject any bid. (CC 1968 §7-8; Ord. No. 554 §6, 12-7-25)

SECTION 145.090: RESERVED

SECTION 145.100: DEPOSITS OF PUBLIC FUNDS TO BE SECURED

- A. The public funds of the City, which are deposited in any banking institution acting as a legal depository of the funds under the Statutes of Missouri requiring the letting and deposit of the same and the furnishing of security therefor, shall be secured by the deposit of securities of the character prescribed by Section 30.270, RSMo., for the security of funds deposited by the Treasurer.
- B. The securities shall, at the option of the depository banking institution, be delivered either to the fiscal officer or the Board of Aldermen or other depositor of the funds, or by depositing the securities with

another banking institution or safe depositary as trustee satisfactory to both parties to the depositary agreement. The trustee may be a bank owned or controlled by the same bank holding company as the depositary banking institution.

- C. The rights and duties of the several parties to the depositary contract shall be the same as those of the State and the depositary banking institution respectively under Section 30.270, RSMo. If a depositary banking institution deposits the bonds or securities with a trustee as above provided, and the City gives notice in writing to the trustee that there has been a breach of the depositary contract and makes demand in writing on the trustee for the securities, or any part thereof, then the trustee shall forthwith surrender to the City a sufficient amount of the securities to fully protect the depositor from loss and the trustee shall thereby be discharged of all further responsibility in respect to the securities so surrendered.

SECTION 145.110: SECURITIES DEPOSITED, AMOUNT OF

The value of the securities deposited and maintained by a legal depositary under Section 145.100, shall at all times be not less than one hundred percent (100%) of the actual amount of the funds on deposit with the depositary, less the amount, if any, insured by the Federal Deposit Insurance Corporation.

ARTICLE III. TAXATION

SECTION 145.120: ASSESSMENT, LEVY AND COLLECTION GENERALLY

The assessment on real and personal property within the City for County purposes, as made by the City Assessor and County Assessor jointly, and after the same has been passed upon by the Board of Equalization, as provided by law, shall be the basis upon which the Board of Aldermen shall make the levy for City purposes. The payment of all taxes shall be enforced in the same manner and under the same rules and regulations as may be provided by law for collecting and enforcing the payment of State and County taxes, including seizures and sale of goods and chattels, both before and after such taxes shall become delinquent. (CC 1968 §7-11; Ord. No. 14 §3, 7-14-1882)

SECTION 145.130: DUTIES OF CITY CLERK AFTER TAX RATE FIXED

When the Board of Aldermen shall fix the rate of taxation, the City Clerk shall extend or cause to be extended in the appropriate column opposite each item of taxable property on the tax books, the amount of taxes due thereon, and charge the City Collector for the full amount of such taxes levied and to be collected, taking his/her receipt therefor. (CC 1968 §7-13; Ord. No. 14 §5, 7-14-1882)

SECTION 145.140: TAXES DELINQUENT JANUARY FIRST

Upon the first (1st) day of January of each year all unpaid City taxes shall become delinquent, and the taxes upon real property are hereby made a lien thereon.

SECTION 145.150: HOW PAYMENT OF TAXES ENFORCED—SUITS, HOW BROUGHT

The enforcement of all taxes authorized by Sections 94.190 to 94.330, RSMo, shall be made in the same manner as is provided by law for the collection and enforcement of the payment of State and County taxes, including the seizure and sale of goods and chattels after the taxes become delinquent.

Where applicable in Chapter 140, RSMo. the term "*County*" shall be construed "*City*", the term "*County Clerk*" shall be construed "*City Clerk*", and the term "*County Collector*" shall be construed "*City Collector*" or other proper officer collecting taxes in the City.

**SECTION 145.160: CITY COLLECTOR TO MAKE DELINQUENT
LISTS—APPROVAL—COLLECTION OF DELINQUENT TAXES**

It shall be the duty of the Board of Aldermen to require the Collector, annually, at the first (1st) meeting of the Board in April of each year or as soon thereafter as may be, to make out and return, under oath, a list of the delinquent taxes remaining due and uncollected for each year, to be known as the "Land and Lot Delinquent List" and the "Personal Delinquent List". It shall be the duty of the Board of Aldermen, at the meeting at which such delinquent lists shall be returned, to carefully examine the same, and if it shall appear that all property and taxes contained in such lists are properly returned as delinquent, they shall approve the same and cause an order therefor to be entered on the journal and the amount thereof to be credited to the account of the City Collector. The Board of Aldermen shall cause the Land and Lot Delinquent List to be returned to the City Collector on or before the first (1st) Monday in May following, who shall proceed to collect the City taxes due thereon in the same manner and with the same effect as delinquent taxes for State and County purposes are collected. They shall also cause the Personal Delinquent List to be returned to the City Collector, who shall be charged therewith and who shall proceed to collect the same in the manner and by the means hereinbefore provided. (CC 1968 §7-16; Ord. No. 14 §7, 7-14-1882)

**SECTION 145.170: CITY COLLECTOR TO REPORT MONTHLY—DUTY IN REGARD TO
HIS/HER SUCCESSOR**

The City Collector shall report to the Board of Aldermen, at the regular meeting of the Board in each month, all taxes collected on the Real and Personal Delinquent Lists, and he/she shall pay the same to the City Treasurer and receive credit therefor. He/she shall turn over to his/her successor the Uncollected Delinquent Lists, and receive credit therefor, and his/her successor shall be charged therewith; provided, that the Board may give credit for and declare worthless any personal, delinquent taxes which they may deem uncollectible. (CC 1968 §7-17; Ord. No. 14 §7, 7-14-1882)

ARTICLE IV. CITY SALES TAX

SECTION 145.180: IMPOSITION OF CITY SALES TAX

Imposition of City Sales Tax. Pursuant to the authority granted by and subject to 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 Windsor, 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 become effective as provided and Subsection (4) of Section 94.510, RSMo., and shall be collected pursuant to the provisions of Sections 94.500 to 94.550, RSMo. (Ord. No. 1980-12 §1, 6-18-80)

SECTION 145.190: SALES TAX ON RESIDENTIAL UTILITY SERVICE

A. 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, noncommercial or nonindustrial purposes heretofore imposed within the corporate limits of this Municipality is hereby re-imposed.

B. The rate of taxation shall be as heretofore, one percent (1%). (Ord. No. 1980-17 §§1–2, 9-8-80)

SECTION 145.200: CAPITAL IMPROVEMENTS TAX

There is hereby imposed a sales tax in the amount of one-fourth cent ($\frac{1}{4}\text{¢}$) on all retail sales made in the City which are subject to taxation under the provisions of Sections 144.010–144.525, RSMo., inclusive, as amended, for the purpose of paying the costs of repairing and replacing the City's emergency siren system. The sales tax shall decrease to one-eighth cent ($\frac{1}{8}\text{¢}$) twenty-four (24) months after the initial imposition of the sales tax and will be eliminated thirty-six (36) months after the initial imposition of the sales tax. (Ord. No. 2006-01 §1, 4-11-06)

SECTION 145.220: FRANCHISE FEES

A. Franchise required to do business in city.

All telegraph, telephone, electric rail way, electric light, water, gas, heating, power, and other public utility corporations, duly incorporated according to law, desiring to do business in the city or continue business after expiration of any franchise or permit heretofore granted by the city, must first procure a franchise for that purpose from the city by an ordinance duly passed and approved.

Franchise shall contain all terms of agreement.

The franchise to any utility company shall fully express the terms, limitations, conditions and powers under which the corporation shall be authorized to do business in the city. All rights, privileges and powers not granted in any utility franchise shall be reserved to the city.

City reserves power to fix maximum rates.

Where not prohibited by state law, in any franchise hereafter granted to any corporation, the city hereby reserves and retains the right to fix reasonable maximum rates and charges for service rendered or commodities furnished by any such corporation to public or private users or consumers. Any company accepting a franchise shall be conclusively presumed to have accepted and assented to the reservation of this power and privilege by the city.

TELECOMMUNICATION FRANCHISE:

B. Statement of gross receipts to be filed.

It is hereby made the duty of every person engaged in the telephone business to file with the city

clerk on the first day of December, and the first day of June, of each year, a sworn statement of the gross receipts of their business from the first day of March of year for the six (6) calendar months preceding the filings of the statement. The city clerk or their duly authorized deputy shall be and is hereby authorized to investigate the correctness and accuracy of the statement required and for that purpose shall have access at all reasonable times to the books, documents, papers, and records of any person making a such statement in order to ascertain the accuracy thereof.

License tax.

Every person now or hereafter engaged in the business of supplying telephone, telecommunication, data transmission, or similar services in the city, whether through wire or wireless transmission, excluding direct broadcast satellite services, shall pay to the city, as a license tax, a sum equal to two (2) percent of the gross receipts from such business origination in conducted within and furnished to customers within the corporate limits of the city.

Amount of franchise tax.

Every person now or hereafter engages in the business of supplying telephone, telecommunication, data transmission, or similar services in the city, whether through the city, as a franchise tax, a sum equal to two (2) percent of the gross receipts from such business originating in, conducted within and furnished to customers within the corporate limits of the city. Such payments to the city may be made each calendar quarter for receipts for the previous quarter, or semi-annually for receipts from the previous six (6) months.

Tax in lieu of certain other taxes.

The tax required by this division to be paid shall be in lieu of any other occupation tax required of any person engaged in the telephone business described in section two, but nothing herein contained shall be so construed as to exempt any person from the payment to the city tax which the city levies upon the real or personal property belonging to any such person, nor the tax required of merchants or manufacturers for the sale of anything other than telephone service, nor shall the tax herein required exempt any such person from the payment of any other tax which may by lawfully required other than an occupied tax on any of the telephone businesses. (Ord. No. 2013-38, 1-14-2014)