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HOME RULE CHARTER*

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***Editor's note**—Printed herein is the home rule charter of the city, approved by the voters on February 9, 1954. Amendments to the charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

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PREAMBLE

We, the people of the City of Joplin, in order to form a more perfect municipal government, promote the general welfare, and secure home rule to ourselves and our posterity, do ordain, establish and adopt the following Charter.

ARTICLE I. INCORPORATION: FORM OF GOVERNMENT: POWERS: ZONES

Section 1.01. Incorporation.

The inhabitants of the City of Joplin, State of Missouri, within the corporate limits thereof as now established or as hereafter established, shall continue to be a municipal body politic and corporation in perpetuity, under the name of the "City of Joplin."

Section 1.015. Extended corporate limits.

(a) In addition to all that territory in the State of Missouri included within the corporate limits of Joplin, Missouri as described in the existing ordinances of Joplin, Missouri which are incorporated by reference in Section 1.01 of this Charter, or as described in any other Section of this Charter, there shall be included within the corporate limits of Joplin, Missouri all of the property in the County of Jasper, State of Missouri, described as follows:

In Jasper County, Missouri

Commencing at the Southwest corner of Section 18, Township 27N, Range 32 West (this is 32nd and Range Line) thence East to a point 897.4 feet West of the Southeast corner of said Section 18, thence North parallel to East line of said Section 18, a distance of 3292.3 feet; thence West parallel to North line of said Section 18, a distance of 1762.6 feet to the East line of the West ½ of said Section 18; thence North to a point 686 feet South of the Southeast corner of the Northwest ¼ of Section 7, Township 27N, Range 32W; thence West parallel to South line of said Section 7 for a distance of 1584 feet; thence North parallel to the West line of said Section 7, to the South line of the Northwest ¼ of said Section 7; thence West to Southwest corner of the Northwest ¼ of said Section 7; thence South along the West line of the South ½ of said Section 7 and the West line of Section 18 to the point of beginning.

Beginning at the Southwest corner of Section 6, Township 27, Range 32, thence East one-half mile to the South Quarter line of said Section 6, thence North to a point on the North line of the Southeast Quarter (SE¼) of Northwest Quarter (NW¼) of Section 30, Township 28, Range 32 one-half mile East of the West line of said Section 30, thence West to a point one-quarter mile West of Range Line, thence South to a point one-quarter of a mile North of Zora Street, thence West to a point on the West line of Section 25, Township 28, Range 33 thence South to the Northwest corner of Section 36, Township 28, Range 33, thence East to the

Northeast corner of said Section 36, thence South along the East line of said Section 36, and the East line of Section 1, Township 27, Range 33 to the Southwest corner of Section 6, Township 27, Range 32, except for Oakland Park described as follows:

Beginning at a point 1230 feet north of the southwest corner of Section 31, Township 28 North, Range 32 West in Jasper County, Missouri thence in an easterly direction 400 feet and thence in a northerly direction to a point 400 feet east of the west line of Section 31, Township 28 North, Range 32 West in Jasper County, Missouri, and on the south line of Oakland Park subdivision, said Oakland Park subdivision being located in the north half of the northwest quarter of Section 31, Township 28 North, Range 32 West in Jasper County, Missouri, thence east along the south line of Oakland Park subdivision to the east line of the north half of the northwest quarter of Section 31, Township 28 North, Range 32 West in Jasper County, Missouri, thence in a northerly direction to the northeast corner of the southeast quarter of the southwest quarter of Section 30, Township 28 North, Range 32 West in Jasper County, Missouri, thence in a westerly direction to the northwest corner of the southwest quarter of the southwest quarter of Section 30, Township 28 North, Range 32 West, thence in a southerly direction along the west lines of Sections 30 and 31, Township 28 North, Range 32 West, being the Range Line to the point of beginning.

(b) Subparagraph (a) of this Section (Section 1.015) shall take effect January 1, 1959. (Charter Amendment No. I, approved by the voters on November 4, 1958)

Section 1.016. Extended corporate limits.

(a) In addition to all that territory in the State of Missouri included within the corporate limits of Joplin, Missouri, as described in the existing ordinances of Joplin, Missouri, which are incorporated by reference in Section 1.01 of this Charter, or as described in any other Section of this Charter, there shall be included within the corporate limits of Joplin, Missouri, all of the property in the County of Newton, State of Missouri described as follows:

In Newton County, Missouri

Commencing at the Northwest Corner of the Northwest Quarter (NW¼) of Section 26, Township 27, Range 33, Newton County, Missouri; then East along the present South boundary of the City of Joplin to the Northeast Corner of said Northwest Quarter (NW¼) of Section 26, Township 27, Range 33; thence South to the center of said Section 26; thence West to the Northeast Corner of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of said Section 26; thence South to the Southeast Corner of said Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) in said Section 26; thence West to the Southwest Corner of the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of Section 27, Township 27, Range 33; thence North along the West line of the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of said Section 27 to the intersection thereof with a black top highway known as Shoal Creek Drive; thence along the South boundary of said Shoal Creek Drive to the point of intersection with the North line of the Northeast (NE¼) of the Southeast Quarter (SE¼) of said Section 27; thence East to the Northeast Corner of the Northeast Quarter (NE¼) of the

Southeast Quarter (SE¼) of said Section 27; thence North along the West line of said Section 26 to the point of beginning, at the Northwest Corner of the Northwest Quarter (NW¼) of Section 26, Township 27, Range 33, Newton County, Missouri.

(b) Subparagraph (a) of this Section (Section 1.016) shall take effect January 1, 1959. (Charter Amendment No. II, approved by the voters on November 4, 1958)

Section 1.017. Extended corporate limits.

(a) In addition to all that territory in the State of Missouri included within the corporate limits of Joplin, Missouri, as described in the existing ordinances of Joplin, Missouri, which are incorporated by reference in Section 1.01 of this Charter, or as described in any other section of this Charter, as amended, there shall be included within the corporate limits of Joplin, Missouri, all of the territory in the County of Jasper, State of Missouri, described as follows:

Beginning at the intersection of the west line of Section thirty-five (35) Township Twenty-eight (28) Range Thirty-three (33), with the south bank of Turkey Creek, which point is in north corporate limits of the City of Joplin, Jasper County, Missouri; thence north along the said west line of Section Thirty-five (35) Township and Range aforesaid, to the east right-of-way line of the Kansas City Southern Railroad; thence northeasterly along said east right-of-way line to the north line of the south one-half (½) of the southwest quarter (¼) of Section Twenty-six (26), Township and Range aforesaid; thence east along said south line to the northeast corner of said south one-half (½) of the southwest quarter (¼) Section Twenty-six (26) which point is on the north-south centerline of said Section Twenty-six (26); thence north along the centerline of said Section Twenty-six (26) and the north-south centerline of Section Twenty-three (23), Township and Range aforesaid to the southeast corner of the northeast quarter (¼) of the northwest quarter of said Section Twenty-three (23); thence west along the south line of said northeast quarter (¼) northwest quarter (¼) one-fourth (¼) mile to the southwest corner thereof, said point being in the east line of the west one-fourth (¼) of said Section Twenty-three (23); thence north along the said east line of west one-fourth (¼) of said Section Twenty-three (23) and of Section Fourteen (14) Township and Range aforesaid, one and one-fourth (1¼) miles to the northeast corner of said west one-fourth (¼) Section Fourteen (14); thence west one-fourth (¼) mile to Section line at the southwest corner of the west one-half (½) southwest quarter (¼) Section Eleven (11) said Township and Range; thence north along Section line one-half (½) mile; thence east one-fourth (¼) mile to the northeast corner of said west one-half (½) southwest quarter (¼); thence south along the east line thereof to a point four hundred fifty (450) feet north of the southeast corner of said west one-half (½) southwest quarter (¼) Section eleven; thence southeasterly six hundred thirty (630) feet to a point in the north line of Section Fourteen (14) Township and Range aforesaid which point is four hundred forty (440) feet east of the said southeast corner of the west one-half (½) southwest quarter (¼) Section Eleven (11); thence east along the north lines of Section Thirteen (13) and Fourteen (14) to the northeast corner of the west one-fourth of said Section Thirteen (13) of said Township Twenty-eight (28) Range Thirty-three (33); thence south along the east line of said west one-fourth Section Thirteen (13) to the southeast corner thereof

thence west one-fourth mile to the northeast corner of section Twenty-three (23) of said Township and Range; thence south one and one-fourth miles to the northwest corner of the southwest quarter (¼) of the northwest quarter (¼) of Section Twenty-five (25) of said Township Twenty-eight (28) Range Thirty-three (33); thence east three-fourths (¾) of one mile to the present corporate limits of the City of Joplin at the northeast corner of the southwest quarter (¼) of the northeast quarter (¼) of said Section Twenty-five (25); thence south along said corporate limits of the City of Joplin, one-half (½) mile to the southeast corner of the northwest quarter of the southeast quarter of said Section Twenty-five; thence west three-fourths (¾) mile along the present corporate limits of the City of Joplin to the northeast corner of the southeast quarter (¼) of the southeast quarter (¼) of above described Section Twenty-six (26); thence south along section line on the east side of said Section Twenty-six (26) and Thirty-five (35), being along the said corporate limits of the City of Joplin, to the intersection of said east line of Section Thirty-five (35) with the south bank of Turkey Creek; thence northwesterly following the meanderings of said south bank of Turkey Creek; being along the present corporate limits of the City of Joplin, to point of beginning.

Also a tract being the west one-half of the southeast quarter (¼) of Section Five (5) Township Twenty-seven (27) Range Thirty-three (33), being a part of Schifferdecker Park and described as follows: Beginning at the southeast corner of the west one-half (½) of the southeast quarter (¼) of said Section 5; thence west along the south line thereof one-fourth (¼) mile to the southwest corner; thence north one-half (½) mile to the northwest corner; thence east one-quarter (¼) mile to the northeast corner of said west one-half (½) of the southeast quarter of said Section five (5); thence south along east line thereof, one-half mile to point of beginning. Containing eighty acres (80 acres).

(b) This Section shall take effect on January 1, 1964.
(Charter Amendment No. III, approved by the voters on April 2, 1963)

Section 1.018. Extended corporate limits.

(a) In addition to all that territory in the State of Missouri included within the corporate limits of Joplin, Missouri, as described in the existing ordinances of the City of Joplin which are incorporated by reference in Section 1.01 of the Charter, or as described in any other section of this Charter, as amended, there shall also be included within the corporate limits of Joplin, Missouri, all of the territory in the County of Newton, State of Missouri, described as follows:

Beginning at the northeast corner of the south one-half (½) of the southeast quarter (¼) of Section Twenty-seven (27) Township Twenty-seven (27) Range Thirty-three (33) in Newton County, Missouri, which point is in the south city limits of the City of Joplin, Missouri; thence south along the east line of said south one-half (½) of the southeast quarter of Section Twenty-seven (27) 1098.8 feet; thence west 208.7 feet; thence south 196.2 feet; thence east 208.7 feet; thence south 25 feet to the southeast corner thereof; thence west along the south line of said tract one thousand four hundred eighty-six and seven-tenths (1486.7) feet to the east right-of-way line of road crossing Silver Creek; thence southeasterly along said east right-of-way line of Riviera and Main and easterly extension of same to the east line of the

northeast quarter (¼) of the northeast quarter (¼) of Section Thirty-four (34) in above described township and range; thence south along said east line two hundred twenty-five (225.0) feet to the southeast corner of said northeast quarter (¼) [of the] northeast quarter (¼) [of] Section Thirty-four (34); thence west along the south line thereof one-fourth mile to the southwest corner of said tract; thence due south along the east line of the southwest quarter (¼) [of the] northeast quarter (¼) three hundred sixty-four and eight-tenths (364.8) feet; thence north 66° - 55′ west three hundred fifty-seven and two-tenths (357.2) feet; thence north 43° - 54′ west, two hundred eighty-seven and two-tenths (287.2) feet to a point in the south line of the northwest quarter (¼) [of the] northeast quarter of said Section Thirty-four (34); thence west along said south line to the west right-of-way line of road from Redings Mill to Grand Falls; thence northwesterly along said west right-of-way line thirteen hundred sixty-four and four-tenths (1364.4) feet to the north line of said northwest quarter (¼) [of the] northeast quarter (¼) [of] Section Thirty-four (34); thence west along said north line four hundred thirty-two (432.0) feet to the southwest corner of the southwest quarter (¼) [of the] southeast quarter (¼) [of] Section Twenty-seven (27) of above described township and range; thence north one thousand three hundred twenty-one and eight-tenths (1321.8) feet to the northwest corner of said southwest quarter (¼) [of the] southeast quarter (¼) thence west seventy-five (75) feet; thence north one hundred fifty-five (155.0) feet to the west right-of-way line of said road from Redings Mill to Grand Falls; thence northwesterly along said westerly right-of-way line of said road through the northeast quarter (¼) [of the] southwest quarter (¼) and the southwest quarter (¼) [of the] northwest quarter (¼) of said Section Twenty-seven (27) to a point three hundred seventy (370) feet south of the northeast corner of the southeast quarter of the northeast quarter (¼), Section Twenty-eight, Range [Township] Twenty-Seven, Range Thirty-three; thence said westerly and left right-of-way line of road continues north 58° - 27′ west, three hundred twenty-two and three-tenths (322.3) feet to point of curve; thence on a curve to the left having a radius of 1402.7 feet for a distance of 381.0 feet to a point of tangent; thence north 74° - 01′ west, 439.0 feet to point of curve; thence on a curve to the left having a radius of 686.78 feet for a distance of 432.4 feet to point of tangent; thence south 69° - 53′ west for a distance of 734.83 feet to point of curve; thence on a curve to the left having a radius of 320.0 feet for a distance of 341.0 feet to point of tangent; thence south 8° - 41′ west 61.86 feet to point of curve; thence on a curve to the right having a radius of 1940.08 feet for a distance of 104.5 feet to point of tangent; thence south 11° - 47′ west, 252.38 feet to point of curve; thence on a curve to the left having a radius of 1402.7 feet for a distance of 384.3 feet to point of tangent; thence south 3° - 55′ east, 31.1 feet to point of curve; thence on a curve to the left having a radius of 448.34 feet for a distance of 98.0 feet to the south line of the southwest quarter (¼) of the northeast quarter (¼) of Section Twenty-eight (28) Township Twenty-seven (27) Range Thirty-three (33) at a point 169.0 feet east of the southwest corner thereof, then continuing on the above described curve 63.4 feet to point of tangent; thence south 24° - 35′ east, 3.4 feet to point of curve; thence on a curve to the left having a radius of 925.37 feet for a distance of 183.72 feet to point of tangent; thence south 35° - 59′ east 95.69 feet to point of curve; thence on a curve to the right having a radius of 430.0 feet for a distance of 249.9 feet to point of tangent; thence south 2° - 41′ east, 16.2 feet to point of curve; thence on a curve to the left having a radius of 370.0 feet for a distance of 140.1 feet to point of tangent; thence due

west 49.5 feet; thence south 21° - 15′ east, 158.07 feet to a point; thence south 58° - 00′ west, 540.54 feet to the east line of the northeast quarter (¼) of the southwest quarter (¼) of said Section Twenty-eight (28) at a point 1106.16 feet south of the northeast corner thereof; thence due west 500.0 feet to the west right-of-way line of the McClelland Park and Grand Falls Road; thence northerly and northwesterly along said west right-of-way line to the south line of the northwest quarter (¼) of Section Twenty-eight (28) Township Twenty-seven (27) Range Thirty-three (33), being McClelland Park; thence west along said south line 1720.0 feet to the southwest corner of said northwest quarter; thence north along the west line of said quarter section one-half mile to the northwest corner thereof; thence east one-half mile to the northeast corner of said northwest quarter (¼) of Section Twenty-eight (28); thence south 370.0 feet to the westerly extension of the north or left side of the road from McClelland Park to Glendale Boulevard; thence easterly and northerly along said left right-of-way to and across the south line of the southeast quarter (¼) of Section Twenty-one (21) of said Township and Range; thence northerly, easterly, and southeasterly with the meanderings of the said left right-of-way line of said McClelland Park and Glendale Boulevard to the south line of said southeast quarter of Section Twenty-one (21); thence east along said south line to the northeast corner of Section Twenty-eight (28); thence south along the east line of Section Twenty-eight (28) to the east or left right-of-way line of above described McClelland Park and Glendale Boulevard; thence southeast along said east right-of-way line to the centerline of Glendale Boulevard where said Boulevard turns east to connect with Jackson Avenue; thence west 30.0 feet to the centerline of Glendale Boulevard leading southeast; thence southeasterly along the centerline of Glendale Boulevard through the southeast quarter (¼) [of the] northwest quarter (¼) [of] the northeast corner of the northeast quarter (¼) and the northwest quarter (¼) [of the] southeast quarter (¼) all in Section Twenty-seven (27) to the east line of said northwest quarter (¼) [of the] southeast quarter (¼) [of] Section Twenty-seven (27); thence south along said east line to the northwest corner of the southeast quarter (¼) of the southeast quarter (¼) of said Section Twenty-seven (27); thence east along the north line of said southeast quarter (¼) [of the] southeast quarter (¼) [of] Section Twenty-seven (27) one-fourth mile to point of beginning.

(b) This Section shall take effect on January 1, 1964.

(Charter Amendment No. IV, approved by the voters on April 2, 1963; Ord. No. 97-126, § 1, 4-8-97)

Section 1.019. Extended corporate limits.

(a) In addition to all that territory in the State of Missouri included within the corporate limits of Joplin, Missouri, as described in the existing ordinances of the City of Joplin which are incorporated by reference in Section 1.01 of the Charter, or as described in any other section of this Charter, as amended, there shall also be included within the corporate limits of Joplin, Missouri, all of the territory in the County of Newton, State of Missouri, described in "Exhibit A" attached hereto, incorporated herewith and made a part hereof:

Beginning at the northwest corner of the east one-half (½) of the northeast one quarter (¼) of Section Twenty-four (24) Township Twenty-seven (27) Range Thirty-three (33) on the

Newton-Jasper County Line, said point being in the south City Limits of the City of Joplin, Jasper County, Missouri; thence south along the west line of the said East one-half (1/2) Northeast Quarter (1/4) Section Twenty-four (24) for a distance of one-half (1/2) mile to the southwest corner thereof; thence east one-fourth (1/4) mile to the southeast corner thereof; thence south along the east line of said Section Twenty-four (24) one-half (1/4) mile to the southeast corner thereof; thence west one-fourth (1/4) mile to the northeast corner of the Northwest Quarter (1/4) Northeast Quarter (1/4) of Section Twenty-five (25) of said Township Twenty-seven (27) Range Thirty-three (33); thence south one-fourth (1/4) mile to the southeast corner thereof; thence east one-fourth (1/4) mile; thence south one-fourth (1/4) mile; thence west one-fourth (1/4) mile; thence north one-fourth (1/4) mile to the said Southeast corner Northwest Quarter (1/4) Northeast Quarter (1/4) Section Twenty-five (25); thence west one-half (1/2) mile to the Southwest corner Northeast Quarter (1/4) Northwest Quarter (1/4) of said Section Twenty-five; thence south 40 rods; east 40 rods, south 40 rods; east 40 rods less 12.0 feet to a point 12.0 feet west of the center of Section Twenty-five (25) of above described Township and Range; thence south 680.0 feet; thence east 12.0 feet to the north-south centerline of Section 25; thence south to the Southeast corner of the Southwest Quarter (1/4) of said Section Twenty-five (25); thence west one-fourth (1/4) mile; thence North one-half (1/2) mile to the southeast corner southwest Quarter (1/4) Northwest Quarter (1/4) of said Section Twenty-five (25); thence west 40 rods; north 40 rods; West 40 rods; North 40 rods; East one-fourth mile to the Northeast corner of the said Southwest Quarter (1/4) Northwest Quarter (1/4); thence North to the Northeast corner of the South one-fourth (1/4) of the Northwest Quarter (1/4) of the Southwest Quarter (1/4) of above described Section Twenty-four (24); thence west along the North line of the said South one-fourth Section Twenty-four (24) 1260 feet more or less to a point 60.0 feet East of the West line of said Section Twenty-four (24) said point being in the South right-of-way line of Interstate Highway Route I-44; thence along said south right-of-way line south and west to the Northeast corner of the Southwest Quarter (1/4) of the Southeast Quarter (1/4) of Section Twenty-three (23) Township and Range aforesaid; thence south along the East side; thence west along the south side of above described Southwest Quarter (1/4) Southeast Quarter (1/4) Section Twenty-three (23) to the Southwest corner thereof; (said point being in the existing city limits of the City of Joplin); thence North along the West line of said Southwest Quarter (1/4) Southeast Quarter (1/4) and continuing to a point 15.0 feet North of the Southwest corner of the Northwest Quarter (1/4) Southeast Quarter (1/4) of said Section Twenty-three; thence East to the Northeast corner of Forty-first Street and Indiana Avenue in the City of Joplin, Newton County, Missouri; thence East along the North line of Forty-first Street 631.0 feet; thence north 1092.0 feet; thence east 300.0 feet; thence north 218.3 feet; thence west 300.0 feet; thence north 400.0 feet; thence west 660.0 feet more or less to the West line of the Southwest Quarter (1/4) of the Northeast Quarter (1/4) of said Section 23; thence North along said West line to the north line of the south one-half (1/2) of the northeast quarter (1/4) of said Section 23; thence east one-half (1/2) mile to the Northeast corner thereof; thence South along the east line of Section 23; one-fourth (1/4) mile to the southwest corner of the north one-half (1/2) of Section 24; Township 27; Range 33; thence east one-half (1/2) mile along south line of said North one-half (1/2) Section 24 to the center of said Section 24; thence north along the west line of the southwest quarter (1/4) Northeast Quarter of said Section 24 to the Northwest corner thereof;

thence East along the south line of the Northwest Quarter (¼) Northeast Quarter (¼) one-eighth (⅛) mile; thence north one-fourth (¼) mile to the north line of said Section 24; thence east along said north line of Section 24 for a distance of one-eighth (⅛) mile to point of beginning.

Beginning in the existing City Limits of the City of Joplin, Newton County, Missouri at the Northeast corner of the Southwest Quarter (¼) of the Southwest Quarter (¼) of Section Twenty-six (26) Township Twenty-seven (27) Range Thirty-three (33) Newton County, Missouri; thence south 40 rods; thence East one-fourth mile to the west line of the Southwest Quarter (¼) Southeast Quarter (¼) of said Section Twenty-six (26); thence South 40 rods to the Southwest corner thereof; thence East one-fourth (¼) mile to the Southeast corner thereof; thence North one-fourth mile to the Northeast corner thereof; thence east one-fourth (¼) mile to the Northwest Corner of the Southwest Quarter (¼) of Southwest Quarter (¼) of Section Twenty-five (25) of above described Township and Range; thence south one-fourth mile to the Southwest corner thereof; thence east along the South line thereof one-fourth mile to the Northwest corner of the Northeast Quarter (¼) Northwest Quarter (¼); thence East along the North line 158.0 feet; thence South parallel to and 158.0 feet East of West line of said Northeast Quarter (¼) Northwest Quarter Section Thirty-six (36) of above described Township and Range, for a distance of one-fourth mile thereof; thence East along sub-divisional lines for a distance of three-fourths mile (less 158.0 feet) to the Northeast corner of the Southeast Quarter (¼) Northeast Quarter (¼) of said Section Thirty-six (36); thence South on Range Line one-fourth mile to the Southeast corner thereof; thence West along the East-West centerlines of Sections Thirty-six (36) and Thirty-five (35) to the center of Section Thirty-five (35); thence North one-fourth mile to the Northeast corner of the Southeast Quarter (¼) Northwest Quarter (¼) of said Section Thirty-five (35); thence West one-half mile to the Southwest corner of the Northwest Quarter (¼) of said Section Thirty-five (35); thence North one-half mile along section line to the Northwest corner of the Southwest Quarter of the Southwest Quarter of Section Twenty-six (26); thence west one-fourth mile to point of beginning.

(b) This section shall take effect on January 1, 1965.
(Charter Amendment No. V, approved by the voters on November 3, 1964)

Section 1.02. Title.

The title of this Charter shall be the "Home Rule Charter of the City of Joplin" and may be cited as such.

Section 1.020. Extended corporate limits.

In addition to all that territory in the State of Missouri included within the corporate limits of Joplin, Missouri, as described in the existing ordinances of the City of Joplin which are incorporated by reference in Section 1.01 of the Charter, or as described in any other section of this Charter, as amended, there shall also be included within the corporate limits of Joplin, Missouri, all of the territory in the County of Jasper, State of Missouri, described as follows:

Beginning at the southeast corner of the west one-half (½) of Section 31, Township 28, Range 32 at a point in the East boundary of the City of Joplin, Jasper County, Missouri; thence

North along the East line of the said West one-half (½), Section 31, to a point 987.6 feet South of the Northeast corner of the said West one-half of Section 31, said point being the intersection of the South line of Oakland Village and the North boundary of the City of Joplin; then continuing North on said East line of West one-half Section 31 for a distance of 987.6 feet to the Northeast corner thereof; thence East along the South line of the Southeast quarter (¼) of Section 30, Township 28, Range 32 for a distance of one-half mile to the Southeast corner thereof; thence East one-fourth mile along the North line of the Northwest quarter of the Northwest quarter of Section 32, Township 28, Range 32; thence South three-fourths (¾) mile to the center of the Southwest quarter (¼) of Section 32 of said Township 28, Range 32; thence East along the North line of the Southeast quarter (¼) of the Southwest quarter (¼) of said Section 32, and the North line of the South one-half of the Southeast quarter of said Section 32 to the Northeast corner thereof; thence South along the East line thereof one-fourth (¼) mile to the Southeast corner of said South one-half Southeast quarter (¼) of said Section 32, Township 28, Range 32; thence West along the South line of said Section 32, 62.7 feet to the Northeast corner of Lot 2 Northeast quarter of Section 5, Township 27, Range 32; thence south one-fourth (¼) mile to the Southeast corner thereof; thence West three-fourths (¾) mile along the South line of said Lot 2 Northeast quarter (¼) and the South line of the East one-half of Lot 2 of the Northwest quarter of said Section 5 to the Southwest corner thereof; thence South along the East line of the West one-half (½) Lot One Northwest quarter for a distance of one-fourth (¼) mile to the Southeast corner thereof; thence South one-fourth (¼) mile to the Southeast corner of the Northwest quarter (¼) Southwest quarter (¼) of said Section 5; thence West one-fourth mile to the Southwest corner thereof; thence South along the East line of the South one-half of the Southeast quarter of Section 6, Township 27, Range 32 to a point 1150.0 feet North of the Southeast corner thereof; thence West parallel to, and 1150.0 feet North of the South line of said South one-half (½) Southeast quarter (¼) of said Section 6 to the West line thereof; thence North along said West line to the Southwest corner of the North one-half of the Southeast quarter of said Section 6; thence North three-fourths (¾) mile to the Northeast corner Lot 2 Northwest quarter of said Section 6, thence East along North line of Lot 2, 117.2 feet to point of beginning. Containing 1080 acres more or less according to government survey.

This section shall take effect on October 1, 1967.
(Charter Amendment No. VI, approved by the voters on August 29, 1967)

Section 1.021. Annexation election at some future date.

Section 1.022. Extended corporate limits.

In addition to all that territory in the State of Missouri included within the corporate limits of Joplin, Missouri, as described in the existing ordinances of the City of Joplin which are incorporated by reference in Section 1.01 of the Charter, or as described in any other Section of this Charter, as amended, there shall also be included within the corporate limits of Joplin, Missouri, all of the territory in the County of Newton, State of Missouri, described as follows:

Beginning in the East Boundary Line of the City of Joplin, Newton County, Missouri; at the Southwest corner of the Northwest Southwest quarter (¼) Section 19, Township 27, Range 32,

Newton County, Missouri; thence North along the West line of said Northwest quarter (¼) Southwest quarter (¼) Section 19 one-fourth mile to the Northwest corner thereof; thence East along the North line thereof, one-fourth mile to the Northeast corner thereof; thence north along the west line of the East one-half (½) Northwest quarter (¼) of said Section 19 one-half mile to the North line thereof; thence East three-fourths (¾) mile to the Northeast corner of said Section 19; thence South along the East line of said Section 19, one-half (½) mile to the Southeast corner of the said Northeast quarter (¼) of said Section 19; thence West one-fourth (¼) mile to the Northeast corner of the Northwest quarter (¼) Southeast quarter (¼) of said Section 19; thence South one-fourth (¼) mile to the Southeast corner thereof; thence West along the South line of the said northwest quarter (¼) Southeast quarter (¼) and the South line of the North one-half (½) Southwest quarter (¼) of said Section 19, three-fourths (¾) mile to point of beginning. Said description includes the Northeast quarter (¼) and the East one-half (½) Northwest quarter (¼) and the North one-half (½) Southwest quarter (¼), and the Northwest quarter (¼) Southeast quarter (¼) all in said Section 19, Township 27, Range 32. Containing 360 acres more or less according to government survey.

This section shall take effect on January 1, 1969.
(Charter Amendment No. VIII, approved by the voters on November 19, 1968)

Section 1.023. Extend the corporate limits.

In addition to all the territory in the State of Missouri included within the corporate limits of Joplin, Missouri, as described in the existing ordinances of the City of Joplin, which are incorporated by reference in Section 1.01 of the Charter, or as described in any other section of this Charter, as amended, there shall also be included within the corporate limits of Joplin, Missouri, all the territory in the County of Newton, State of Missouri, described as follows:

Beginning at the East boundary line of the City of Joplin, Newton County, Missouri; at the Northwest (NW) corner of the South Half (S½) of the North Half (N½) of the Northeast Quarter (NE¼) of Section 23, Township 27, Range 33, in Newton County, Missouri; thence East one-half mile along the North line of said South Half (S½) of the North Half (N½) of the Northeast Quarter (NE¼) of said Section 23, to the Northeast (NE) corner thereof; thence South ⅛ of a mile along the East side of the South Half (S½) of the North Half (N½) of the Northeast Quarter (NE¼) of said Section 23; thence West ½ mile along the South side of the South Half (S½) of the North Half (N½) of the Northeast Quarter (NE¼) of said Section 23, to the Southeast corner thereof; thence North ⅛ of a mile along the West line of the South Half (S½) of the North Half (N½) of the Northeast Quarter (NE¼) of said Section 23, to the point of beginning, all in said Section 23, Township 27, Range 33, containing 40 acres more or less according to the government survey.

This section shall take effect on January 1, 1973.
(Charter Amendment No. XII, approved by the voters on April 4, 1972)

Section 1.029. Extend the corporate limits.

In addition to all territory in the State of Missouri, included within the corporate limits of Joplin, Missouri, as described in the existing ordinances of the City of Joplin, which are

incorporated by reference in Section 1.01 of the Charter, or as described in any other section of this Charter as amended, there shall also be included within the corporate limits of Joplin, Missouri, all of the territory, in the County of Jasper, State of Missouri, described as follows:

Beginning at the Northwest (NW) corner of the Northeast quarter (NE¼), Section 8, Township 27 North, Range 33 West, Jasper County, Missouri, thence South a distance of 1326.7 feet to the Southwest (SW) corner of the Northwest quarter (NW¼), Northeast quarter (NE¼) of said Section 8; thence East along the South line of said Northwest quarter (NW¼), Northeast quarter (NE¼) a distance of 930.02 feet; thence South a distance of 1326.7 feet to a point on the South line of said Northeast quarter (NE¼) Section 8; thence East along the South line a distance of 377.91 feet to the Southeast (SE) corner of the West one-half (W½), Northeast quarter (NE¼), Section 8; thence North along the East line of said West one-half (W½), Northeast quarter (NE¼) a distance of 2653.4 feet to the Northeast (NE) corner of said West one-half (W½), Northeast quarter (NE¼) thence West a distance of 1307.8 feet to the point of beginning.

This Section shall take effect on April 15, 1978.
(Charter Amendment No. XIX, approved by the voters on April 4, 1978)

Section 1.03. Form of government.

The municipal government provided by this Charter shall be known as a "Council-Manager Government." Pursuant to the provisions of this Charter and subject only to the limitations imposed by the state constitution and by this Charter, all powers of the city shall be vested in an elective council, hereinafter referred to as the council, which shall enact local legislation, adopt budgets, determine policies and appoint the city manager, who shall execute the laws and administer the government of the city.

Section 1.030. Extended the corporate limits.

In addition to all territory in the State of Missouri, included within the corporate limits of Joplin, Missouri, as described in the existing ordinances of the City of Joplin, which are incorporated by reference in Section 1.01 of the Charter, or as described in any other section of this Charter as amended, there shall be included within the corporate limits of Joplin, Missouri, all of the territory in the County of Newton, State of Missouri, described as follows:

Beginning at the Northeast (NE) corner of Section 21, Township 27, Range 33 in Newton County, Missouri; thence; West along the North line of Section 21 of said Township and Range to the Northwest (NW) corner of the Northeast quarter (NE¼) of Section 21 of said Township and Range; thence South along the West line of the Northeast quarter (NE¼) of Section 21 of said Township and Range to the Southwest (SW) corner of the Northeast quarter (NE¼) of Section 21 of said Township and Range; thence East along the South line of the Northeast quarter (NE¼) of Section 21 of said Township and Range to the Southeast (SE) corner of Section 21 of said Township and Range; thence North along the East line of the Northeast

quarter (NE¼) of Section 21 of said Township and Range to the Northeast (NE) corner of the Northeast quarter (NE¼) of Section 21 of said Township and Range, which is the point of beginning.

That this Section shall take effect on April 15, 1978.
(Charter Amendment No. XX, approved by the voters on April 4, 1978)

Section 1.031. Extend the corporate limits.

In addition to all territory in the State of Missouri, included within the corporate limits of Joplin, Missouri, as described in the existing ordinances of the City of Joplin, which are incorporated by reference in Section 1.01 of the Charter, or as described in any other section of this Charter, as amended, there shall be included within the corporate limits of Joplin, Missouri, all of the territory in the County of Jasper, State of Missouri, described as follows:

Beginning at the Southeast (SE) corner of Section 11, Township 28 North, Range 33 West, Jasper County, Missouri; thence North along the East line of Section 11 to the Northeast (NE) corner of Section 11, also being the Southeast (SE) corner of Section 2, Township 28 North, Range 33 West; thence continuing North along the East line of Section 2 to the centerline of Center Creek; thence Westerly along the centerline of Center Creek to a point on the West line of the Southeast quarter (SE¼) of Section 2; thence South along said West line of the Southwest (SW) corner of said Southeast quarter (SE¼) of Section 2, also being the Northwest (NW) corner of the Northeast quarter (NE¼) of said Section 11; thence South along the West line of the Northeast quarter (NE¼) of Section 11 to the Northeast (NE) corner of the East one-half (E½) of the Southwest quarter (SW¼) of Section 11; thence West along the North line of said East one-half (E½) of the Southwest quarter (SW¼) to the Northwest (NW) corner thereof; thence South along the West line of said East one-half (E½) of the Southwest quarter (SW¼) to a point 450 feet North of the Southwest (SW) corner of said East one-half (E½) of the Southwest quarter (SW¼) thence Southeasterly a distance of 630 feet to a point on the South line of Section 11 being 440 feet East of the Southwest (SW) corner of said East one-half (E½) of the Southwest quarter (SW¼); thence East to the point of beginning.

This Section shall take effect on April 15, 1978.
(Charter Amendment No. XXI, approved by the voters April 4, 1978)

Section 1.032. Extended corporate limits.

In addition to all territory in the State of Missouri, included within the corporate limits of Joplin, Missouri, as defined in the existing ordinances of the City of Joplin, which are incorporated by reference in Section 1.01 of the Charter or as described in any other section of this Charter, as amended, there shall be included within the corporate limits of Joplin, Missouri, all of the territory in the County of Newton, State of Missouri, described as follows:

All of that part of the northwest quarter (NW¼) of Section 20, Township 27, Range 32, Newton County, Missouri, lying north of the right-of-way of Route Interstate 44 through said one quarter section.

This section shall take effect on April 21, 1980.
(Charter Amendment No. XXXV, approved by the voters April 1, 1980)

Section 1.033. Extended corporate limits.

In addition to all territory in the State of Missouri, included within the corporate limits of Joplin, Missouri, as described in the existing ordinances of the City of Joplin, which are incorporated by reference into Section 1.01 of the Charter, or as described in any other section of this Charter, as amended, there shall be included within the corporate limits of Joplin, Missouri, all of the territory described as follows:

Commencing at the Northeast corner of the Northwest quarter (NW¼) of Section 21, Township 27 North, Range 33 West, in Newton County, Missouri; thence West along the North line of the above-described Section 651.90 feet, more or less, to the point of beginning, also being the Northwest corner of the East one-half of the Northeast quarter (NE¼) of the Northwest quarter (NW¼) of the above-described section; thence South along the West line of the East one-half of the Northeast quarter (NE¼) and the Southeast quarter (SE¼) of the Northwest quarter (NW¼) of the above-described section 1983.0 feet, more or less, to the North line of the Southeast quarter (SE¼) of the Southeast quarter (SE¼) of the Northwest quarter (NW¼) of the above-described section; thence East along the above said North line 327.10 feet, more or less, to the West line of the East one-half (E½) of the above-described Southeast quarter (SE¼) of the Southeast quarter (SE¼) of the Northwest quarter (NW¼) thence South along the above said West line 661.00 feet, more or less, to the South line of the Northwest quarter (NW¼) of the above-described section; thence West along the above said South line 982.47 feet, more or less, to the West line of East one-half of the Northwest quarter (NW¼) of the above-described section; thence North along the above said West line 2643.70 feet, more or less, to the North line of the Northwest quarter (NW¼) of the above-described section; thence East along the above said North line 651.90 feet, more or less, to the point of beginning, and containing 45 acres, more or less.

This section shall take effect on April 18, 1981.
(Charter Amendment No. XXXVI, approved by the voters April 7, 1981)

Sec. 1.034. Consolidation of Village of Sunnyvale and City of Joplin.*

[In addition to all territory in the State of Missouri, included within the corporate limits of Joplin, Missouri, as described in the existing ordinances of the City of Joplin, which are incorporated by reference into Section 1.01 of the Charter, or as described in any other section of this Charter, as amended, there shall be included within the Corporate limits of Joplin, Missouri, all of the territory described as follows:]

Beginning at the Northwest corner of Section 24, and the Northeast corner of Section 23, in Township 27, Range 33, Newton County, Missouri; thence West, 25.0 feet; thence south

***Editor's note**—Ord. No. 86-85, enacted July 7, 1986, set out a proposition which was approved by both the Village of Sunnyvale and the City of Joplin November 4, 1986. Although this Ordinance did not specifically amend the Charter, it has been included herein at the request of the city, because it results in the addition of territory to the boundaries of Joplin.

one-eighth (1/8) mile to a point 25.0 feet West of the Southwest corner of the North one-half (N1/2) of the Northwest quarter (NW1/4) of the Northwest quarter (NW1/4) of Section 24; thence East, 25.0 feet, to the Southwest corner of the North one-half (N1/2) of the Northwest quarter (NW1/4) of the Northwest quarter (NW1/4) of Section 24; thence South, three-eighths (3/8) mile, to the Southwest corner of the Northwest quarter (NW1/4) of Section 24; thence East one-half (E1/2) mile to the Southeast corner (SE1/4) of the Northwest quarter (NW1/4) of Section 24; thence North one-fourth (1/4) mile to the Southwest corner of the West one-half (W1/2) of the Northwest quarter (NW1/4) of the Northeast quarter (NE1/4) of Section 24; thence East, one-eighth (1/8) mile, to the Southeast corner of the West one-half (W1/2) of the Northwest quarter (NW1/4) of the Northeast quarter (NE1/4) of Section 24; thence north, one-fourth (1/4) mile to the Northeast corner of the West one-half (1/2) of the Northwest quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section 24; thence West, five-eighths (5/8) mile, along the North line of Section 24 to the point of beginning.

[The above described territory shall become a part of the City of Joplin January 1, 1987.]
(Ord. No. 86-85, approved by the voters November 4, 1986)

Section 1.04. Powers of the city.

The city shall have all powers of local self-government and home rule, and all powers possible for any city to have under the constitution and laws of Missouri and all powers which the legislature or the people of the City of Joplin would be competent to grant. Except as prohibited by the constitution or laws of the state, the city may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. Such powers shall be exercised in the manner prescribed in this Charter, or if not prescribed herein, in such manner as may be prescribed by the council.

Any judicial interpretation or holding to the contrary in other instances notwithstanding, the enumeration of particular powers in this Charter is not exclusive of others, nor is it restrictive of general words or phrases granting powers, nor shall a grant or failure to grant power in this article impair a power granted in any other part of this Charter; and whether powers, objects or purposes are expressed conjunctively or disjunctively they shall be construed so as to permit the council to exercise freely any one or more of such powers.

Section 1.05. Council zones.

Four council zones shall be established by the city council from the precincts of the city and shall comprise compact and contiguous territory, shall not divide any voting precinct and shall contain, as nearly as practicable, an equal number of electors. The boundaries of the four zones shall be re-established by ordinance following each decennial or special census; following each change or alteration in the number of boundaries of voting precincts as designated by the Jasper and Newton County clerks; and following the annexation of any additional territory to the city.
(Charter Amendment No. LXI, approved by the voters April 3, 1990; Charter Amendment No. LXVI, approved by the voters April 5, 1994)

ARTICLE II. THE COUNCIL

Section 2.01. Number and term.

The council shall consist of nine members to be known as councilmen, each of whom shall be elected for a term of four years (except as herein otherwise provided) and shall serve until his successor shall be elected and qualified. The nine councilmen shall be elected by the qualified voters of the city at large. Four of the councilmen thus elected shall reside respectively in Zones 1, 2, 3 and 4 as provided and established by Section 1.05, Article I, of this Charter, and are to be known as zone councilmen. Five of the councilmen thus elected are to be known as general councilmen. Of the first council elected hereunder, two of the zone councilmen and two of the general councilmen shall serve only until the next regular municipal election, they being determined by lot at the first meeting of the council.

Section 2.02. Qualifications.

A councilman shall be a qualified voter of the city and shall have been a resident thereof for at least four years immediately prior to his election. The four zone councilmen shall be residents and qualified and registered voters of the respective zones provided for in Section 1.05. Councilmen shall hold no other lucrative public office nor any lucrative position in the city government during their terms as councilmen, except that the following persons shall not be disqualified: A member of the National Guard or Naval or Military Reserve or a notary public. If a councilman shall cease to possess the above qualifications, or if a councilman shall be absent for three successive regular council meetings or for more than five regular council meetings within any four month period without cause acceptable to a majority of the other members of the council, or shall be convicted of crime involving moral turpitude, his office shall immediately become vacant.

Section 2.03. Salary: Expenses.

Each councilman shall receive a salary of five dollars for each meeting he attends but not exceeding one hundred twenty dollars a year, payable quarterly. In addition each councilman, including the mayor, shall be reimbursed for any necessary actual expenses incurred in connection with his duties as provided by ordinance or resolution of the council prior to incurring such expense. The mayor shall receive no salary in addition to his salary as councilman but the council may provide a fund for incidental expenses incurred in the performance of his duties not to exceed one hundred dollars per month.

Section 2.04. Rules of order.

The council shall determine by ordinance its own rules and order of business. It shall keep a journal of its proceedings, which shall be open to public inspection at all reasonable hours. It shall be the judge of election returns and qualifications of its members, and may punish its members for disorderly behavior. A majority thereof shall constitute a quorum to do business, but a smaller number may adjourn from time to time and may compel the attendance of absent

members in such manner and under such penalties as the council may provide. The affirmative vote of a majority of the entire council shall be necessary to adopt any ordinance, resolution, or motion. The "ayes" and "nays" on any question shall, at the request of any member, be entered in the journal and the "ayes" and "nays" shall be recorded on the final passage of every ordinance or resolution.

Section 2.05. Vacancies.

Vacancies in the offices of councilmen shall be filled by the council for a period running to the next regular city election, at which time a successor or successors shall be elected for the unexpired term.

Section 2.06. Mayor.

The mayor shall be elected by the council at its first meeting from among the Councilmen for a term of two years and shall have no regular administrative duties. He shall preside at all meetings of the council and shall be recognized as head of the city government for all legal and ceremonial purposes and by the governor for purposes of military law. He shall have the same right to vote as any other member of the council, but shall have no veto power. The council shall also select from among the councilmen a mayor "pro-tempore" who shall act as mayor during the mayor's absence or the mayor's inability to act. If a vacancy should occur in either the office of the mayor or mayor "protempore", a successor shall be elected by the remaining council for the unexpired term.
(Charter Amendment No. IX, approved by the voters on December 9, 1969; Charter Amendment No. XL, approved by the voters on April 7, 1987)

Section 2.07. Appointment and removal of city manager.

The council shall appoint an officer who shall have the title of city manager and who shall have the powers and perform the duties provided in this charter. No councilman shall receive such appointment during the term for which he shall have been elected or within one year after expiration of his term. The appointment of the city manager shall be for an indefinite term, and he may be suspended by a resolution which shall set forth the reasons for his suspension and proposed removal. A copy of such resolution shall be served promptly upon the city manager. The city manager shall have fifteen days in which to reply thereto in writing, and, upon his request, he shall be afforded a public hearing, which shall occur not earlier than ten days nor later than fifteen days after such hearing is requested. After the public hearing, if one be requested, and after full consideration, the council by majority vote of its members may adopt a final resolution of removal.

Section 2.08. Prohibition of interference.

Neither the council nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the city manager or any of his subordinates, or in any way interfere with the appointment or removal of officers and employees in the administrative

service of the city, except for positions in the administrative service filled by the council. Except for the purpose of inquiry, unless specifically otherwise provided in this charter, the council and its members shall deal with the administrative officers and services solely through the city manager, and neither the council nor any member thereof shall give orders to the subordinates of the city manager, either publicly or privately. Any councilman violating the provisions of this section shall forfeit his office. Whether such violation has occurred shall be determined by the members of the council and their decision shall be final.

Section 2.09. City clerk.

The council shall elect an officer who shall have the title of city clerk. He shall keep the journal of its proceedings, and authenticate by his signature all ordinances and resolutions and record them in full in a book kept for that purpose. He shall perform such other duties as may be required by statute, by this charter, or by the council. The city clerk shall hold office at the pleasure of the council.

Section 2.10. Creation of new departments or offices: Change of duties.

The council by ordinance may create, change, and abolish offices, boards, departments or agencies, other than the offices, boards, departments and agencies established by this charter. The council by ordinance may assign additional functions or duties to offices, departments or agencies established by this charter, but may not discontinue or assign to any other office, board, department or agency any function or duty assigned by this charter to a particular office, department or agency, except as otherwise provided in this charter.

Section 2.11. Meetings.

The council shall meet regularly and not less frequently than twice each month and specifically at such other times as prescribed by its rules. All meetings of the council shall be open to the public, except as provided by the Statutes of the State of Missouri. The first meeting of each newly elected council for induction to office shall be held at the time at which the election returns are officially confirmed in accordance with Section 13.08 of this Charter.

This Section shall take effect April 15, 1978.
(Charter Amendment No. XXII, approved by the voters on April 4, 1978)

Section 2.12. Legislative proceedings.

In the transaction of legislative business, whenever the council shall act by ordinance, the following procedure shall be used: Every ordinance shall be by bill, which shall be in written or printed form, and the enacting clause shall be, "BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN," except the enacting clause of all ordinances submitted by the initiative shall be: "BE IT ORDAINED BY THE PEOPLE OF JOPLIN." All bills shall be read three times before final passage, not more than two of which readings shall be at the same legislative session; and at least one week shall elapse between the introduction and final passage of any bill, except as set forth below.

Emergency measures shall take effect immediately upon their passage. An emergency measure is any ordinance passed by either the vote of two-thirds of the members of the council or the unanimous vote of those members present, whichever is lesser, and shall be restricted to the following:

(1) Any ordinance for the immediate preservation of the public peace, property, health, safety or morals, containing the statement that an emergency exists and specifying distinctly the facts and reasons constituting such emergency.

(2) Any ordinance calling any election or providing for submission of any proposal to the people.

(3) Any ordinance making an appropriation for the payment of principal or interest of the public debt, or for current expenses of the city government, or payment of compromise settlements of damage claims upon recommendation of the city attorney.

(4) Any general appropriation ordinance.

(5) Any ordinance fixing any tax rate or assessment.

(6) Any ordinance relating to any public improvement.

Every bill introduced shall be filed with the city clerk on the day of its first reading and shall remain on file in his office for public inspection until it is finally adopted or fails of passage. Prior to the final passage of any bill, other than an emergency bill, all persons interested therein may be heard before the council, in accordance with such rules and regulations as the council may adopt. After the third reading of any bill and compliance with the other provisions herein, the council may finally pass the bill with or without amendment; except that if the council shall make an amendment which constitutes a change in substance, the bill as amended shall be filed in the office of the city clerk for one additional week, and an opportunity afforded for a further public hearing, after which final action may be taken thereon.

An ordinance, when passed by the council, shall be signed by the presiding officer and attested by the city clerk; it shall be immediately filed and thereafter preserved in the office of the city clerk; and, except as otherwise provided herein, shall be subject to the referendum provided in Article XIV of this charter. Unless otherwise specified, every ordinance shall become effective twenty days after its final passage. If an ordinance be submitted at a referendum election or as a result of an initiative petition, it shall become effective upon the declaration by the council, after canvassing the election returns, that it has received the favorable vote of a majority of those voting thereon.
(Charter Amendment No. XXIII, approved by the voters April 4, 1978)

Section 2.13. Revision of ordinances.

Within three years after the adoption of this charter, all ordinances of the city of a general and permanent nature shall be revised, digested, codified and promulgated, and a system of continuous numbering and revision shall be established and maintained thereafter in accordance with provisions to be prescribed by ordinance.

Section 2.14. Audits.

(1) An annual independent audit shall be made of the financial statements of the city government. Such audit should be made by a certified public accountant or firm of certified public accountants duly licensed and independent under the provisions of Missouri Statutes. The auditors shall be selected by and report directly to the city council and shall possess considerable demonstrated experience and expertise in accounting for an auditing of units of state and local government. The results of such audit shall be a matter of public record.

(2) There shall be a study and evaluation of the operations of each department of the city government at least once every ten (10) years. Such study and evaluation is to be performed by a person or persons independent of the city government who are appointed by the city council and who shall receive such compensation for their services as may be determined by the council. The nature, scope and objectives of each study and evaluation shall be determined by the council. Upon completion of each such study and evaluation, a written report to the council shall be prepared setting forth the observation and recommendations of those conducting the study and evaluation. Such report shall be a matter of public record.
(Charter Amendment No. XII, approved by the voters on December 9, 1969; Charter Amendment No. XLI, approved by the voters April 4, 1987)

Section 2.15. Powers.

Not in restriction of and without limitation to the powers conferred upon the city by Section 1.04 of this charter or by any other provisions hereof, the council shall have power by ordinance, not inconsistent with this charter, to do all things now or hereafter enumerated by the laws of this state applicable to cities of the first, second, third, or fourth class, special and constitutional charter cities or of any population group or classification of cities and such laws are hereby incorporated into this charter by reference, and shall have power to do, but shall not be restricted to, the following:

(1) Assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation, provide for enforcing the prompt payment thereof, and for penalties for delinquency thereof, and adopt such classifications of the subjects and objects of taxation as may not be contrary to law.

(2) Furnish all public services; purchase, rent, hire, lease, construct, own, maintain, and operate public utilities; dispose of the services and products thereof; acquire, by lease, purchase, gift, condemnation or otherwise, within or without the corporate limits, property, or any estate or interest therein, necessary for any such purposes; grant to persons or corporations by franchise, permit or contract (but no such contract shall exceed a period of five years) the right to construct, purchase, lease or operate public utilities and regulate the exercise thereof and compel from time to time the reasonable extension of its service by any public utility, including such extensions, on, over or under streets or highways where the grading has been established but paving or hard surfacing has not yet been done.

(3) Make public improvements and acquire, by lease, purchase, condemnation, gift or otherwise, public and private property, or any estate or interest therein within or without the corporate limits, necessary for such improvements.

(4) Provide the city and its inhabitants with water; prevent the water supply of the city from becoming polluted or contaminated, and for this purpose the city shall have jurisdiction as far beyond its limits as is reasonably necessary.

(5) Adopt, establish and maintain police, fire, health and welfare departments and systems and adopt police, health, sanitary, safety, fire prevention, and other similar regulations and provide for their enforcement, and require buildings, dwellings, and premises to be connected with public sewers.

(6) Appropriate and expend the money of the city for all lawful purposes.

(7) Borrow money and issue, sell, pledge or in any manner dispose of, negotiable or non-negotiable, interest bearing or non-interest bearing bonds or notes of the city, upon the credit of the city, or solely upon the credit of specific property owned by the city, or solely upon the credit of income derived from the property used in connection with any public utility owned or operated by the city, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two or more of such credits.

(8) Exercise the power of eminent domain, including the power of excess condemnation as authorized by the constitution or by law, and condemn public and private property, real or personal, or any use therein for public use within or without the city.

(9) Take and hold property within or without the city upon trust, and administer trusts.

(10) Acquire and receive by gift, bequest or devise all kinds of public and private property, real, personal or mixed, or any estate or interest therein, within or without the city, absolutely or in trust, for all public, charitable or municipal uses or purposes; perform all acts necessary to carry out the purposes of such gifts, bequests or devises, with power to manage, sell, lease or otherwise handle or dispose of such property, in accordance with the terms of the gift, bequest or devise.

(11) Acquire by purchase, gift, condemnation, lease or otherwise, receive, hold, provide for by contract or otherwise, construct, operate, regulate, manage, maintain and improve all kinds of public buildings, city halls, workhouses, jails, houses of correction, houses of reformation, poorhouses, insane asylums, engine houses, bath houses, orphanages, museums, structures, public market facilities, airports, off-street parking facilities, public housing, cemeteries, hospitals, parks and other recreational facilities, all other public improvements, and any other public and private property, real or personal, within or without the city, for all such uses or purposes, or for any other public or municipal use or purpose; acquire, receive and hold any estate or interest in any such property; and sell, lease, mortgage, pledge or otherwise dispose of the same or the products thereof.

(12) Regulate, collect and dispose of sewage, offal, ashes, garbage, and refuse, and license and regulate such collection and disposal.

(13) Prescribe limits within which businesses, occupations and practices liable to be nuisances or detrimental to the health, morals, safety, security or general welfare of the people may lawfully be established, conducted or maintained.

(14) Provide by ordinance for the collection of delinquent taxes on real or personal property by the sale of such property by the city or by suit instituted by the city as prescribed in Article IV herein, and for penalties, interest, and costs thereon and may also prescribe the procedure for such sales and for the issuance of tax deeds by the city to purchasers at such sales, and the city may become the purchaser at any such sale.

(15) Establish standards for, license and inspect, test, measure, and weigh any article or thing for consumption or use, bought, sold, used or handled or offered for sale within the city.

(16) Regulate the construction and materials of all buildings and structures and inspect all buildings, lands, places, machines, equipment, fixtures and appliances as to their condition for health, cleanliness and safety; and when necessary, prevent the use thereof and require any alterations, additions or changes necessary to make them healthful, clean and safe.

(17) Establish, open, relocate, vacate, alter, widen, extend, grade, regrade, change the grade of, improve, repair, construct, reconstruct, pave, repave, maintain, light, oil, sprinkle and clean public highways, streets, avenues, boulevards, parkways, sidewalks, alleys, parks, public grounds and squares, bridges, viaducts, subways, tunnels, sewers and drains, and regulate the use thereof and the space thereover and thereunder within or without the limits of the city and establish sanitary and storm sewer districts and construct such sewers therein and apportion and tax the cost thereof upon the public and private property specially benefited.

(18) Abolish or prevent grade crossings, and provide for safe crossings and compel any street, steam, electric railroad or other transportation company or companies or individual or individuals operating same affected thereby to pay all or a part of the cost thereof; regulate and control the location of aviation fields, hangars and aircraft landing places and roads in or adjoining said places; regulate and control the use of all aircraft within or over the city; and regulate and control the location, construction, operation and use of all types of communication facilities.

(19) To regulate and prohibit the exhibition or carrying of banners, placards or advertisements and the distribution of handbills in the streets, alleys, public squares, public buildings and public grounds, and to regulate or prevent the flying of banners, flags or signs across the streets or from houses, and to regulate, license or prohibit the construction and use of billboards and signs, and to regulate or prohibit traffic and sales in the streets and public places.

(20) To prohibit all games, amusements or practices tending to annoy any of the inhabitants of the city or persons passing on the streets or sidewalks; or the making of any noise or doing or engaging in any performance or practice to the discomfort or annoyance of persons within said City or tending to the collection of persons on the streets and sidewalks.

(21) Invest funds of the city, except as otherwise provided in this charter, in obligations of agencies of the United States government, the State of Missouri, or this city.

(22) Extend or diminish the limits of the city by ordinance subject to the approval of a majority of the qualified voters of the city voting thereon at any general or special election.

(23) Define, prohibit, suppress, prevent, control and regulate, all acts, practices, conduct, businesses, occupations, callings, trades, animals, noises, uses of property and buildings thereon and all other things whatsoever within or without the limits of the city detrimental or liable to be detrimental to the health, morals, comfort, safety, convenience, or welfare of the inhabitants of the city, and abate all nuisances, whether public or private and causes thereof.

(24) Do all things whatsoever necessary or expedient for promoting and maintaining the comfort, education, morals, safety, peace, government, health, welfare, trade, commerce, or industry of the city and its inhabitants.

(25) Enforce any ordinance, rule or regulation by means of fines, forfeitures, penalties and imprisonment or commission to labor at the city jail or other public place provided therefor until such fines and costs shall be paid or by action or proceedings in the municipal court or in any other court of competent jurisdiction, or by any one or more of such means, and impose costs as a part thereof and provide for probation and parole in proper cases; provided, that such fine and penalties shall not exceed $500 and no such imprisonment exceed one hundred days for any one offense.

(26) License, tax, regulate or suppress all businesses, occupations, professions, vocations, activities (set forth and enumerated by the statutes of this state, now or hereafter applicable to cities of the first, second, third, or fourth class or of any population group) which any such cities are now permitted or may hereafter be permitted to license, tax, regulate or suppress.

(27) Impose a license tax upon any business, vocation, pursuit, calling, animal or thing, and such license tax may be based upon the gross receipts of the same.

(28) Prohibit and prevent cruelty to children or animals; to appropriate such sums as may be paid into the treasury from fines collected on conviction of persons charged with cruelty to children or animals and to authorize the payment of the same, or any part thereof, to any society organized and maintained for the prevention of such cruelty.

(29) Provide for the inspection of milk cattle and dairies, whether kept within the city or without the city limits from which milk or milk products are sold within the city and to provide for the inspection and regulation of restaurants, bakeries, confectioneries and places of refreshment.

(30) Provide for the inspection of milk, cream and ice cream offered for sale or for use in such city, and to provide a standard for such products, and to prescribe the weight and quality of bread to be sold in the city, and to provide for the seizure and confiscation of said products when not conforming to the regulations.

(31) Regulate, prevent or prohibit the erection, maintenance or display of signboards and billboards and all signs, posters or other advertisements or of advertising matter which is offensive, improper, unsightly, indecent, lascivious or obscene, upon, along or near the sidewalk, streets, or public places or within view thereof, and to declare any such signboard, poster or other advertising matter to be a public nuisance, and provide for the abatement thereof, and to acquire by condemnation or otherwise, the right to regulate and control billboards and signboards and other structures for advertising purposes, upon, along or near sidewalks, streets, alleys, highways, or public places or within view thereof, within the city, and to provide for the regulation of the same.

(32) Create a board of public health and welfare, and to make regulations, by ordinance, to preserve and promote the general health of the citizens; the council shall cause to be enforced within the city, and within four miles thereof, all laws, regulations and ordinances designed to preserve, promote, and protect the general health of the inhabitants of the city, and to prevent the spread within the city of contagious, infectious and other diseases and, in case of emergency menacing the public health, to make and cause to be enforced within the city and within four miles thereof all rules and regulations it deems necessary to meet such emergencies and to perform such other duties as may be prescribed by ordinance.

(33) Provide for the condemnation of goods, ware, merchandise, clothing, furniture, and other personal property containing the germs of contagious or infectious disease, whenever the same is necessary for the health of the city, but in every case where private property is so condemned and destroyed due compensation shall be made to the owner thereof, upon the appraisement of three disinterested commissioners appointed by the mayor; to regulate, prohibit or prevent the manufacturing or vending of articles either menacing or obnoxious to the health of the inhabitants.

(34) Inspect and regulate lodging houses, tenement houses and apartment houses, nursing and convalescent homes and nursery homes for children, and to prevent the overcrowding of the same, and to require that they be put and kept in proper sanitary condition.

(35) Regulate, restrain and prevent the discharge and sale of firearms, fireworks, rockets or other combustible materials in the city, and to regulate the keeping, storage, transportation and use of powder, dynamite, guns, guncotton, nitroglycerine, gasoline, gas, fireworks and other explosive or combustible materials and substances in the city or within two miles of the limits thereof.

(36) Provide for the registration of dealers in electrical products and commodities and for the inspection and regulation of all such products and commodities of whatsoever kind and nature, including electrical equipment and appliances of all types and kinds, lighting fixtures and lighting equipment, electrically heated cooking equipment and other electrically heated appliances, electrically operated toys, radio and television receiving sets; all other electrical appliances intended for household use, electrical cords and cord sets, electrically illuminated signs, motion picture projectors, transformers and electrical materials and devices for use in making wiring installations; to

safeguard the life, limb, health and property of the inhabitants of the city by fixing and providing reasonable minimum standards of safety for such products and commodities in accordance with standards prescribed by recognized inspection and testing laboratories and agencies; and to prohibit the sale at retail or wholesale within the city, the disposal by gift or by premium and the rental of all such electrical products and commodities failing to conform with the standards and regulations of the city, or which would, when used for the purposes intended by the makers or manufacturers thereof, create an unnecessary or excessive hazard to life, limb, health and property.

(37) Compel, by the issuance of process, the attendance of witnesses and the production of papers and records relating to any subjects under investigation in which the interest of the city is involved, and call upon the proper officers of the city or county to execute such process.

(38) Contract and be contracted with, and sue and be sued.

(39) Make and collect special assessments on public and private property for public improvements, and provide for enforcing the prompt payment thereof by any appropriate means.

(40) Provide for the enumeration of the inhabitants of the city for any purpose whatever.

(41) Divide the city into districts and for each of such districts impose regulations, restrictions, or prohibitions designed to promote the public health, safety, convenience, comfort, morals, prosperity, or general welfare, governing the erection of buildings and other structures and governing premises to be used for trade, industry, residence, or other specified purposes; designate the kinds for trade, industry, residence, or other specified purposes; designate the kinds of classes of trade, industries, residences, or other purposes for which buildings or other structures or premises may be permitted to be erected, constructed, reconstructed, altered, repaired or used; regulate and limit the height and bulk of buildings and other structures; regulate building lines and limit the percentage of lot occupancy, and regulate and limit the area of courts and other spaces.

(42) Enact, adopt, and enforce all ordinances, rules and regulations; do all things, and exercise all governmental and municipal authority necessary, needful, and convenient, contributing to or bearing a substantial relation to the full and complete exercise of all the powers in this charter enumerated.

(43) Cooperate, or join by contract or otherwise, with other cities, with any counties, states, the United States, or other governmental bodies, singly or jointly or in districts or associations for promoting or carrying out any of the powers of the city, or for the acquisition, construction or operation of any property, works, plants or structures convenient or necessary for carrying out any of the purposes or objects authorized by this charter.

(44) Establish and enforce gas, electric, taxicab, bus, and other public transportation rates, and rates and charges for all other utilities owned and operated, or services furnished,

by the city; and establish or approve and enforce all rates and charges of taxicabs, buses, or other transportation services and privately owned utilities and taxicabs operating under any license, franchise, contract or permit from the city, whether regulated by other public authority or not, and prescribe the methods and means of computing, collecting and measuring fares and rates of the same. All such rates and charges shall be determined after a public hearing and in accordance with regularly established procedures to be prescribed by ordinance.

(45) Incur debts by borrowing money or otherwise and give any appropriate evidence thereof.

(46) Establish, alter, change, or improve watercourses and regulate the use thereof.

(47) Direct, regulate, and control the location and construction of all poles, wires, conduits, subways, pipe mains or other structures or erections of any kind in or under or over public streets, alleys, highways or places in the city.

(48) Provide for the purchase by the city of public and private property levied upon under execution or process in favor of the city and of property when sold for delinquent taxes and assessments, and sell and convey the same.

(49) Provide for the support, maintenance and care of the sick, aged, or insane poor persons and neglected or delinquent children; and provide for the punishment of parents, guardians or custodians for neglect of children.

(50) Acquire, operate and maintain charitable, educational, comfort, recreative, curative, corrective, detentive, penal and other institutions, departments, functions, facilities, instrumentalities, conveniences and services.

(51) Provide for the employment of all personnel necessary to carry on the functions of all departments and agencies of the city.

(52) Elect to come under the provisions of the Workmen's Compensation Act, provide Social Security or other similar benefits and provisions for all or part of the employees of the city.

(53) Compel the owner or occupant of any lands, structures, houses or grounds within the limits of the city to remove snow, dirt, rubbish and weeds from the sidewalks opposite thereto; to compel the owner or occupant of any lands, structures, houses or grounds within the limits of the city to abate, cut, remove, repair, replace, fill-in, fill-up, tear down or raze any weeds, brush, decayed or dead trees, mine shafts, holes, wells, pits, excavations, buildings, structures, defective or dangerous wiring, plumbing or any condition whatsoever in any way dangerous or detrimental to the health, safety and comfort of any of the inhabitants of the city of Joplin existing on or in said lands, structures, houses or ground whether or not same was caused, permitted, suffered or allowed by the owner or occupant thereof and, upon the default of either or both of the owner or occupant after reasonable notice, to authorize the abatement, cutting, removal, repairing, replacement, fill-in, fill-up, tearing down or razing and to provide

that all costs, charges and expenses so incurred by the city be assessed against the occupant or owner and the same shall be assessed as a special tax bill against such public and private property which shall be a special lien against such property in the same manner and with the same effect and subject to being enforced in the same manner that special tax bills are for any public work.

(54) Enact ordinances incorporating by reference statutes of the State of Missouri, rules and regulations of administrative agencies of the State of Missouri, and standard or model codes and ordinances.

(55) Order the repaying by the director of finances of any taxes, percentages or costs erroneously or illegally collected.

(56) Prevent, control and regulate the deposit or injection into any water, stream, waterway, watercourse, pool of water, basin, hole, pit, shaft, well or excavation any type or manner of thing, substance, waste or refuse that may tend to or does cause pollution of any water, stream, waterway, watercourse, pool of water or basin within or without the limits of the city and which may affect the health, safety, comfort, and welfare of the residents of the city or any portion or part thereof; to control, abate and treat any waters, streams, waterways, watercourses, pools of water, basins, holes, pits, shafts, wells or excavations within or without the limits of the city to prevent the spread or inception of any disease or to prevent the breeding or inhabitation therein of any mosquitoes, flys, bugs, germs or other pests and insects.

(57) Control, regulate or prohibit the emission of dense smoke from the chimneys and chimney stacks of buildings, manufactories, locomotives or engines in any manner within the city; to control, regulate or prohibit the emission of any foul, obnoxious or unpleasant odors from any source within or without the limits of the city and to control, regulate or prohibit the emission of any substance into the air and atmosphere, within or without the city, which may cause discomfort, physical or property damage to the residents of the city or any portion thereof.

(58) In the instance of elections held totally independent of any other government entity, provide for the conduct of such election in conformance with the election laws of the state of Missouri and in accordance with any specific regulations set forth by ordinance for that particular election.

(59) Take, receive, and hold by gift, purchase, condemnation, or otherwise any thing, object or structure, whether within or without the limits of the city, the abandonment, deterioration, operation or destruction of which would tend to or would damage, diminish, deplete or destroy the supply of water in adequate and wholesome quantities to the inhabitants of the city or any part thereof.

(60) Unless otherwise provided by the constitution, the general statutes or this charter, the council shall have power by ordinance to provide for and regulate the giving and the means and times of publication of all notices for general and special elections, bond elections, elections on referendum, initiative and recall matters, tax levy elections, and

all other types of municipal elections, and for the sale of bonds, letting of contracts, tax sales, and all matters and things concerning which notice and publication are to be given.

(Charter Amendment No. XLII, approved by the voters April 7, 1987; Charter Amendment No. LXI, approved by the voters April 3, 1990)

Section 2.16. Powers denied the council.

The council shall not have power:

(1) To relieve any person from the payment of any lawful tax, or to exempt him from any burden imposed upon him by law, or ordain the payment of any demand not authorized according to law.

(2) To authorize the compromise of any disputed demand or any allowance therefor or therein, not provided for in the contract therefor, or the payment of any damages claimed for alleged injuries to persons or property, except after a report and recommendation by the city attorney, and by ordinance subject to the referendary hereinafter provided in this charter.

ARTICLE III. ADMINISTRATION

Section 3.01. The city manager: Qualifications: Term of office.

The city manager shall be chosen by the council on the basis of executive and administrative qualifications with special reference to his experience in and his knowledge of municipal administration. He may or may not be a resident of the city or the state at the time of his selection, but shall reside within the city during his tenure of office. He shall be appointed for an indefinite term, subject to removal as herein provided, and shall devote his entire time to the duties of his office. The manager shall designate in writing, filed with the city clerk, one of the department directors or one of the administrative assistants to perform the duties of the city manager in event of his absence or disability; if he should fail to do so, the council shall make such designation.

Section 3.02. City manager: Compensation.

The city manager shall receive such compensation as may be fixed by ordinance.

Section 3.03. City manager: Powers and duties.

The city manager shall be the chief executive and administrative officer of the city and shall be responsible to the council for the proper administration of all the city's affairs. To that end he shall have power and shall be required to:

(1) Appoint and, when necessary for the good of the service, remove all officers and employees of the city, except as otherwise provided in the charter, and except as he may authorize the head of a department or office to appoint subordinates in such department or office.

(2) Be responsible for the preparation of the annual budget and submit it to the council and be responsible for its administration after adoption.

(3) Prepare and submit to the council, as of the end of the fiscal year, a complete report on the finances and administrative activities of the city for the year.

(4) Keep the council advised of the financial condition of the city and make recommendations concerning its future needs.

(5) Attend all meetings of the council, and, in so far as possible its committees, except when the council may be considering his removal. He shall have the right to take part in discussions, but shall have no power to vote. He shall receive notice of all special meetings.

(6) Enforce all laws and ordinances and see that all contracts and franchises are faithfully performed.

(7) Perform such other duties as may be prescribed by this charter or required of him by the council, not inconsistent with this charter.

(8) Prescribe the powers and duties of officers and employees not otherwise prescribed by this charter or by ordinance; may assign particular officers and employees to one or more of the departments; may require an officer or employee to perform duties in two or more departments and may make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the city.

Section 3.04. City manager: Administrative assistants.

The city manager shall appoint such administrative assistants as are authorized by the council.

Section 3.05. Administrative service: Departments.

There shall be the following administrative departments: Police, Fire, Finance, Personnel, Law, Public Works, and Public Health and Welfare departments, and such other departments as the council may by ordinance provide.

Any such departments may be consolidated or the functions assigned thereto may be transferred to other departments, but no function or duty, the performance of which is required by this charter, shall be discontinued.

Section 3.06. Administrative service: Department heads: Appointment: Removal: Duties.

At the head of each department there shall be a director who shall be an officer of the city and shall have supervision and control of the department, subject to the city manager. Except as may be otherwise provided by this charter, all directors of departments shall be appointed by the city manager and may be removed by him. More than one department may be headed

by the same individual; directors of departments may serve as chiefs of divisions, and the city manager may head a department, or more than one, with the consent of the council, or as otherwise provided by this charter.

Section 3.07. Administrative service: Police department: Establishment: Director.

There shall be a police department whose director shall be the chief of police. He shall be appointed by the city manager and shall be qualified by training and experience in law enforcement. In addition, the council shall require, subject to the acceptance of the individual by the appropriate authorities or agencies, that the chief of police shall attend and complete the instruction course given by the FBI National Academy, or its successor, or an equivalent course given by some other agency, for law enforcement officers, unless the chief of police has already completed such course.

Section 3.08. Administrative service: Police department: Function: Operation: Organization.

The police department shall preserve peace and order, enforce the city ordinances, prevent crime, detect and apprehend violators of all laws and ordinances, regulate traffic and perform such other duties relating to public peace, order and safety as the council shall prescribe. The chief of police and every police officer shall be a conservator of the peace, and all officers of the city created conservators of the peace under this charter or by ordinance, shall have power to arrest, or cause to be arrested, with or without process, any person they see violating, or whom they have probable cause to believe of having violated, any law of the state or ordinance of the city. The council shall require the city manager to establish a suitable training program for all members of the police force with less than two years experience in municipal police work. (Charter Amendment LXI, approved by the voters April 3, 1990)

Section 3.09. Administrative service: Fire department: Establishment: Director.

There shall be a fire department whose director shall be the fire chief. He shall be appointed by the city manager and shall be qualified by training and experience in fire fighting and prevention.

Section 3.10. Administrative service: Fire department: Function: Operation: Organization.

The fire department shall protect life and property from fire; inspect all property for fire hazards and require their removal; enforce the ordinances for fire safety in places of public gathering; foster fire prevention; investigate and report to the police department and prosecuting attorney all instances of incendiarism or arson, and perform such other duties in the protection of life and property as the council may by ordinance prescribe.

ARTICLE IV. FINANCES

Section 4.01. Director: Appointment: Qualification.

The director of the department of finance shall be, or be appointed and removed by, the city manager. He shall have knowledge of municipal accounting and taxation, and shall have had experience in budgeting and financial control.

Section 4.02. Director: Powers and duties.

The director of finance shall have power of the administration of the fiscal affairs of the city and to that end he shall have authority and shall be required to:

(1) Maintain the accounting system on a fund basis keeping the number of funds to a minimum, but particularly providing for such fund types, funds and groups of accounts as are necessary to carry the city's financial statements in conformity with generally accepted accounting principles and to determine compliance with the legal requirements included in the annual adopted budget.

(2) Keep in subsidiary records controlled by accounts in the general ledger, inventories of both consumable and permanent property. Physical inventory of both consumable and permanent property shall be taken at least annually and the accounts and records shall be made to agree with such inventories. The city manager may delete the requirement of the taking and recording of a physical inventory of consumable property in any department where such inventory is immaterial and the cost of taking the same is greater than any benefits derived.

(3) Furnish financial reports monthly or oftener to show the current condition of the budgetary accounts, and other information necessary to control operations. At least once each year a comprehensive annual financial report shall be prepared and published.

(4) Examine and audit all accounts and claims against the city except claims for unliquidated damages. The director shall not issue or sign any draft, check or warrant until he shall have verified the correctness of the account for which the same is issued; neither shall he allow the payment of any account unless the money shall have been appropriated therefor, nor shall he issue or sign any draft, check or warrant for any account against the city unless sufficient money is in the fund on which it is drawn.

(5) Serve as city treasurer and have custody of all public funds belonging to or under the control of the city, or any office, department or agency of the city government; deposit all funds coming into his hands in such depositories as may be designated by resolution of the council, or, if no such resolution be adopted, in such depositories as may be designated by the city manager, subject to the requirements of law as to surety and the payment of interest on deposits.

(6) Have custody of all investments and invested funds of the city government, or in possession of such government in a fiduciary capacity; have the safekeeping of all bonds, notes or other evidences of indebtedness of the city, and be responsible for the receipt and delivery of the same for transfer, registration or exchange.

(7) Have supervision and direction of the collection of all moneys due the city from any other source whatsoever unless otherwise provided by this charter. All moneys due the city collected by any other officers or employees of the city shall be promptly accounted for and paid into the city treasury.

(8) As director of finance and as city treasurer, perform such additional duties not herein specifically set out as may be required of him by this charter, by law, by ordinance, or by the city manager.

(9) Collect all taxes, special assessments, license fees and other revenues of the city or for whose collection the city is responsible, and receive all money receivable by the city from the state or federal government, or from any court, or from any office, department or agency of the city, or from any source whatsoever.

(10) Unless the director shall certify that there is an unencumbered balance of appropriated and available funds, no appropriation shall be encumbered and no expenditure shall be made.

(11) Serve as city assessor and as such perform such duties as prescribed in this charter or by ordinance.

(Charter Amendment No. XXIV, approved by the voters April 4, 1978; Charter Amendment No. XLIII, approved by the voters April 7, 1987; Charter Amendment No. LXII, approved by the voters April 3, 1990)

Section 4.03. Division of purchases.

There shall be established in the department of finance a division of purchases, the head of which shall be the city purchasing agent who shall be appointed by or shall be the director of finance, subject to the approval of the city manager. The purchasing agent, pursuant to rules and regulations approved by the city manager and adopted by ordinance, shall contract for, purchase, store and distribute all supplies, materials and equipment required by any office, department, board or other agency of the city unless otherwise provided in this charter. He shall also have power and shall be required to:

(1) Establish and enforce specifications with respect to supplies, materials and equipment required by the city.

(2) Inspect or supervise the inspection of all deliveries of supplies, materials and equipment, and determine their quality, quantity and conformity with specification.

(3) Have charge of such general storerooms and warehouses as the city may maintain.

(4) Transfer to or between offices, departments or agencies, or, with approval of the council, sell surplus, obsolete, or unused supplies, materials or equipment.

Section 4.04. Competitive bidding.

Before the city makes any purchase or contract, or lets any contract for improvements, there shall be given ample opportunity for competitive bidding, subject to such exceptions as the council upon recommendation of the city manager may prescribe by ordinance or resolution. Contracts for services of a specialized, professional or technical character may be entered into without competitive bids.

Section 4.05. Representation on board of equalization.

For the purpose of giving the City of Joplin representation on the county board of equalization, when said board is sitting for the purpose of equalizing the assessment of property in the City of Joplin, the city shall have equal representation with the county. The representatives of the City of Joplin shall be appointed by the council, one of whom shall be the director of finance.

Section 4.06. Fiscal year.

The fiscal year of the City of Joplin, unless otherwise provided by ordinance, shall begin on the first day of November and shall end on the last day of October. The fiscal year shall constitute the budget and accounting year. As used in this charter, the term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.
(Charter Amendment No. XXV, approved by the voters April 4, 1978)

Section 4.07. Estimate of needs.

The city manager, at least two weeks before the council undertakes to set the tax rate for the current calendar year, shall prepare and submit to the council an estimate of needs in sufficient detail to enable said council to appraise the needs of the city for the next budget year.
(Charter Amendment No. LXII, approved by the voters April 3, 1990)

Section 4.08. Proposed budget and budget message.

The city manager, at least sixty days prior to the beginning of each budget year, or at such time in each year as shall be fixed by the council shall submit to the council a proposed budget with an explanatory message. For the purpose of preparing this proposed budget and explanatory message, the city manager shall secure from the head of each office, department or agency, who shall supply the same, detailed estimates of revenue and expenditures of that office, department or agency. The city manager shall also secure an estimate of all capital projects pending and of those which it is recommended should be undertaken (a) within the budget year, and (b) within the next five succeeding years. In preparing the budget, the city manager shall review and may revise the estimates he may deem necessary.

The proposed budget shall provide a complete financial plan for the budget year. It shall include the following:

(1) An itemized statement of estimated revenues from all sources for the year which the proposed budget is to cover together with the revenues for the last completed fiscal year, estimated revenues for the fiscal year in progress, plus a statement of estimated available fund balances at the beginning of the budget year.

(2) An itemized statement of proposed expenditures recommended by the city manager for each recommended office, department, or agency for the year which the proposed budget is to cover together with listings for comparison purposes of the actual expenditures for the last completed fiscal year, and the estimated expenditures for the fiscal year in progress, plus a statement of the estimated available fund balances at the end of the budget year.

(3) A statement of the amount required for the payment of interest and principal reduction charges on the debt of the city.

(4) Provision for contingent expenses in an amount not to exceed five per cent of the total operating expenses proposed under item (2) above.

(5) A general budget summary.

(6) Such other information as the city manager may deem essential or as may be required by ordinance or by law.

The budget message shall be a full and complete explanation of the proposed budget, including reasons for any major changes from the preceding years. The budget is to be prepared on a basis of generally accepted accounting principles used for financial reporting purposes. In no event shall the total amount of the proposed expenditures in any fund exceed the estimated revenues and the estimated available fund balance of the beginning of the budget year for such fund.
(Charter Amendment No. LXII, approved by the voters April 3, 1990)

Section 4.09. Proposed budget a public record.

The proposed budget and budget message and all supporting schedules, exhibits, and other explanatory materials, shall be a public record in the office of the city clerk, open to public inspection.
(Charter Amendment No. LXII, approved by the voters April 3, 1990)

Section 4.10. Public hearing on proposed budget.

At the meeting of the council at which the proposed budget is submitted, the council shall determine the place and time of the public hearing on the proposed budget and shall give at least ten days' notice of the same. At the time and place so advertised, or at any time and place to which such public hearings shall from time to time be adjourned, the council shall hold a

public hearing on the proposed budget as submitted, at which interested persons shall be given an opportunity to be heard. The public hearing on the proposed budget as submitted shall be held no later than forty-five days prior to the beginning of the budget year.
(Charter Amendment No. LXII, approved by the voters April 3, 1990)

Section 4.11. Adoption of the annual budget.

After the conclusion of such public hearing or hearings, the council may insert new items or may increase or decrease the various items of the proposed budget. In no event, shall the total amount of the proposed expenditures of the fund exceed the estimated revenues and available fund balance at the beginning of the budget year for such fund. The annual budget so derived shall be adopted by the favorable vote of not less than a majority of the entire council, not later than the last Monday of the month preceding the first month of the budget year for which the annual budget was intended. Should the council take no action on or prior to that date, the proposed budget as submitted shall become the annual budget and shall be effective without council action.
(Charter Amendment No. LXII, approved by the voters April 3, 1990)

Section 4.12. Effective date: Certification: Copies.

Upon final adoption, the annual budget shall be in effect for the budget year, unless revised, as set forth in Sections 4.17 or 4.18(2). A copy of the annual budget, as finally adopted, shall be certified by the city manager and the city clerk and filed in the office of the city clerk. The annual budget so certified shall be printed, mimeographed or otherwise reproduced, and sufficient copies thereof shall be made available for the use of all offices, departments and agencies of the city and for inspection of interested citizens and civic organizations.
(Charter Amendment No. LXII, approved by the voters April 3, 1990)

Section 4.13. Appropriations.

From the effective date of the annual budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several offices, departments or agencies for the various purposes specified in the annual budget.
(Charter Amendment No. LXII, approved by the voters April 3, 1990)

Section 4.14. Expenditures limited to annual budget.

All allowable claims against the city shall be approved for payment by the department or agency head and the director of finance, and, to the extent provided by ordinance, by the city manager. Any such official who shall approve any claim for payment for which (a) no appropriation has been made or fund collected especially therefor, or for the payment of which there is not a sufficient unencumbered balance in the appropriate item in the annual budget covering the activity named in the budget for the office, department or agency, or (c) for the

payment of which there is not a sufficient unencumbered cash balance in the proper fund, or which is in any way contrary to the provisions of this charter, or law, or ordinance, shall be personally liable and liable on his bond for the amount thereof and may be removed from office. (Charter Amendment No. LXII, approved by the voters April 3, 1990)

Section 4.15. Contracts.

No contract or order purporting to impose any financial obligation on the city shall be executed, nor shall the same be valid and binding upon the city, unless it be in writing, and unless the director of finance shall first certify in writing thereon that such contract or order will constitute an allowable claim against the city within the restrictions set forth in Section 4.14 above.

Section 4.16. Tax rates and tax rolls.

The council shall by ordinance set the tax rates and levy on the various classes of property, and the levy so established shall be certified by the city clerk to the director of finance who shall compute the taxes and extend the same upon the tax rolls. The director of finance, or such other city employees as may be designated by the city manager, shall accompany the county assessor or deputies, to the extent practicable, when said assessor is evaluating property within the city for assessment purposes. The assessed valuation of real estate and personal property in the city for taxation for municipal purposes shall be the same as the assessed valuation therefor for state and county purposes, as fixed by the county assessor and as equalized and adjusted by the county board of equalization. In [the] event there shall be property subject to taxation by the city not included in the lists of the county assessor, then the council shall order the city assessor to make proper lists of all such property, together with all necessary estimates of value thereof upon which to base an assessment thereof in accordance with the law regulating the assessment of property by the county assessor; and such lists when returned by the city assessor to the council shall constitute an assessment of said property, and the owner of said property shall be notified of said assessment and given an opportunity to protest the same as provided by ordinance and may appeal to the circuit court from the action of the council on such hearing within five days after same.

In return for his services and the services of his office in the matters and respects set forth herein in connection with the appraisement of real estate and personal property for taxation within the city, the county assessors concerned shall be paid by the city an annual compensation as provided by ordinance for making out and returning to the city assessor in form satisfactory to him from the official plats and records a description of all tracts, lots and parcels of land subject to taxation within said city, together with the appraisement and valuation thereof, as made by said county assessors concerned not later than June 1 of each year (unless some different date is fixed by ordinance) and for the furnishing to said city assessor of a copy of that part of the county assessor's books showing the assessment of personal property subject to taxation within the city and also the furnishing to said city assessor a true copy of that part

of the assessment of merchants and manufacturers subject to taxation by the city; and the city may, by ordinance, provide for reimbursement to the county assessors concerned for expenses incident to the preparation of said tax lists.

Section 4.17. Transfer and review of unexpended appropriations.

After passage of the annual appropriation as stated in the budget, upon recommendation of the director of finance and of the city manager, the council may by ordinance authorize the transfer of unencumbered balances appropriated for one department to any other department. Unencumbered balances appropriated for one object may be transferred to another object within a department within the same fund upon the recommendation of the department head and the approval of the director of finance and of the city manager.

In order that the city manager may prevent over-expenditures when actual revenues are less than estimated revenues, he shall at the end of each three-month period after the beginning of each fiscal year compare estimated revenues with actual revenues for the year to date, and shall with the assistance of the director of finance make a new estimate. If such new estimate shall be lower than the original estimate, the city manager shall report the facts to the council with such recommendations as he may see fit.
(Charter Amendment No. XXVII, approved by the voters April 4, 1978; Charter Amendment No. LXII, approved by the voters April 3, 1990)

Section 4.18. General provisions.

(1) No contract for the acquisition of any property or the construction of any improvement which is to be financed by bonds shall be executed until the issuance of such bonds shall have been duly authorized by the council, or by vote of the electors, if such vote is required.

(2) The council upon recommendation of the city manager may make emergency appropriations to meet the pressing need for public expenditures for other than a regular or recurring requirement to protect the public health, safety or welfare. The total amount of all emergency appropriations made in any fiscal year shall not exceed five per cent of the total operating appropriation made in the budget for that year. In addition, should revenue from sources not reasonably foreseen at the time of the adoption of the budget such as federal or state grants or new local revenue sources become available to the city during the year, the council may amend the adopted budget to reflect the estimated revenues from such source and to increase appropriations in an amount not greater than the estimated revenues from the source to provide for the expenditure of such funds.

(3) In any fiscal year, the council may issue and sell bonds or notes payable within the budget year in any amount not to exceed seventy-five per cent of the revenues remaining to be collected and applied to the appropriations budgeted for that year, excluding revenues from municipally-owned utilities not allocated for general revenue purposes. Said revenues when collected shall first be applied to said loans.

(4) All fees, charges, donations, rewards, commissions for city services and payments from any source, and all money in the form of rentals, payments for concessions, or other charges for the use or occupancy of city property received by any agency, department, officer or employee, and all interest on public deposits shall belong to the city government, shall be regularly accounted for, and shall be paid into the city treasury under such regulations as may be prescribed by the director of finance unless otherwise provided in this charter, or by ordinance.

(5) All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered except as otherwise provided by this charter or by ordinance.

When the necessity for maintaining any fund of the city has ceased to exist and a balance remains in such fund, the council shall so declare by ordinance and such balance shall be transferred to such other fund as is specified in the declaring ordinance, unless other provisions have been made in the ordinance or other authorization creating such funds; provided, when a balance exists in any fund realized from the sale of city bonds after the completion of the purpose for which the bond issue was created, the council shall so declare by ordinance and such balance shall be transferred to the appropriate bond debt service fund.

(6) The City of Joplin shall not own or subscribe for stock in any corporation or association, or lend its credit or public money, or thing of value, to or in aid of any corporation, association, or individual, except as provided in the constitution of the State of Missouri.

(7) The City of Joplin shall comply with the provisions of the constitution of the State of Missouri with respect to having an annual budget, filing annual reports for the City of Joplin's financial transactions; and being audited.

(8) The City of Joplin may provide for the pensioning of the salaried members of its organized police force or the fire department, and the widows and minor children of the deceased members, and for other employees when authorized by law.

(9) The City of Joplin shall not make any appropriations or pay from any public fund whatever in aid of any religious creed, church or sectarian denomination or help to support or sustain any public or private school, academy, seminary, college, university or other institution of learning controlled by any religious creed, church or sectarian denomination whatever. The City of Joplin shall not grant or donate personal property or real property for any religious creed, church or sectarian denomination purpose whatever.

(10) The council, by ordinance, may levy and impose annually for municipal purposes upon all subjects and objects of taxation within their corporate limits a tax

(a) Which shall not exceed the maximum rate of one dollar on the one hundred dollars assessed valuation, and

(b) May by city ordinance levy and impose annually an additional tax at a rate in excess of said one dollar on the one hundred dollar assessed valuation, but not to exceed forty

cents on the one hundred dollars assessed valuation for any one or more of the following purposes, to wit: Library, hospital, public health, recreation grounds and museum purposes, and

(c) Provided, however, that the rate of tax levy of one dollar on the one hundred dollars assessed valuation for general municipal purposes may, in addition to the aforesaid rate and purpose of increase which may be voted by city ordinance, be further increased for general municipal purposes for a period not to exceed four years at any one time when such rate and purpose of increase are submitted to a vote of the qualified electors of the city and two-thirds of the qualified electors voting thereon shall vote therefor, but such increase so voted shall be limited to a maximum rate of taxation not to exceed thirty cents on the one hundred dollars assessed valuation.

The council is empowered to call such elections for the purpose of submitting such proposition for increase of levy, as may be prescribed by law or this charter. If such increase of levy shall be voted, then such increased levy shall be effective for the number of years designated, and no longer, but the council may submit any such proposal for continuing such increase of levy at any time for like periods not to exceed four years each.

(11) The limitations on rates set forth in (10) above shall not apply to taxes levied for the purpose of paying any bonded debt, and nothing in (10) above shall prevent the enactment of any ordinances levying taxes other than ad valorem taxes for its essential purposes.
(Charter Amendment No. XXVII, approved by the voters April 4, 1978; Charter Amendment No. LXII, approved by the voters April 3, 1990)

Section 4.19. Incurring indebtedness.

The city may incur indebtedness and issue its negotiable bonds in evidence thereof for any purpose which may be authorized hereunder, or for any purpose which may be authorized now or hereafter by the constitution or laws of the State of Missouri with respect to any municipality.

(1) The City of Joplin shall not become indebted in an amount exceeding in any year the income and revenue provided for such year plus any unencumbered balances from previous years, except as otherwise provided in the constitution or laws of Missouri, or in this charter.

(2) The City of Joplin by vote of a majority as required by state statute of the qualified electors thereof voting thereon may

(a) Become indebted in an amount not to exceed five per cent of the value of taxable tangible property therein as shown by the last completed assessment for state and county purposes:

(b) Incur an additional indebtedness for city purposes not to exceed five per cent of the taxable tangible property shown as provided in (a) above;

(c) Become indebted not exceeding in the aggregate an additional ten per cent of the value of the taxable tangible property shown as provided in (a) above for the purpose of acquiring rights of way, constructing, extending and improving the street and avenues and acquiring rights of way, constructing, extending and improving sanitary or storm sewer systems. The council of the City of Joplin may provide that any portion of all of the cost of any such improvement be levied and assessed by the council on property benefited by such improvement, and the city shall collect any special assessments so levied and shall use the same to reimburse the City of Joplin for the amount paid or to be paid by it on the bonds of the city issued for such improvement.

(d) Incur an indebtedness not to exceed an additional ten per cent of the value of the taxable tangible property shown as provided in (a) above, for the purpose of paying all or any part of the cost of purchasing or constructing waterworks, electric or other light plants to be owned exclusively by the city, provided the total general obligation indebtedness of the city shall not exceed twenty per cent of the assessed valuation.

(3) Before incurring any indebtedness, the City of Joplin shall provide for the collection of an annual tax on all taxable tangible property therein sufficient to pay the interest and principal of the indebtedness as they fall due, and to retire the same within twenty years from the date contracted.

(4) The City of Joplin by vote of a majority as required by state statute of the qualified electors thereof voting thereon may issue and sell its negotiable interest bearing revenue bonds for the purpose of paying all or part of the cost of purchasing, constructing, extending or improving any revenue producing water, gas or electric light works, heating or power plants, or airports, to be owned exclusively by the municipality, the cost of operation and maintenance and the principal and interest of the bonds to be payable solely from the revenues derived by the municipality from the operation of such utility.

(5) The City of Joplin is hereby empowered to finance and pay for the planning, designing, acquisition, construction, equipment and improvement of property for the parking of motor vehicles or for any other income or revenue producing facility or property, including, but not limited to, public markets, auditoriums, stadiums, meeting places, or any of the objects or purposes referred to in Section 4.20, by any one or combination of the following methods:

(a) General revenue funds, including any proceeds derived from the operation of said parking facilities or any of the other facilities or property above;

(b) General obligation bonds within legal debt limitations;

(c) Negotiable interest-bearing revenue bonds, the principal and interest of which shall be payable solely from the revenues derived by the city from the operation of such parking facilities or any of the other facilities or property above mentioned, which revenue bonds may be issued and sold by the city when so authorized by the council.

(6) For the purpose of refunding, extending and unifying the whole or any part of its valid bonded indebtedness, the City of Joplin under terms and conditions prescribed by law may issue refunding bonds not exceeding in amount the principal of the outstanding indebtedness to be refunded and the accrued interest to the date of such refunding bonds. The council shall provide for the payment of interest at not to exceed the same rate, and the principal of such refunding bonds, in the same manner as was provided for the payment of interest and principal of the bonds refunded.

(7) The money arising from any loan, debt or liability contracted by the City of Joplin shall be applied to the purposes for which they were obtained or to the repayment of such debt or liability, and not otherwise.

(8) The city issuing any such bonds shall each year levy and collect an annual tax sufficient to pay the interest on such as it falls due and also to constitute a sinking fund for the payment of the principal of the bonds within twenty years from the time of issue thereof. The per cent of levy for such purpose shall be stated in the ordinance for levy of taxes each year and the money realized by collection of such tax shall be used only for the purpose of paying the principal and interest of the bonds. The money collected from such taxes, not used from time to time to pay interest coupons, shall constitute a sinking fund for paying the principal of the bonds.

(Charter Amendment No. XXVIII, approved by the voters on April 4, 1978)

Section 4.20. Specific purposes.

Some of the purposes hereby specifically authorized, for which the bonds of the city may be issued, sold, pledged or disposed of on the credit of the city, or solely upon the credit of specific property owned by the city, or solely upon the credit of income or revenue derived from property or facilities owned or used by the city or from property used in connection with any public utility owned or operated by the city or upon any two or more such credits, shall be:

(1) The acquiring of land; the purchase, construction, reconstruction, repairs and improvement upon or extension of the following: Water systems, including lakes and reservoirs; public sewers, sewage disposal plants; buildings and equipment for the police and fire departments, city hall, court house and other public buildings and equipment therefor; facilities and equipment for the collection and disposal of garbage and refuse; bridges, viaducts, subways, tunnels, railroads, bus lines; terminals for bus, air and railroad travel and their equipment; warehouses, public market facilities, airports, airport additions, and equipment therefor; street lighting systems, gas, water or electric utility systems, heating and power plants, telephone and telegraph systems, facilities for radio and television broadcasting and reception; parking lots, garages, off-street parking facilities, or any other public utility or equipment therefor; public housing, hospitals, orphan or children's homes, industrial schools, jails, workhouses, poorhouses, and other charitable, correctional or penal institutions and equipment therefor; golf courses, swimming pools and other recreational facilities, and their equipment; parks, parkways, streets, boulevards, grounds or any other public improvement.

(2) The paying, refunding or renewing of any bonds issued by the city, whether general obligation bonds or revenue bonds, and the establishment of a revolving public improvement fund.

The foregoing enumeration shall not be construed to limit any general provision of this charter or law authorizing the city to borrow money or issue and dispose of bonds, and such general provisions shall be construed according to the full force and effect of their language, as if no specific purposes had been mentioned; and the authority to issue such bonds for any purpose aforesaid is cumulative and shall not be construed to impair any authority to make any public improvements under any provision of this charter or of any law.

Section 4.21. Conduct of elections.

Unless otherwise provided by the constitution and the general statutes, the council shall have power, by ordinance, to provide for and regulate the calling and holding of elections to authorize the incurring of debt, the issuance of general obligation or revenue bonds and all other matters in relation thereto.

Section 4.22. Debt statement.

Prior to the adoption of an ordinance calling or providing for the holding of an election at which any question of incurring indebtedness shall be submitted, the director of finance shall prepare, swear to, and file for public inspection in the office of the city clerk, a special debt statement which shall set forth:

(1) The aggregate principal amount of all outstanding bonds and notes of the city.

(2) Deductions, if any, permitted by the constitution and general laws.

(3) The amount of existing net indebtedness.

(4) The amount of net indebtedness after the issuance of the bonds authorized by such bond ordinance.

(5) The assessed valuation of taxable tangible property within the city as shown by the last completed assessment for state and county purposes.

(6) The aggregate principal amount of bonds and notes which the city may issue pursuant to law.

This debt statement, after approval by a majority of the council, shall be published with the notice of the bond election and shall be presumed to be accurate.

Section 4.23. Sale of bonds.

All bonds under this charter shall be sold at public sale upon sealed proposals after at least fifteen (15) days' notice in a newspaper published in Joplin, Missouri, at such time as provided by ordinance; provided, however, this section shall not apply if the city is selling sewer revenue bonds to a governmental agency or instrumentality of the United States or the State of Missouri.

The director of finance shall mail notices by direct mail to all parties and financial institutions who, in his opinion, may be interested in the purchase of such bonds or who shall make written application therefor.
(Charter Amendment No. LXV, approved by the voters April 5, 1994).

Section 4.24. When taxes due.

Real estate and personal property taxes shall become due and payable on November 1 of each year and shall become delinquent after the 31st day of December following.

Section 4.25. Collection of delinquent taxes.

(1) *City may bring suit, how.* The city may bring suit to enforce the collection of delinquent taxes, general or special, with interest, costs and penalties thereon in circuit court or any other court of competent jurisdiction in the manner set forth in this charter or as prescribed by general law or by ordinance. It shall be sufficient to state in the petition the amount of the tax, the rate of interest and date from which it is claimed, that property upon which it is a charge, the owner thereof, and the year or years for which the same is levied; or if a special tax, the date and title of the ordinance under which it is levied and that such tax has not been paid. In suits for the collection of taxes on personal property or ad valorem taxes, it shall be sufficient to state the amount of tax, interest and costs and penalty claimed, the year or years for which it is levied, the owner of the personal property and that the tax has not been paid.

The municipal court shall have jurisdiction in the manner provided by this charter or by ordinance to determine suits for collection of taxes on personal property or ad valorem taxes to an amount not greater than $300.00 in any one case. Services of summons issued by said court or the clerk thereof in such cases may be made by a policeman of the city, or by any sheriff, deputy sheriff or other officer authorized by law to serve judicial writs, in the manner required for service of process in magistrate or circuit court and any return of service by any such policeman, sheriff, deputy sheriff or other officer shall be evidence of the facts therein stated. The judgment, if for the plaintiff, shall be that the plaintiff recover the amount of taxes found due, with interest and penalties, and also all costs of suit and that the same is a first lien on the goods and chattels of such person and none of the personal property of such person shall be exempt from levy and sale to satisfy execution under said judgment, and, upon a transcript of said judgment being filed with the circuit clerk execution may issue in favor of the city against the personal property of said defendant.

(2) *Procedure in collection of taxes by suit.* The proceedings in such suit for the collection of taxes shall, in all respects not herein provided for, conform as near as may be to the practice and procedure in civil cases, including the sale under executions and making deed to purchaser: Provided, that in advertising property for sale under such executions it shall not be necessary to publish such advertisement in more than one daily newspaper published within such city.

(3) *Consolidation of back taxes—How suits may be brought.* When there are general and special taxes due to the city, or more than one year's general tax delinquent upon any parcel of property, they may all be included in one suit, and when taxes on more than one parcel of land owned by the same person or persons are due all such parcels may be included in one suit. Owners of undivided interest may be sued jointly or severally, and each, together with his interest, charged with the proper proportion of the tax though such tax may have been assessed as a whole. When any parcel of land has been included in the assessment of a larger parcel or tract, such smaller parcel shall be charged with its fair and just proportion of the tax as may be determined by the court. The owners of the whole of the larger parcels may be made defendants and each parcel charged with the proper share of the tax, or the owners of any one or more of the smaller parcels may be sued separately. In all such cases the several taxes and parcels of land may be set out in one cause of action and judgment entered against each parcel for the tax, interest, cost and penalties found due thereon.

(4) *Who are defendants—Priority of judgment for taxes.* It shall be sufficient to make those persons having an interest in the property at the commencement of the suit defendants, but those who are made defendants shall be bound, and a sale thereunder shall convey all the right, title and interest of such as are made defendants, though all persons who have an interest are not made defendants or parties thereto. The judgment for taxes, interest, and cost and penalties thereto shall have priority over all other liens or encumbrances.

(5) *When judgment is for plaintiff—Execution and sale.* The judgment, if for plaintiff, shall be that plaintiff recover the amount found due and costs of suit, to be levied of [on] the real estate against which the tax is charged. Such judgment shall bear the same rate of interest as did the tax at the date of the judgment, and execution shall issue on judgment in conformity therewith, and the sale under such judgment and execution issued thereon shall be absolute and free from any redemption, except as provided otherwise herein.

(6) *Tax book evidence of validity of tax.* The tax book and all other books and papers made or kept by the director of finance, or other officers of the city, in any manner relating to any tax, shall be received in all courts as evidence of all the facts stated therein, and of the validity of the tax, costs and interest and penalty appearing therein, and a copy of so much of any of the aforesaid books, notices and papers as related to the tax in question, certified to by the city clerk, director of finance, or any officer of said city having the same in charge shall be received in evidence in like manner and with like effect.

(7) *City may become purchaser.* The city may become the purchaser of any lot, tract or parcel of land sold for delinquent taxes, but at the sale of such lot, tract or parcel of land the city shall not be entitled to bid more than the amount of the taxes, penalties and costs, and when the city shall so purchase any lot, tract or parcel of land, the amount bid therefor shall be carried forward on any subsequent back tax book by entering and stating against the lot, tract or parcel of land so purchased by the city the year in which it was purchased, the gross amount of taxes for which it was sold, including all costs other than interest or penalties, but the city shall not be required to pay any costs which may be a charge against any lot, tract or parcel of land so purchased until it shall have collected the said cost from the prior owner of the

property. In [the] event the city shall become the purchaser of any property at any tax sale the owner of the property may within one year after the date of said sale redeem the property from the city, by the payment of the full amount of the tax with penalties computed to the date of the redemption in like manner as penalties are computed on delinquent taxes and all of the costs of the sale including the filing of the certificates of purchase or deed, otherwise the title to the property acquired by the city under such sale shall become absolute.

(8) *Director shall proceed to collect, how.* The director of finance, at such time as prescribed by ordinance, shall make a full and complete list of all taxes on personal property and ad valorem taxes remaining unpaid for the previous year, and submit the same to the council, and upon examination and approval of the same by the council, shall proceed to collect the taxes shown therein by distress or by an action or attachment brought, or by other process of law, in the name of the city in any court of competent jurisdiction.

(9) *Director to sell personal property, when.* If any taxes on personal property or ad valorem shall remain unpaid for such length of time as may be prescribed by ordinance, then the director of finance may make the same by distress and sale of the personal property not exempt from taxation, and the personal tax book shall alone be sufficient warrant for such distress. When the said director of finance distrains goods or chattels he shall keep them at the expense of the owner, and shall give notice of the time and place of sale of the same within five days after the taking, in the manner sheriffs are required to give notice of the sale of personal property taken under execution; and the time of sale shall not be more than twenty days from the date of taking said goods or chattels. He shall enter upon the personal tax book a brief description of the property taken and the amount for which the same was sold. The said director of finance shall render an account of the sale and charges to the owner, in writing, upon the same being demanded, and pay any surplus in his hands to such owner.

(10) *Director to proceed at once, when.* If anyone against whom a personal or ad valorem tax is assessed, and which is due and unpaid, whether the same be delinquent or not, shall have removed out of the city, or shall have removed or be about to remove his personal property out of the city, it shall be the duty of the director of finance at once to proceed to collect such personal tax by distress and sale of any personal property of such person that shall be found in such city, as provided in the preceding sections of this article for the distress and sale of personal property for delinquent personal taxes.

(11) *Error not to affect validity of tax.* Each assessment, land tax book, personal tax book, notice, advertisement, book of sales, certificate of purchase, deed, paper and document of every nature and description made or executed under or pursuant to this article shall be liberally construed to effect the purposes and object of this article and in determining the validity thereof. No error or irregularity in any assessment, land tax book, or personal tax book, use of abbreviations or contractions, notice, advertisement, certificate of purchase, deed, paper or document aforesaid relating to the assessment, levy or collection of the taxes of the city shall in any manner affect or impair the validity of any tax or any sale or other proceedings for their collection. This article shall be taken and held a full and sufficient notice of all acts and proceedings for assessments, levying and collecting of the taxes of such city.

ARTICLE V. PERSONNEL

Section 5.01. Director: Council authorized to change: Qualifications.

The director of the personnel department shall be the city manager; provided, however, the council may by ordinance or resolution declare it necessary to have an individual, other than the city manager or the director of other departments established by this charter, serve as director of the personnel department. The director of the personnel department as may be required by the council as herein provided shall be selected by the city manager on the basis of his training, experience, qualifications and fitness in personnel administration.

Section 5.02. Director: Powers and duties.

The director of the personnel department shall have authority and be required to:

(1) Hold open competitive examinations (for appointments) where appropriate.

(2) Give publicity to all announcements of competitive examinations.

(3) Establish training and educational programs for municipal employees.

(4) Report, at least annually, to the personnel board regarding the operation of the personnel provisions.

(5) Prepare and recommend to the personnel board such rules as he may consider appropriate to carry out the provisions of this article.

(6) Prepare, install and maintain a classification plan based on the duties, authority, and responsibility of positions in the city service.

(7) Keep or supervise the keeping of such employee records as may be required by the merit system rules.

(8) Perform such other duties as may be required by this charter, by ordinance, or by the council.

(Charter Amendment No. XLIV, approved by the voters April 7, 1987)

Section 5.03. Personnel board.

The council shall appoint a personnel board of five members, two members of which shall serve a term expiring May 1, 1955, two members to serve until May 1, 1956, and one member to a term expiring May 1, 1957, all subsequent terms to be for a period of three years. The personnel hoard will designate one member as chairman. Members shall serve without compensation. This board shall be an independent agency deriving its power from the council. Members of the board shall be qualified voters of the city and shall have resided in the city for at least four years immediately prior to their appointment; they shall be required to take the oath prescribed for city officers, including a statement therein that they are firm believers in the merit system for city employment. Those persons holding any office in a political party shall be ineligible to serve as members of the board.

Section 5.04. Board: Powers and duties.

The board shall have power and shall be required to:

(1) Advise the council and the director on problems concerning personnel administration.

(2) Make any investigation which it may consider desirable concerning the administration of personnel in the municipal service, and report to the council at least once a year its findings, conclusions and recommendations.

(3) Approve merit system rules.

(4) Hear and determine appeals from action resulting in dismissal, demotion, suspension or lay off with full power to reinstate any classified employee to his original position or rank with retroactive compensation not to exceed sixty days, when and if in the board's judgment, an employee has been discharged or demoted in violation of approved merit system rules.

(5) Perform such other duties with reference to personnel administration, not inconsistent with this charter, as the council may require by ordinance.

Section 5.05. Classification of personnel.

The administrative service of the city is hereby divided into classified and unclassified services as follows:

(1) The unclassified service shall include the city manager, administrative assistants, all directors of departments, members of appointive commissions and boards, municipal court judge, city attorneys and assistant city attorneys, city clerk, secretary to the city manager; financial, research, legal, and other technical personnel employed on special occasions, temporary or part-time employees, and those who may be employed in an advisory capacity.

(2) The classified service shall comprise all positions not specifically included by this charter in the unclassified service. All positions in the classified service shall be filled only in accordance with the merit system rules provided for in this article

Section 5.06. Merit system rules.

The personnel board shall hold a public hearing on the rules recommended by the personnel director. After such hearing, the board shall approve or reject the rules wholly or in part, or may modify them and approve them as so modified. The rules approved by the board shall then be submitted to the council and shall become effective when approved by the council. The rules shall include, but not be limited to, provisions for:

(1) Open competitive tests to ascertain the relative fitness of all applicants for appointments in the classified service, which tests shall be practical, shall relate to matters which fairly measure the relative fitness of applicants to discharge the duties of the position which they seek, and shall take into account character, training and experience.

(2) Standardization and classification of all positions in the classified service made on the basis of duties and responsibilities, and so ordered as to promote the filling of the higher grades, so far as practicable, through promotion.

(3) Certification to the appointing authority of eligible persons in order of rank for the purpose of filling vacancies.

(4) Temporary appointments to meet emergencies, in the absence of an eligible list.

(5) Cause of discharge, demotion, suspension or lay off from the city service.

(6) Where ratings are equal, preference shall be given to applicants for appointment to the classified service who can submit documentary proof of having served in the Armed Forces of the United States, and who have been honorably discharged therefrom.

Section 5.07. Application register.

There shall be kept in the office of the personnel director an application register in which shall be entered the names and addresses, and the order and date of application of all applicants for the classified service, and the offices or employments which they seek. All applications shall be upon forms approved by the personnel board.

Section 5.08. Pension and retirement plans.

(1) Any existing pension or retirement plans shall not be affected by this charter and any existing pension or retirement plans may be amended, changed, modified, altered or repealed in whole or in part by the council provided and conditioned that a majority of all officers and employees of the city and participating beneficiaries affected and participating in the pension or retirement plan, to be amended, changed, modified, altered or repealed consent in writing to such action by the council.

(2) Additional or substitute pension or retirement plans may be established for any department or agency as authorized by the constitution or by law but only after submission to and adoption by the voters.

Section 5.09. Reserved.

Editor's note—Charter Amendment No. XXIX, approved by the voters April 4, 1978, repealed former section 5.09 which contained transitional provisions relative to employees at the time the Charter became effective.

Section 5.10. Salaries; Wages; Hours.

Not inconsistent with the provisions of this charter and unless otherwise provided in this charter, the council shall prescribe by ordinance the salaries or [other] compensation of all officers and employees in the unclassified service of the city. The council shall also prescribe by ordinance the maximum and minimum salaries or other compensation for all officers, employees or classes of employees in the classified service of the city, provided that the minimum wage, salary, or other compensation be paid any of officer, employee or class of

employee in the classified service of the city shall never be less than the minimum hourly wage provided by federal law at any time governing minimum wages to be paid employees engaged in trade, commerce, transportation, transmission or communication among the several states or from any state to any place outside thereof, the maximum and minimum salaries or other compensation for all officers, employees or classes of employees in the classified service of the city to be established by ordinance as herein provided, and all compensation to be paid to such persons shall be based upon a maximum work period as established by ordinance, provided that the minimum or maximum work period shall be neither less, nor more than that allowed by federal law. The specific number of hours, or days within the work period to be prescribed by job classification by ordinance, and all officers, employees or classes of employees in the classified service of the city who may be required to be employed for a period in any one work period in excess of the work period established by ordinance shall be paid for such in excess of said established work period at a rate per hour of not less than the equivalent of their regular salaries, wages or other compensation calculated on a hourly basis for the said established work period. The city manager shall determine the compensation to be paid to all officers, employees or classes of employees in the classified service of the city within the limits established by ordinance. In no case, however, shall the salary or compensation of any officer or employee of the city be based or measured in whole or in part by fees.
(Charter Amendment No. X, approved by the voters on December 9, 1969; Charter Amendment No. LXIV, approved by the voters on February 4, 1991)

Section 5.11. Rights of employees.

Any regular employee under the classified service who shall be dismissed or demoted in rank or compensation or who shall be suspended or laid off shall be presented with written reasons for such dismissal, demotion, suspension or lay off within five days after the effective date of such act. Any regular employee who is dismissed, demoted, suspended or laid off may appeal to the personnel board within thirty days after the effective date of such action by filing with the personnel board in writing a statement under oath of the reasons for said appeal, and upon such appeal both the appealing employee and the director of the personnel department shall, after reasonable notice, have the right to be heard publicly and to present evidence. Both the employee and the director of the personnel department shall have the right to counsel and at the hearing technical rules of evidence shall not apply. The personnel board shall employ a skilled reporter whose duty it shall be to take full stenographic notes of the oral evidence in each hearing. The personnel board shall affirm the action of dismissal, demotion, suspension or lay off or shall order the reinstatement of the employee or restore him to his former rank or compensation subject to the limitations imposed in Section 5.04 of this charter. The decision of the personnel board shall be the final determination of all such appeals, unless set aside by appropriate court order or decree, and in such instance, the cost of the transcript of the hearing shall be paid by the city.

Section 5.12. Prohibitions.

No person in the classified service, or seeking admission thereto, shall be appointed, promoted, reduced, removed, advanced, or retarded on any basis or for any reason other than

necessity, qualification, merit, and fitness for the service or the lack thereof. Any such action shall be taken wholly without favoritism or discrimination and on no basis other than provided herein. No person shall willfully or corruptly make any false statement, certificate, mark, rating, or report in regard to any test, certification, or appointment held or made under the personnel provisions of this charter, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such personnel provisions or of the rules and regulations made thereunder. No appointive salaried officer or employee of the city shall continue in his position after becoming a candidate for nomination or election to any public office. No person seeking appointment to, or promotion in, the classified service shall either directly or indirectly give, promise, render, or pay any money, service, or other valuable thing to any person for, or on account of, or in connection with, his test, appointment, proposed appointment, promotion, or proposed promotion. No appointive salaried officer or employee of the city shall solicit any monetary contribution to the campaign funds of any candidate for office, to the campaign funds of any political organization; nor shall any such officer or employee make any monetary contribution to any political campaign or to the campaign of any candidate for city office. Nothing in this section shall be construed to prevent the exercise of the rights of appointive salaried officers or employees as citizens to express their opinions and to cast their votes.

Section 5.13. Violations.

Any person who shall willfully violate or conspire to violate any provision of this article or of any ordinance made pursuant thereto for which no punishment is provided therein, shall be guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be punished by a fine of not less than one hundred dollars and not more than five hundred dollars. The conviction of any employee of any such offense shall operate automatically to terminate his service and to vacate his position. Any employee so removed from the service shall not be reinstated, reemployed, reappointed, or be permitted to renter the service of the city.

ARTICLE VI. DEPARTMENT OF LAW

Section 6.01. City Attorney: Appointment: Qualifications.

There shall be a department of law, the director of which shall be known as the city attorney. He shall be appointed by and hold office at the pleasure of the council. The city attorney shall be a licensed member of the Bar of the State of Missouri and shall have practiced law for not less than five (5) years. He shall receive such compensation as may be fixed by ordinance. (Charter Amendment No. XXXVIII, approved by the voters on April 3, 1984)

Section 6.02. Powers and duties.

The city attorney, and assistant city attorneys under his direction, shall have the power and be required to:

(1) Conduct and carry on all civil suits, actions and proceedings on behalf of the city, and represent the city in the courts, before all public regulatory bodies, in all legal matters in which the city is a party or interested, and in the municipal court.

(2) Advise the council or any committee or member thereof, the city manager and the heads of all departments, boards, commissions, and offices concerning any legal questions affecting the city's interest.

(3) When requested by the council or any member thereof, or by the city manager, draft proposed city ordinances, or amendments thereto.

(4) Prepare or officially approve, as to form, all contracts, deeds, bonds, and other documents to be signed in the name of, or made to, with, or for the benefit of, the city, endorsing his approval thereon in writing.

(5) Revise and index or cause to be revised and indexed the city's ordinances, as herein provided, within three years after the adoption of this charter and thereafter direct and supervise the system of continuous revision and indexing.

(6) Perform such other duties of a legal nature as the council may by ordinance or resolution require.

Section 6.03. Assistant city attorneys: Special counsel.

The council may provide by ordinance for such assistant city attorneys and compensation as it may deem necessary, who shall be appointed and removed by the city attorney with the approval of the council. Such assistant city attorneys shall assist the city attorney in his official duties with power and authority under his direction to discharge any of the duties of the city attorney. The council shall further have the power to employ from time to time special legal counsel as it deems necessary.

ARTICLE VII. DEPARTMENT OF PUBLIC WORKS

Section 7.01. Appointment and qualification of director.

The city manager shall appoint the director of the department of public works, who shall be a professional engineer to be registered in the State of Missouri within one (1) year of assuming the position, and qualified to perform the duties required of him by this charter and the ordinances of the city.
(Charter Amendment No. XLV, approved by the voters April 7, 1987)

Section 7.02. Powers and duties.

The director of public works shall serve as city engineer and shall have charge of:

(1) The designing, construction, reconstruction, supervision, operation and repair of all municipal buildings, bridges, viaducts, waterways, sewers, drains, levees, airports, airport terminals, public market facilities, off-street parking facilities, tunnels and structures including alterations, replacements, additions, and appurtenances thereto, and maintenance of the same, unless otherwise provided in this charter.

(2) The physical construction and improvement, and the physical maintenance and operation of all parks, parkways, playgrounds, golf courses, recreational centers, cemeteries, camps, swimming pools, and all other city-owned land and buildings to be used for recreational purposes.

(3) The grading and improvement of all streets, alleys, highways, sidewalk spaces and public ways, and keeping the same open and in a safe and clean condition.

(4) The construction, reconstruction, repair, and maintenance of all pavements, curbs, and sidewalks.

(5) The collection and disposal of garbage, ashes and refuse, and treatment and disposal of sewage.

(6) The lighting of public grounds and highways, the laying of conduits, the location, erection and construction of poles and all structures in, on or over public grounds and highways, the granting of all permits to excavate into or disturb any highways or public property or to make any special use thereof.

(7) The inspection of gas, plumbing, electrical wiring, boilers, elevators, smoke, sanitary and safety equipment of all buildings and structures within the city, and such other inspectional duties as the council may by ordinance prescribe.

(8) The issuance and revocation of all building permits, and the administration of all building and zoning ordinances.

(9) The making and the keeping of records of all plats, surveys, drawings, and estimates, and the furnishing of all information and reports relating to public works or the department of public works as may be required by the city manager.

(10) The making and keeping of records of location, direction, depth, and connection of all underground structures and equipment, of a public nature.

(11) The drafting of a city building code and amendments thereto for adoption by the council.

(12) The appointment of an assistant city engineer, and other assistants, subject to the approval of the city manager.

As director of public works and as city engineer, he shall perform such additional duties not herein specifically set out as may be required of him by this charter, by law, by ordinance, or by the city manager.

Section 7.03. Director of parks and recreation: Qualifications.

The director of parks and recreation division shall be selected by the city manager on the basis of his training and experience for his duties.
(Charter Amendment No. XXXVII, approved by the voters November 2, 1982)

Section 7.04. Director: Powers and duties.

The director of parks and recreation division shall be responsible to the city manager for an adequate and progressive recreational program. To that end, he shall have the power and be required to:

(1) Manage and control all recreational programs in all places and buildings owned or controlled by, or available to, the city.

(2) Manage and control the recreational use of all parks, parkways, playgrounds, golf courses, recreational centers, camps, swimming pools, and other such city-owned lands, buildings, facilities and equipment, as may be authorized for recreational purposes.

(3) Plan a park and recreational program, with the advice of the parks and recreation board, so that the city will have adequate and ample park and recreational facilities.

(4) Submit a plan, with the advice of the parks and recreation board, for financing the park and recreational program.

(5) Formulate, with the advice of the parks and recreation board, proposed rules and regulations for submission to the council by the city manager for the proper use and protection of all property under the jurisdiction of the division.

(Charter Amendment No. XXXVII, approved by the voters November 2, 1982)

Section 7.05. Parks and recreation board.

The council shall appoint a parks and recreation board of seven (7) members, who shall be qualified voters of the city; who shall not be paid officers or employees of the city; and who shall serve without compensation; and for such terms as the council may by ordinance, provide.
(Charter Amendment No. XLVI, approved by the voters April 7, 1987)

Section 7.06. Parks and recreation board: Powers and duties.

The parks and recreation board shall have power and be required to:

(1) Act in an advisory capacity in all matters pertaining to public recreation and parks.

(2) Consider the annual budget of the parks and recreation division and make recommendations with respect thereto to the city manager and the council.

(3) Assist in the planning of a recreation program, promote and stimulate public interest therein; and to that end, solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies.

Section 7.07. Airports board.

The council shall appoint an airports board of seven members, who shall be qualified voters of the city; who shall not be paid officers or employees of the city; and who shall serve without compensation, and for such terms as the council may, by ordinance, provide.

Section 7.08. Airports board: Powers and duties.

The airports board shall have power and be required to:

(1) Act in an advisory capacity in all matters pertaining to airports.

(2) Consider the annual budget for airports and make recommendations with respect thereto to the city manager and the council.

(3) Assist in the planning of an airports program, promote and stimulate public interest therein; and to that end, solicit to the fullest extent possible the cooperation of public and private agencies.

Section 7.09. Plumbing board: Electrical board: Other boards.

The council shall appoint a plumbing board and an electrical board and such other boards as it may by ordinance provide to act in advisory, planning, and examining capacity to the director of public works in the execution and administration of the powers herein granted to the director of public works. Each of such boards shall be composed of three members who shall be qualified voters of the city and who shall not be paid officers or employees of the city; and who shall serve without compensation and for such terms as the council may, by ordinance, provide.

(Charter Amendment No. XLVI, approved by the voters April 7, 1987)

ARTICLE VIII. DEPARTMENT OF PUBLIC HEALTH AND WELFARE

Section 8.01. Director: Appointment: Qualifications.

The director of the department of public health and welfare shall be appointed by the city manager. He shall be a physician licensed to practice by the State of Missouri or a sanitary engineer or other person qualified by training and experience in public health work. The department shall have such divisions as may be established by ordinance.

Section 8.02. Director: Powers and duties.

The director of public health and welfare shall have authority and shall be required to:

(1) Enforce the laws of the state, the provisions of this charter and all ordinances relating to public health and welfare, and shall make and enforce or cause to be enforced reasonable rules and regulations, and may repeal the same, subject to the approval of the council, for preserving and promoting the public health and welfare, said rules and regulations to be in writing and shall be made available for inspection by the public at the city hall.

(2) Direct and supervise the inspection of all articles or commodities offered for sale within the city for human consumption, and direct and supervise the inspection of and requirements for sanitary conditions and cleanliness of premises where the same are produced, handled, processed, stored, or offered for sale or consumption, and direct and

supervise the inspection of the healthfulness, cleanliness and sanitation of all methods, practices, persons and things relating thereto, and for such purpose may enter in the daytime any public building or premises and may enter private buildings or premises within the city after reasonable notice to the owner or occupant thereof.

(3) Exercise general supervision over the health and cleanliness of the city and take all necessary measures for the protection, preservation and promotion thereof including, but not limited to, the making of any health examination required by statute or by ordinance and the conduct of programs of public health and the power of quarantine and detention to prevent the spreading of contagious and infectious diseases and for such purpose may enter in the daytime any public building or premises and may enter private buildings or premises within the city after reasonable notice to the owner or occupant thereof.

(4) Cause the abatement or removal of nuisances detrimental to health or which might become detrimental to health whenever in the opinion of the board of health such nuisance exists, and the cost thereof may be assessed and collected as a special tax and may be a lien on the property affected thereby in the manner provided for by ordinance. Such nuisance shall include but not be limited to polluted streams or other bodies of water, privies or toilets not connected with dwelling houses and sewers, breeding places of flies, mosquitoes, rodents, and other pests, and wastes, sewage, noxious odors, and industrial discharges the control of which is not delegated in this charter to the department of public works.

(5) Have charge of all hospitals, clinics, the children's home, and other institutions and facilities now or hereafter owned or controlled by the city for the care and treatment of sick, injured, mentally ill, senile, orphaned or destitute persons and children of indigent parents and of the control and operation thereof, unless otherwise provided in this charter.

(6) Administer all ordinances and municipal programs involving social services and public assistance, and integrate municipal programs with state and federal programs.

(7) Cooperate with all public and private agencies, bodies, and instrumentalities engaged in health or welfare activities including, but not limited to, child welfare and hygiene, juvenile delinquency, and mental hygiene, to the end that a duplication of the use of any facilities or activities may be avoided as much as possible.

(8) Perform such other duties as may be required by this charter or by ordinance.

(9) Exercise the powers and duties given in this charter and by ordinance both within and without the city insofar as the same are not prohibited by the laws of the state.

(Charter Amendment No. XLVIII, approved by the voters April 7, 1987)

Section 8.03. Board of health.

The board of health shall be composed of two physicians licensed to practice by the State of Missouri, one veterinarian licensed to practice by the State of Missouri, and two other persons, who shall be appointed for such terms and removable therefrom as the council may provide and who shall serve without compensation.

Section 8.04. Board of health: Powers and duties.

(1) The board of health shall act as an advisory board to the city manager, the director of the department of public health and welfare, and the council on all matters pertaining to public health and sanitation.

(2) Consider the annual budget of the department of public health and welfare and make recommendations with respect thereto to the city manager and the council.

(3) Perform such other duties as may be prescribed by law or by ordinance consistent with this charter.

Sections 8.05—8.08. Reserved.

Editor's note—Charter Amendment No. XXX, approved by the voters on April 4, 1978, repealed former sections 8.05—8.08 which contained provisions relative to the children's home board.

ARTICLE IX. THE MUNICIPAL COURT

Section 9.01. Municipal court: Jurisdiction and powers.

There shall be a municipal court which shall have jurisdiction as prescribed herein or by law or ordinance to hear and determine all cases arising under or involving violations of the provisions of this charter or the ordinances of the city, subject to appeal by either party to the circuit court in like manner as provided by law for appeals from magistrate court in Jasper County in criminal cases, but the city shall not be required to give bond on appeals nor shall there be any appeal from a judgment on a plea of guilty. The power and jurisdiction of such court shall include, but not be limited to, the following: May punish contempts of court in like manner and to the same extent as is authorized by law or rule for courts of record and may include confinement in the city jail as punishment; may enforce its process, orders and judgments in the same manner as a court of record; may issue warrants of arrest, and search warrants or warrants for search and seizure as authorized by law for circuit judges or magistrates, directed to the chief of police or other police officers of the city upon application of the city attorney, assistant city attorneys, chief of police, or other police officers; may summon and compel the attendance and recognizance or cash bond of witnesses and the production of books, papers, documents, and other documentary evidence not privilege by law; may administer oaths and affirmations; may summon and compel the attendance of jurors; may pass upon the competency, admissibility and relevance of evidence; may adjudge and require the abatement of nuisances as defined by law or ordinance and declare the costs of such abatement to be a lien upon the premises concerned, and subject to sale as provided by law or ordinance; and may render final judgment on any forfeited bond or recognizances returnable to such court, subject to appeal, as in other cases. No change of venue shall be granted in such court.

Section 9.02. Judge of municipal court.

The municipal court shall be conducted by a municipal judge, who shall have been a resident of the city for not less than three years immediately prior to his appointment, a licensed member of the bar of the State of Missouri, and who shall have practiced law for not less than three years, elected by the council for a term of four years and until his successor is selected and qualified, and who shall be removable by the council at any time for cause by a two-thirds vote of the council after a hearing before the council. In case of his absence or inability to serve, the council shall select an eligible person to act during such absence or inability. The municipal judge shall devote adequate time to the duties of his office. He shall, upon all convictions, fix the amount of fine or imprisonment, or both, and costs within the limits prescribed by ordinance, and shall have power to grant probation, paroles, or stays of execution, and shall perform such duties as set forth in this charter or as prescribed by ordinance.

Section 9.03. Salary: Costs and fines.

The municipal judge, or any person serving in his place during absence or inability to serve, shall receive such compensation as may be fixed by ordinance. All costs, fines and forfeitures imposed by the municipal court, or collected under authority thereof, and all other receipts so collected, shall be regularly accounted for and paid into the city treasury for the use and benefit of the city.

Section 9.04. Marshal and clerk.

The chief of police and his subordinate peace officers shall have power to execute the writ of search warrant and shall serve as marshal and deputy marshals of the municipal court and enforce its orders, judgments, and decrees. The council may by ordinance provide that members of the police department shall serve as clerk of said municipal court. The council shall by ordinance provide for the bonding of all police officers at the expense of the city, and for the prompt taking at all hours by the municipal judge, police officers or clerk of the court of recognizances or cash bonds from persons arrested and any person arrested shall have the right, upon demand, to advise with counsel or other persons in his behalf.

Section 9.05. Proceedings: Place of holding court.

The forms of complaints, issuance of warrants, the conduct of all proceedings and costs in municipal court shall be as prescribed by law, or by ordinance not inconsistent with this charter. The city shall provide a suitable place for holding court, together with such offices and chambers as may be necessary, separate and apart from the city jail and police department in the city hall, or other place.

Section 9.06. Jury trial.

Any party may demand trial by jury. Jury trial proceedings shall be as required by state law, supreme court rules, this charter, or city ordinances.
(Charter Amendment No. XLIX, approved by the voters April 7, 1987)

ARTICLE X. ZONING AND PLANNING

Section 10.01. Zoning and planning commission: Organization.

There shall be a city zoning and planning commission which shall consist of seven members, who shall be appointed by the council, for such terms as may be provided by ordinance, none of whom shall hold any other public office or position in the city. The city manager and mayor shall serve as ex officio members of the commission. The commission shall elect its chairman from among the appointive members.
(Charter Amendment No. XI, approved by the voters on December 9, 1969)

Section 10.02. Zoning and planning commission: Powers and duties.

The city zoning and planning commission shall have power and shall be required to:

(1) Make, amend, extend and add to the master plan for the physical development of the city as defined in Sections 10.05 and 10.06 of this charter.

(2) Advise the council concerning platting or subdividing land within the city.

(3) Prepare for the city council an official map of the city and make recommendations with respect to proposed changes in such map.

(4) Review and make recommendations with respect to proposed changes in the zoning ordinances and zoning maps; hold public hearings on requests for rezoning, amendments to the zoning ordinances, amendments to the comprehensive plan, and such other planning and zoning matters as may be required by law or the provisions of this charter.

This commission shall have power to:

(5) Prepare and recommend plans for the replanning, improvement and redevelopment of neighborhoods.

(6) Prepare and recommend a plan for the replanning, reconstruction or redevelopment of any area or district which may be destroyed in whole or in part or seriously damaged by fire, earthquake, flood or other disaster.

(7) Exercise authority pertaining to planning and zoning permitted in the Revised Statutes of Missouri, as amended, when authorized by city council or this charter.

(Charter Amendment No. LXIII, approved by the voters April 3, 1990)

Section 10.03. Director of planning.

The city manager shall have the power with the approval of the commission to appoint a director of planning who shall be qualified by special training and experience in the field of city planning. He shall be the regular technical adviser of the commission, may also be designated its executive secretary, and shall have such other authority, duties and responsibilities under

the direction and control of the commission as it may require and establish. The council shall fix compensation of such director, who shall not be required to be a resident of the City of Joplin.

Section 10.04. Board of adjustment.

There shall be a board of adjustment the appointment of which shall be provided for by the council as required by state law, which board shall have such powers and duties as are provided by law or ordinance. Members of the zoning and planning commission shall not be disqualified from serving as members of the board of adjustment.

Section 10.05. The master plan.

The master plan with the accompanying maps, plats, charts, descriptive and explanatory matter, shall generally guide the physical development or redevelopment of the city and may include among other things, goals, objectives, policies, standards and recommendations for the following:

(1) The general location, character and extent of streets, bridges, parks, waterways and other public ways, grounds and spaces;

(2) The general location of public buildings and other public property;

(3) The general location and extent of public utilities, whether publicly or privately owned;

(4) The removal, relocation, widening, extension, narrowing, vacation, abandonment or change of use of such existing or future public ways, grounds, spaces, buildings, property or utilities;

(5) The general location, character and extent of residential, commercial, industrial, and other uses of land.

(Charter Amendment No. LXIII, approved by the voters April 3, 1990)

Section 10.06. Adoption of master plan.

The commission may adopt the master plan as a whole by a single resolution, or may by successive resolutions adopt successive parts of the plan, said parts corresponding to major geographical sections of the city or to functional divisions of the subject matter of the plan and may adopt any amendment or extension thereof or addition thereto. The adoption of the plan, or of any such part, amendment, extension or addition shall be by resolution carried by the affirmative vote of not less than a majority of the commission, but before the adoption of the plan or any such part or any modification, extension, or addition, the commission shall hold at least one public hearing on the proposed action. An attested copy of the plan or part thereof shall be certified to the council. Neither the master plan, nor any element of the plan, shall have the legal effects set out in Section 10.07 of this Article, unless the plan, or the element of the plan in question, shall have been approved by the city council by ordinance.
(Charter Amendment No. LXIII, approved by the voters April 3, 1990)

Section 10.07. Legal effect of master plan.

No street, park or other public way, ground or space, no public building or structure and no public utility whether publicly or privately owned, shall be constructed or authorized in the city, nor shall any real property be acquired by the city, until and unless the location and extent thereof shall have been submitted to and approved by the commission; provided that in case of disapproval, the commission shall communicate its reasons to the council which shall have the power to overrule such disapproval, and upon such overruling, the council or the appropriate office, department, or agency shall have power to proceed. The widening, narrowing, relocation, vacation or change in the use or name of any street or other public way or ground, or the sale of any public building or real property shall be subject to like submission and approval, and failure to approve may be similarly overruled by the council. The failure of the commission to act within thirty days after the date of the official submission to the commission shall be deemed approval, unless a longer period be granted by the council or the submitting official.

Section 10.08. Platting or subdivision control.

The zoning and planning commission shall advise the council on all platting or subdivision within or without the city and the council shall have control of the platting and subdivision of land within the city and within four miles thereof; provided, however, that said control shall not apply to land outside of the city over which platting or subdivision control is reposed by law in some authority other than the city or any of its officers or departments. The council shall not approve any map or plat of any subdivision unless the same shall first have been approved by the zoning and planning commission, or unless the council shall overrule the disapproval of said commission. Subdivision shall include the division of a lot, tract or parcel of land into two or more lots, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development.

Section 10.09. Regulations governing subdivisions of land.

In exercising the powers granted to it by this Article, the zoning and planning commission shall prepare and make recommendations to the city council with respect to regulations governing the subdivision and development of land within its jurisdiction. Such regulations may provide for the harmonious development of the city and its environs, for the coordination of streets and other ways within the subdivided land with other existing or planned streets and ways or for conformity to the master plan or official map, for adequate open spaces, for spaces for traffic, utilities, recreation, light and air, and for the avoidance of congestion of population. Such regulations may include requirements as to the extent to which and the manner in which streets and other ways shall be graded and improved and water, sewer and other utility mains, piping, connections or other facilities shall be installed as a condition precedent to the approval of the subdivision.
(Charter Amendment No. LXIII, approved by the voters April 3, 1990)

Section 10.10. Tentative approval of plats.

The regulations or practice of the commission may provide for a tentative approval of the plat previous to such improvements and installation; but any such tentative approval shall not

be entered on the plat. In lieu of the completion of such work previous to the final approval of a plat, the commission may accept a bond, in an amount and with surety satisfactory to the city manager, providing and securing to the city the actual construction and installation of such improvements and utilities within a period specified by the city manager and expressed in the bond.

Section 10.11. Lines of mapped streets.

After the city council shall have adopted a major thoroughfare plan of the territory of the city or of any section thereof, the zoning and planning commission shall have the power to make or cause to be made, from time to time, surveys for the exact location of the lines of new, extended or widened streets in any portion of such planned territory, and to make and certify to the council plats of the areas thus surveyed, on which are indicated the location of the lines recommended by the commission as the planned or mapped lines of future streets, street extensions or street widenings, together with the commission's estimate of the time period within which the land shown on the plat or street locations should be acquired for street purposes. The council may, by ordinance, adopt any such plat, in accordance with the procedure prescribed in Section 2.12 of this charter, provided that notice of the time and place, when and where it will be considered for final passage shall be sent by mail to the record owners of land on or abutting which the future street lines designated on the plat are located. Any modification of such plat shall before passage be submitted to the zoning and planning commission and either approved by it or, if disapproved, be approved by a favorable vote of the council. The adoption of a plat shall not, in and of itself constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for street purposes.
(Charter Amendment No. LXIII, approved by the voters April 3, 1990)

Section 10.12. Official map.

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

(1) All public streets existing and established by law at the time of the establishment of the official map.

(2) All planned streets or street lines as located on plats adopted by council in accordance with the provisions of Section 10.11 of this charter at the time of the establishment of the map.

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

Section 10.13. Modification of official map.

Thereafter, all street locations on final or recorded plats of subdivisions approved in accordance with the provisions of this charter or on plats adopted by the council under the provisions of Section 10.11 shall be deemed additions to or modifications of the official map and shall be placed thereon. The council may by ordinance make, from time to time, other additions to or modifications of the official map by placing thereon the location of proposed streets, street extensions, widenings, narrowings, or vacations, in accordance with the procedure prescribed in Section 2.12 of this charter; provided that notice of the time and place, when and where such additions or modifications will be considered for final passage, shall be given as provided by ordinance to the record owners and occupants of the lands on or abutting which such mapped streets or street lines or street vacations are located. Any such proposed addition to or modification of the official map shall be referred to the zoning and planning commission for its approval, but if the zoning and planning commission disapprove or fail to act within thirty days, the council by a majority vote of its members may overrule such disapproval or adopt such amendments.
(Charter Amendment No. LXIII, approved by the voters April 3, 1990)

Section 10.14. Buildings in mapped streets.

The council may provide by general ordinance that no permit shall be issued for any building or structure or any part thereof on any land located between the mapped lines of a street as shown on the official map. Any such ordinance shall provide that the board of adjustment or if the council so provides a special board of appeals created for the purpose by the council, shall have the power, upon an appeal filed with it by the owner of such land, to grant a permit for a building or structure or part thereof in any such mapped street location in any case in which such board finds, upon the evidence and arguments presented to it upon such appeal, (a) that the entire property of the appellant, of which such mapped street location forms a part, cannot yield a reasonable return to the owner unless such permit be granted, and (b) that, balancing the interest of the municipality in preserving the integrity of the official map and the interest of the owner of the property in the use and benefits of his property, the grant of such permit is required by considerations of reasonable justice and equity.

Section 10.15. Hearings on buildings in mapped streets.

Before taking any action, the board of adjustment or special board of appeals shall hold a hearing at which the parties in interest shall have an opportunity to be heard. At least ten days notice of the time and place of such hearing shall be given to the appellant by mail at the address specified by the appellant in his appeal petition. In the event that the board of adjustment grants a building permit in any such appeal, it shall have the power to specify the exact location, extent, ground, area, height, duration and other details and conditions to govern the building, structure or part thereof for which the permit is granted.

Section 10.16. Legal effect of official map.

After the establishment of the official map, the council may provide by ordinance that no water or sewer connection or other public utility or improvement shall be constructed in, or any

water, drainage, light or other public service rendered to or along any street, until and unless such street shall have been duly placed on the official map in accordance with the authority and procedure set forth in Sections 10.12 and 10.13 of this charter. The council may also provide by general ordinance that no permit for the erection of any building shall be issued unless a street giving access to such proposed structure is shown on the official map; provided, however, that such ordinance shall contain provision whereby the applicant for such a building permit may appeal to the board of adjustment or to the special board of appeals referred to in Section 10.14 of this charter, the hearings upon which appeal and notice of which hearing shall be held and given as provided in Section 10.15 and such board may be granted the authority to issue a permit, subject to such conditions as the board may impose, where the circumstances of the case do not require the proposed building to be related to existing mapped or planned streets and where the permit would not tend to dislocate or increase the difficulty of carrying out the official map or master plan. The word "street" or "streets" in this article shall be deemed to include streets, boulevards, avenues, alleys, lanes and other ways.

Section 10.17. Zoning.

The city zoning and planning commission shall exercise the authority vested in a zoning commission by the state zoning enabling act. It shall prepare and recommend to the council a comprehensive zoning ordinance, or propose amendments or revisions thereof, with such provisions as the commission shall deem necessary or desirable for the promotion of the health, safety, morals and general welfare of the inhabitants of the city. Such provisions may include regulations as to the location, width, height and bulk of buildings and other structures; the size of the yards, courts and other open spaces surrounding buildings and structures; the use of buildings and structures and land. The commission shall hear applicants for amendments, modifications or revisions of the zoning ordinance and shall forward such applications to the council with its recommendations thereon. The recommendations of the commission shall not be binding on the council, which may approve or disapprove the commission's findings; however, no general city plan, or zoning ordinance, or any modification, amendment or revision thereof, shall be considered by the council unless the same shall have been first submitted to the commission for its examination and recommendation.

Section 10.18. Powers of council in replanning and redevelopment of neighborhoods and disaster areas, and reclamation of blighted, substandard, or insanitary areas.

The council shall have power to adopt, modify and carry out plans proposed by the zoning and planning commission for the replanning, improvement and redevelopment of neighborhoods and for the replanning, reconstruction or redevelopment of any area or district which may have been destroyed in whole or in part by disaster. The council may enact ordinances providing for the clearance, replanning, reconstruction, redevelopment and rehabilitation of blighted, substandard or insanitary areas, and for recreational and other facilities incident or appurtenant thereto, and for taking or permitting the taking, by eminent domain, of property

for such purposes, and when so taken the fee simple title to the property shall vest in the owner, who may sell or otherwise dispose of the property subject to such restrictions as may be deemed in the public interest.

Section 10.19. Procedure for adoption of plans by council.

Upon receipt by the council of any plan for neighborhood replanning and redevelopment or disaster planning, the council may adopt such plan, in accordance with the procedure prescribed in Section 2.12 of this charter, provided that notice of the time and place, when and where the plan will be considered for final passage shall be given as provided by ordinance to the record owners and occupants of the lands and buildings included within such planned district. Any modification of such plan shall before passage be submitted to the zoning and planning commission, but if disapproved the council may overrule such disapproval by a majority vote of its members.

ARTICLE XI. PUBLIC IMPROVEMENTS AND CONDEMNATION

Section 11.01. City's powers in making public improvements.

The city shall have power to improve the public highways of every character, and parts thereof, within the city, by grading or regrading, paving or repaving, macadamizing or remacadamizing, surfacing or resurfacing, constructing or reconstructing, oiling or sprinkling, curbing or recurbing, guttering or reguttering, or repairing the same, or any parts thereof, or by constructing, reconstructing or repairing sidewalks thereon, or by sodding or resodding same or parts thereof, or by planting, replanting and caring for trees and shrubbery on or along the same, and to acquire, construct, reconstruct, repair and maintain bridges, viaducts, tunnels, culverts, cuts and fills and approaches to any of them, and dikes, levees, drains and sewers on, along or under any such public highway or highways or other rights-of-way therefor, and any and all other works in connection therewith, and to acquire, construct, reconstruct, repair, maintain, enlarge, alter and extend sewers, drains, canals, septic tanks, sewage disposal works and plants, including all inlets, outlets, equipment and other appurtenances thereto; and to improve watercourses and the banks thereof, divert the water thereof and change the channels of the same, and to acquire, construct, reconstruct, repair and maintain all other public improvements within the city; and to provide for making such improvements separately, or in combination with any two or more of them as one general public improvement; and to pay for such public improvements, or any of them, in whole or in part, out of the general funds or out of the revolving public improvement fund herein provided, or in whole or in part by bonds or the proceeds of bonds, or in whole or in part by special assessments on land, or special tax bills or securities evidencing special assessments, and to make, levy, assess and collect special assessments to pay therefor, in the manner provided herein, and to issue special tax bills and other evidences of such assessments. When not otherwise limited or prohibited by the constitution of the State of Missouri, the powers above enumerated may be exercised by the city outside of the city limits for the benefit of the city and its inhabitants.

Section 11.02. Ordinance shall prescribe method of paying for public improvements.

All ordinances and contracts for work authorized to be done by this article shall specify how the same is to be paid for, and in case payment is to be made in whole or in part to the contractor in special tax bills or other evidences of special assessments, the city shall in no event, nor in any manner, be liable for or on account of the work so to be paid for.

Section 11.03. Lowest and best bidder except when done by city.

All city improvements of whatever kind or character made or to be constructed at the expense of the city, including all work to be paid for by special assessments or in special tax bills or other evidences of special assessments, except as in this charter provided otherwise, shall be let by contract to the lowest and best bidder; provided, however, that nothing in this section shall be so construed as to prevent construction or repair by day's work of streets, alleys, boulevards, parkways, park roads and other public highways and places, and of curbing, guttering, sidewalks, sewers, culverts, buildings or other city property so far as may be necessary, under the direction of the director of public works. Such director may reject any and all bids.

Section 11.04. Institution of proceedings by resolution—Estimate.

All proceedings to make any of the public improvements authorized herein shall (unless otherwise expressly provided in this charter) be begun by the adoption and entry of a declaration of necessity (hereinafter referred to as the resolution) by the director of public works. Such resolution shall be entered on the records of the department, and shall state the nature of the improvement, and when the same is to be paid for in special tax bills or other evidences of assessments upon real property (or out of the revolving public improvement fund, to be reimbursed by collection of such assessments), it shall state the method of making assessments to pay therefor. The director shall also have prepared by the city engineer, prior to the introduction and adoption of said resolution, an estimate of the probable cost of such proposed improvement. Such estimate shall be open to inspection and discussion at any hearing held as to such improvement. Any error or inaccuracy in such estimate, as compared with the actual cost of the work as finally determined, shall not affect the validity of the proceedings or of any assessments made or tax bills or other securities issued to pay for such work.

Section 11.05. Hearing set—Publication of notice.

At or after the adoption and entry of record of any such resolution, the director of public works shall, by order, fix a day upon which a hearing in respect to such improvement shall be had, which day shall be within thirty days after the date when such order is made. He shall also cause to be published for five days in the newspaper at the time doing the city printing, and if there be no such paper, then in any other newspaper published in the city, a notice of the proposed improvement. Such notice shall recite briefly the fact that such improvement is

proposed, the general nature thereof, and the streets or other points between which, or in the case of a proposed sewer, the sewer district or districts within which, such improvement is proposed to be made, and that a hearing concerning the same will be had by the said director at his office, or other place designated in the notice, and the date upon which the hearing shall be had.

Posting of notice. He shall also cause a notice of such proposed improvement to be posted in at least five public places along the street or other public property to be improved, or, in case of a district sewer, within such district, or in case of a joint district sewer, in at least ten public places within such joint sewer district. Such posted notice shall state briefly the fact that such improvement is proposed, and the date and place set for the hearing thereon. But a failure to post such notice shall not affect the validity of the proceedings, or of any special assessments thereafter made, or special tax bills or other securities issued to pay for such improvement.

Section 11.06. Hearing—Decision of director.

On the date fixed for such hearing any and all property owners interested in such improvement may, by written petition, or otherwise, present their views in respect to the proposed improvement to the said director, and the said director may adjourn the hearing from time to time. After such hearing, if the said director shall determine that it is not for the public interest that the proposed improvement, or a part thereof, be made, and paid for either out of the general fund or by any method of assessment, or otherwise, he shall make an order to that effect, and thereupon the proceedings for the improvement, or part thereof, determined against by such order, shall stop and shall not be begun again until the adoption of a new resolution.

Section 11.07. Remonstrance.

In case the improvement or part thereof consists of paving or repaving, macadamizing or remacadamizing the roadway of a street, avenue, alley, or part thereof, which shall not have been found and declared to be used and occupied for business purposes, as hereinafter specified, and the resident owners of the city owning a majority of the front feet of all the lands belonging to such residents and fronting on the entire blocks, portion and length of such street, avenue, alley or part thereof to be paved or macadamized, shall file with the said director, on or before the day fixed for such hearing, a remonstrance against such paving or macadamizing, the power of the director to make the improvement shall cease for the period of six months from the date of the filing of such remonstrance, after the lapse of which period the proceedings may be begun by the adoption of a new resolution, as though no former proceedings had been begun, except that there shall be no right of remonstrance in a case where the city seeks to pave, repave, macadamize, or remacadamize a one block portion of an otherwise continuous paved or macadamized street, avenue, or alley. In any case such right of remonstrance shall not apply to any proceeding to improve any boulevard, parkway or other road located within the boundaries of a park owned or leased by the City of Joplin.

Whenever a remonstrance of property owners against public improvements purporting to be executed under the authority of this charter, is filed with the director of public works, he shall

canvass or cause to be canvassed the same, and shall determine and certify on the records of his department whether or not such remonstrance is legally sufficient under the requirements of this charter. Such certificate or any certificate by the director of public works that proper notice of any such proposed hearing has been given and that no remonstrance has been filed, shall, when filed with the city clerk, be prima facie evidence of the truth of the facts and matters so certified; and unless within five days after the date set for the hearing, or after the last day to which such hearing may have been continued, a demand shall be filed with the city clerk by any resident owner of land fronting or abutting on such street proposed to be improved, for a review by the council of the fact and sufficiency of such notice and of any remonstrance filed or claimed to have been filed with such director in accordance with the provisions of this section, then such certificate or certificates of the director of public works shall be final and conclusive as to the facts and matters so certified. In case any such demand is filed with the council as aforesaid, the council shall hear and determine the matter, and its findings thereon shall be final and conclusive.

Section 11.08. Business streets—Remonstrance not effective.

In case the proposed improvement consists of paving or repaving, macadamizing or remacadamizing any street, alley or other public highway, or part thereof, as aforesaid, if the resolution of the director of public works, providing for said work, shall contain a statement that the street, alley, public highway or part thereof, in which the proposed improvement is to be made, is used or occupied for business purposes, and that the improvement is recommended by the director of public works, then, in that event, if the council shall, in the ordinance authorizing the improvement and ratifying and confirming the contract therefor, find and declare by the affirmative vote of not less than six of its members, that the street, alley, or other public highway, or part thereof in which the proposed improvement is to be made, is used or occupied for business purposes, and that the improvement has been recommended by the director of public works, such finding and declaration shall be final and conclusive for all purposes. No special assessments thereafter levied or special tax bills or other securities issued thereon, that may be thereafter issued to pay for such work shall be held invalid or affected for the reason that the work for which they may have been issued was not in fact recommended by the director of public works, or that such street, alley, or other public highway or part thereof was not in fact used or occupied for business purposes; and the improvements shall proceed regardless of any remonstrance.

Section 11.09. Plans and specifications.

After such hearing, if no such determination against the improvement is made, or if only a part of the proposed improvement be determined against by said director, he shall perfect and adopt plans and specifications for the proposed improvement not determined against, including, as he may deem proper, provisions for the maintenance thereof for a stated period.

Section 11.10. Maintenance agreement.

In case a macadam or gravel street roadway pavement is provided for, there may be included as an essential part of the maintenance thereof specifications for the rolling and oiling of such pavement at intervals during a stated period.

Section 11.11. Specifications not to be limited so as to prevent competition.

In specifying the character of the materials for, or mode of construction of, pavements or roadways, or in the construction of curbing or sidewalks, the city shall not limit the materials to be used to those taken from any specific place, mine or quarry, or to the material of any particular owner or manufacturer, or to any patented process or material; but the director of public works may arrange plans and specifications for bids in such manner as to permit such materials or process to enter into competition, and any contract made with the lowest and best bidder under such plans and specifications, if confirmed by ordinance, shall be valid.

Section 11.12. Bids, contracts—Confirmation by council.

After the entry of such resolution and the adoption of such plans and specifications, the director of public works shall advertise for bids for the doing of the work, by publication in the newspaper then doing the city printing, or if there be no such paper, then in any newspaper in Joplin, Missouri, for not less than five days, within a period of twenty days prior to the day set for receiving bids. Any and all bids may be rejected. Except for such right of rejection the director of public works shall let the contract to the lowest and best bidder therefor, and shall cause the contract so let to be formally executed by the contractor and by said director on behalf of the city. Such contract, before it shall be binding and effective, shall be confirmed by an ordinance of the said council, as hereinafter specified, and when so confirmed shall in all respects be considered and held to have been authorized by the city.

Section 11.13. Payments to contractor—How made—Cash or tax bills.

All bids for the doing of public work to be paid for out of the proceeds of special assessments shall, except as herein provided, be upon the basis of being paid for by special tax bills evidencing such assessments. But if so provided in the resolution instituting the improvement, the advertisement for bids shall call for bids for doing the work on the basis that the contractor will be paid in whole or in part in cash, partial payments, as hereinafter provided, or in a single payment at the completion and acceptance of the work. In any such case the contract shall provide for payments to be made in accordance with the terms of the bid accepted. Such cash payments shall be made by warrant drawn by the director of finance, upon requisition of the director of public works to the contractor under such contract out of the revolving public improvement fund herein provided for, or other available funds; and the final payment, in cash or in special tax bills, according to the contract, shall be made within thirty days after the date of the final acceptance of the work. But no ordinance shall be passed confirming any such contract under which the city shall agree to pay the contractor, in whole or in part, in cash as aforesaid, unless so recommended by the director of public works nor unless such ordinance shall have endorsed thereon the certificate of the director of finance that there is on hand in the city treasury, in the revolving public improvement fund, provided for in this charter, or other available funds, a sufficient amount available for the purpose of paying in cash the amounts called for in such contract on the basis of the estimates made by the city engineer.

Tax bills to be issued in any case—Issued or endorsed to city—Action by city on tax bills. In any of the foregoing cases in which the contractor is paid in whole or in part in cash, in the manner aforesaid, special tax bills shall be issued as in other cases by the director of public works to the contractor or his assigns, who shall endorse same, without recourse, to the city, or they may be issued direct to the city. Said director of public works shall certify such assessment and apportionment to the director of finance, as in other cases. Such tax bills so taken over by the city shall be delivered to the director of finance, who shall keep a proper record thereof, and shall hold them as assets to the city until paid, or until sold, by authority of an ordinance of the city. Same shall be collectible by the city in the manner provided in this charter for the collection of tax bills; provided, that in any suit by the city for the collection of any such tax bills and the enforcement of the lien thereof, as provided in Section 11.58 and the sections following, of this article, which shall be brought in the name of the city by the director of finance, or at his instance, all the tax bills issued in any one proceeding, or any portion of them, may be sued on in one action.

Section 11.14. Partial payments to contractor.

In any case in which the contractor is to be paid in cash, as hereinbefore provided, the resolution of the director of public works and the advertisement for bids for such work, may provide that payment shall be made to the contractor as the work progresses, in such amounts and at such intervals as shall be named in the resolution and advertisement. Such payments shall be made only upon the certification of the city engineer that the work upon which advance payments are to be made has been done in conformity with the contract and upon the giving to the director of public works, satisfactory evidence that the labor and materials represented by such work have been paid for; and no such payment, except the final payment, shall together with any payments previously made, be in excess of ninety per cent of the actual amount theretofore expended by the contractor for such work. In any such case the contract entered into for such work shall contain a provision for such partial payments, as provided in the resolution and advertisement, and the ordinance confirming the contract shall appropriate from the revolving public improvement fund, or other fund, to the public works department an amount sufficient to make such payments, as estimated by the city engineer. Such ordinance shall not be passed unless it has endorsed thereon the certificate of the director of finance that there are unappropriated funds on hand available for the purpose of such appropriation. (Charter Amendment No. XXXI, approved by the voters April 4, 1978)

Section 11.15. Contract may be rescinded—When.

The director of public works at any time before any contract is confirmed by the council, may, by an order entered on the records of the department, rescind the action of said director in signing said contract in behalf of the city, and thereupon all proceedings had in relation to such proposed improvement shall be null and void.

Section 11.16. Method of payment to be prescribed by ordinance.

The ordinance confirming the contract shall also provide for and authorize the improvement and shall state the nature of the improvement, and this may be done by a reference to the plans

and specifications therefor. Such ordinance shall state how the cost thereof shall be paid; that is, whether the cost thereof is to be paid by special assessments, or by special tax bills or other evidences of such assessments, or out of the general fund, or out of the revolving public improvement fund, or other funds, or whether by one method or the other, in whole or in part, and if in whole or in part by special assessments or special tax bills or other evidences of special assessments, how assessments shall be made and levied. The said director of public works shall endorse his approval on the ordinance.

Section 11.17. Extension of time.

The council shall have power, by ordinance, for any good cause, to extend the time of the beginning or of the completion of the work under any contract authorized under this article, and an ordinance of the city purporting to extend the time therefor shall be conclusive evidence of the existence of good cause for such extension. But all such ordinances for extensions must have endorsed thereon the approval of the director of public works and said director shall not endorse said approval until the city engineer shall file with said director his verified certificate stating the reason for granting such extension, and that said extension is made in good faith for the reason therein specified, and for none other.

Section 11.18. City may sell tax bills.

The director of finance, when so authorized by the council by ordinance, may (unless local improvement certificates have been issued against same) sell any special tax bills owned and held by the city as herein provided, without recourse, at any time, for an amount not less than the face value thereof, with or without accrued interest. Such amount shall be paid into the city treasury, and placed to the credit of the revolving public improvement fund.

Section 11.19. Local improvement certificates.

The council may, by ordinance, authorize the issuance and sale, by the director of finance, in the name of the city, of local improvement certificates, in anticipation of the collection of special assessments or special tax bills for public improvements in accordance with the provisions of this article. Such certificates shall be issued in such denominations and with such maturities as may be prescribed by ordinance in any case. They shall be issued in serial form, the last certificate in any series to mature not more than one year later than the date of maturity of the last installment of such special assessments.

Any issue of such certificates shall include only one proceeding or public improvement for any one such issue of certificates. All special assessments in any such proceeding and all special tax bills representing same, acquired and held by the city as provided in this article and against which such local improvement certificates shall have been issued shall be devoted and held strictly and separately to the payment of the local improvement certificates issued thereon. Such certificates shall bear interest at the rate as set by the city council at the time of the awarding of the contract on each project, but not to exceed the Missouri legal interest rate, payable out of the collections in the proceedings upon which they are based, at such dates

as are prescribed therein. It shall be the duty of the director of finance to enforce the collection of all special assessments represented by special tax bills held by the city or against which local improvement certificates have been issued by the city; and it shall be the duty of the city attorney, upon request of the director of finance, to bring such actions, on behalf of the city, as may be necessary or appropriate for the enforcement of such collections. In particular, the director of finance shall, in his semi-annual reports, include a statement of the amount of delinquent assessments, and the total amount of outstanding local improvement certificates, if any issued against the same, in each proceeding in which the city holds the outstanding tax bills or has issued local improvement certificates.

Proceeds of certificates—How apportioned to revolving fund and guaranty fund. In any case when the city shall issue and sell local improvement certificates, as herein provided, the proceeds thereof (except the portion thereof set aside as a special guaranty fund as herein provided) shall be paid into the city treasury and placed to the credit of the revolving public improvement fund for the uses to which such fund may be devoted; and not less than five per cent nor more than ten per cent thereof, as may be designated by ordinance, shall be set aside as a special guaranty fund. Such special guaranty fund shall be held in trust for the protection and security of the local improvement certificates issued by the city in the particular proceeding in which they are issued, as follows:

Amount due at maturity of certificates. At the date of maturity of the last of such certificates in any case the director of finance shall compute and determine the amount of such certificates then outstanding and due in such case and the accrued interest thereon, which sum so determined shall stand as the maximum amount due to the holder or holders of such certificates.

Guaranty fund—How used. To pay the same the director of finance shall add to the amount then in the city treasury, theretofore collected from the assessments in such case, such an amount to be taken from the special guaranty fund established for such particular certificates as may be necessary to pay such certificates and interest in the amount determined as aforesaid, if such special guaranty fund shall be sufficient for the purpose. Such payments out of the special guaranty fund shall be pro-rated among the holders of the outstanding local improvement certificates of such issue. If there shall then be any surplus in such special guaranty fund, same shall be turned into and credited to the revolving public improvement fund for the purposes thereof. If on the other hand there shall not be in said special guaranty fund the amount necessary to make up and pay the maximum amount due on such outstanding certificates in such case, as determined by the director of finance, the director of finance may, if so authorized by ordinance, turn over to the holder or holders thereof, without recourse, all or any part of the then uncollected tax bills held by the city in such proceedings (under such arrangement as may be agreed upon for the distribution thereof between such holders, if more than one), or the council may, by ordinance, appropriate out of the general fund the amount necessary to make up such deficit, or any part thereof. In such case the city shall retain such uncollected tax bills, and upon collection of any of them the amount so collected shall be paid into the revolving public improvement fund.

The director of finance is hereby authorized to draw warrants upon the city for the payment out of such special guaranty fund in any case herein authorized, in so far as the same may be sufficient of any amount found due to the holders of special tax bills or local improvement certificates as herein provided; but before drawing any such warrant he shall certify as to the correctness of the calculation of the amount due, and may require the opinion of the city attorney as to the payment of such claim out of such special guaranty fund.
(Charter Amendment No. XXXII, approved by the voters April 4, 1978)

Section 11.20. Revolving fund.

There is hereby created a fund to be known as the "revolving public improvement fund." Said fund shall be established and maintained from the following sources:

(1) Appropriations from the general funds, as hereinafter provided.

(2) The proceeds from bond issues as provided in this charter.

(3) Collections of special assessments or special tax bills and any interest thereon, levied or issued for public work or condemnation of land theretofore paid for out of said revolving public improvement fund.

(4) The proceeds from the sale of local improvement certificates or sale of special tax bills.

(5) Any other source permitted by law and provided by ordinance.

The council may, in the ordinance confirming the contract for and authorizing any public improvement, authorize the payment therefor, in whole or in part, out of the revolving public improvement fund or other available funds. Thereafter, any collections of principal or interest, on account of the special assessments levied for payment of any such improvement, shall be returned to and become a part of such revolving public improvement fund; provided, that if special tax bills representing such special assessments shall have been sold by the city, as herein authorized, then the enforcement of same shall be by the holders thereof and all collections thereof shall be paid to such holders as in other cases; and provided, further, that if local improvement certificates shall have been issued against such special tax bills, then all collections of such special assessments, or of special tax bills representing same, and all interest collected thereon, shall be applied and used for the payment and redemption of such local improvement certificates, as herein provided.
(Charter Amendment No. L, approved by the voters April 7, 1987)

Section 11.21. Contract may be modified—How.

After any contract for a public improvement has become binding upon the parties thereto, the city shall have power to provide by ordinance, or recommendation of the director of public works that a certain part of the improvement contracted for may be omitted and that the contract for the improvement be modified to that extent, which ordinance shall provide a reasonable deduction in the price of the improvement by reason of such omission. No such

ordinance shall be passed or become a law, until the contractor and his sureties consent in writing to the terms of such ordinance. Such omission shall not affect the validity of the assessments or the special tax bills or other securities issued for the work actually performed.

Section 11.22. Contractor's bond.

Every contract for making city public improvements shall contain a covenant on the part of the contractor with the city, to pay all laborers, subcontractors, teamsters and truck drivers, and the owners of equipment employed on the job, and for all materials used therein. Performance of such covenant shall be guaranteed, or secured by good and sufficient sureties signing the contract whose sufficiency shall be approved by the director of finance, and the form of the covenant by the city attorney, but such sureties shall not be liable beyond the estimated cost of the materials used and the labor done upon the job, as stated or provided for in the contract; provided, that the city shall not be liable for the sufficiency of the contractors or sureties nor for any failure to comply with or irregularity in complying with this provision.

Laborers, subcontractors, truck drivers and teamsters, and owners of equipment, who may do work, and parties who may furnish materials stipulated for by any such contract, may recover on such covenant in an action in the name of the city for their use (in which no cost shall be adjudged against the city, and all cost not adjudged against the defendant shall be adjudged according to the equity against the persons for whose use the suit may be presented), all money due them for labor and materials, or either, not exceeding the estimated cost of the labor and materials as stated in the contract. Such recovery may be had against the contractor and sureties in such contract, or either of them, as in chancery; but it shall not be necessary to file with the petition the original contract.

Suit may be brought for the benefit of all laborers, subcontractors, teamsters, truck drivers, and owners of equipment on the work, and for materials used in the performance thereof, and the amount due them may be ascertained by the court or referee, unless the court direct an issue to be tried by a jury. Pending the suit, laborers, subcontractors, truck drivers, teamsters and owners of equipment and parties who have furnished materials for the performance of the contract, not mentioned in the petition, whether they have done work or furnished materials before or after the commencement of the suit, may become parties to the proceedings by appearing and filing in the action a written statement of their demand. Such notice thereof as the court may direct shall be given to the defendants, and reasonable opportunity to defend shall be given.

All such proceedings shall, as far as practicable, be governed by the rules and principles of courts of chancery, so as to afford speedy and adequate relief according to the spirit and letter of this article. Judgments shall be rendered for the estimated cost of labor and materials as stated in the contract, and execution shall be awarded and issued for the aggregate amount found due the laborers, subcontractors, truck drivers, teamsters, and owners of equipment, and the parties who have furnished materials, not exceeding the estimated cost in the contract,

which shall be collected, with costs. The money collected on such judgment shall, after paying costs, be divided and paid pro rata among those for whose use the judgment may have been rendered. The court shall decide all questions as to distribution summarily on motion.

No action shall be brought or prosecuted under the provisions of this section, unless same be commenced within three months after the completion of the work to be done under the contract and acceptance thereof by the city, nor shall such action be brought before such completion and acceptance, unless the court finds good cause therefor according to the averments in the petition. Suits shall be brought in some court of competent jurisdiction.

Section 11.23. Rules for apportioning assessments.

When the cost of the whole or any part of any improvements referred to or authorized in this article is to be paid for by special assessments or by special tax bills evidencing special assessments on private and public lands deemed benefited by such improvement, such assessments shall, unless otherwise herein expressly provided and authorized, be made, levied and assessed according to one of the following rules, as herein defined, namely:

(1) The front foot rule, which shall be held to mean that the required sum shall be assessed and charged against the several lots, tracts and parcels of real property lawfully chargeable therewith abutting upon both sides of the street, alley, public highway or portion thereof improved, in proportion and ratably to the frontage or abutment thereon of such respective lots, tracts and parcels of land.

(2) The valuation rule, which shall be held to mean that the required sum shall be apportioned, assessed and charged against the several lots, tracts and parcels of real property, subject to special assessment by the city, within the chargeable district, in the proportion that the value of the respective lots, tracts and parcels, exclusive of improvements, as determined by the city assessor, as hereinafter provided, bears to the total value, as so determined, of all such lots, tracts and parcels, exclusive of improvements.

(3) The area rule, which shall be held to mean that the required sum shall be assessed and charged against the several lots, tracts and parcels of land, subject to special assessment by the city, within the chargeable district, in the proportion that their areas respectively bear to the area of all the lands within the chargeable district, exclusive of public highways therein.

In no event shall any assessment for public improvements provided for in this charter be assessed or charged against any public street, alley, boulevard, parkway or other public highway, or against the city on account thereof except when especially authorized by ordinance, in case of parkways of unusual width.

Section 11.24. Paving, etc.—Front foot rule to apply.

In making assessments to pay for work on public streets, boulevards, parkways and other public highways, or sewers, and except as herein otherwise expressly provided, the director of

public works shall compute the total cost thereof, and apportion the same among the several lots, tracts and parcels of land chargeable therewith, each with its proper share thereof, as follows:

Each lot, tract and parcel of land fronting or abutting on the street, boulevard, parkway, alley, or other highway being improved, shall be assessed and charged according to the front foot rule, as herein defined.

Paving of alleys, sidewalks, curbing and guttering. The cost of paving, repaving and repairing of alleys shall be assessed and charged against the lots, tracts and parcels of land fronting or abutting thereon, according to the front foot rule; and the cost of construction, reconstruction and repairing of sidewalks, curbing and guttering, except when done as an integral part of other highway improvement work (which is hereby authorized) shall be assessed and charged against the lots, tracts and parcels of land fronting or abutting upon the side of the highway upon which such improvement is made, according to the front foot rule.

In levying special assessments against corner lots for work on sidewalks, other than grading, and for the work of curbing and guttering, such lots shall be charged for work on both fronts, and on the outside corners.
(Charter Amendment No. XXXIII, passed by the voters April 4, 1978)

Sections 11.25—11.27. Reserved.

Editor's note—Charter Amendment No. XXXIII, approved by the voters April 4, 1978, repealed §§ 11.25—11.27. Said former sections contained provisions relative to grading, special valuations and apportionment.

Section 11.28. Cost of intersections.

The cost of all work mentioned in the foregoing sections of this article done on spaces fronting on any other street, alley, boulevard, parkway or other public highway, shall be deemed part of the cost of work done on other spaces under the same ordinance and contract, and shall be charged and paid for accordingly.

Section 11.29. Single contract for several kinds of work.

A single contract may be let and entered into to do various kinds of work when payment is to be made therefor by special assessments or by special tax bills or other evidences of such assessments, or in cash from the revolving public improvement fund or other funds, to be reimbursed from collections of special assessments, as herein provided, and when any kind of work shall be fully completed such assessments may be levied and tax bills or other evidences of such assessments therefor may be issued; but in case of a general contract for repairs, as provided in this article, such assessments may be levied and such tax bills may be issued from time to time as separate jobs of repairing may be done.

Section 11.30. Grade of approaches on streets intersecting boulevards.

Whenever the proposed grading of any parkway or boulevard to the established grade thereof will cause any of the streets crossing or connecting with such boulevard or parkway, to be left above or below the grade thereof at the line of contact therewith, the director of public works may by appropriate resolutions begin and conduct joint proceedings for the grading of such boulevard or parkway and the approaches thereto on any such street or streets or parts thereof so as to cause them to conform at such line of contact. All of such work may be done under authority of one ordinance, under a contract approved as to such approaches by the director of public works. The cost of grading such approaches, so far as such grading is necessary to give reasonable access on such streets to such boulevard or parkway, shall be included and charged as part of the cost of grading such boulevard or parkway under such contract. Before letting any such contract, the director of public works shall give the same notice and shall conduct a hearing in respect to the proposed grading of such approaches only, in the same manner as is required by this charter in other grading proceedings instituted by him; but the right and power of the city to proceed with such improvement shall not be limited or affected by any remonstrance. In the proceedings for the determination of damages on account of any such grading, as provided for in this article, the estimated additional cost which may be assessed and charged on account of grading such approaches may be considered by the jury in determining the damages to the property on both sides of such boulevard or parkway and assessable for the cost of grading same; and the benefit, if any, to such property, on account of the grading of such approaches, and the benefit, if any, to the city at large, may also be taken into consideration by such jury in determining such damages.

Section 11.31. Acceptance of work when completed.

The director of public works is vested with power to determine whether any improvement constructed under a contract with the city has been completed in accordance with the terms of the contract therefor, and to accept such improvement on the part of the city, and to determine the amount of the liquidated damages, if any, to be paid by the contractor in accordance with the terms of the contract therefor, for failure to comply with the contract; and in all cases the director of public works is invested with power to ascertain in accordance with the provisions of this charter, the amount that each tract of land shall be assessed or charged for the payment of the cost of such work.

Section 11.32. Assessments to cover amount due contractor—Tax bills to issue.

The director of public works shall, at the time of accepting any improvement on the part of the city, make an order or orders accepting same and determine the amount to be paid to the contractor. The director of public works shall thereupon also enter on the records of his department an order or orders making and levying an assessment against the tracts of land, exclusive of improvements, to be assessed to pay therefor, in the manner provided for in the ordinance, and in accordance with the charter, the aggregate of which assessments shall equal the cost of such work or portion thereof to be paid by special assessments or in special tax bills. He shall thereupon issue and deliver to the contractor, or to his assignee (or in cases where the

city shall pay him in cash, and carry such assessments itself, as provided in this article, then to the city direct) special tax bills to be dated the day when such tax bills and apportionment are certified to the director of finance (as provided in Section 11.50 of this article), in payment of the cost of such improvements which is to be paid for by special tax bills, or by such special assessments.

All computations, apportionments and assessments required by this article to be made by the director of public works shall be held to be properly made when the same are approved by said director.

Section 11.33. Tax bills to be certified and delivered.

All special tax bills provided for by this charter, except when issued to the city, in cases provided for in this article, shall be made out in favor of the contractor to be paid, or his assignee, and all such special tax bills shall be certified by the director of public works, or in his name by any person or persons by the said director thereto authorized by order on the record of his department, and shall be countersigned by the director of finance or in his name by a duly authorized person in his department. Said director shall deliver such tax bills to the party in whose favor made out, or his assignee, and take the receipt of such party therefor in full of all claims against the city on account of the work for which such tax bills shall have been made out.

Such tax bills shall be issued within twenty days from the completion and acceptance of the work, but the failure to issue them within such time shall not affect the validity of the tax bills.

No tax bill need give the name of any party owning or interested in the land charged thereby.

Section 11.34. No liability upon city for tax bills.

When any work is done, improvement made or land purchased, and payment therefor is to be made in special tax bills, or in special assessments, as provided in this charter, the city shall, in no event, or in any manner whatever, be liable for or on account of such work done or improvement made or land purchased, or [be] liable in any manner for the payment of the same, by reason of any invalidity or error in any such tax bill or special assessment.

Section 11.35. Sewers.

The general sewer system of the city shall be divided into four classes, to wit: Public, district, joint district and private sewers. The city may, by ordinance, find and determine the class to which any sewer belongs, and the finding and determination of the city in that respect shall be final and conclusive.

Section 11.36. Public sewers.

Public sewers shall be established and constructed at such times, to such extent, and of such dimensions and materials as may be approved by the director of public works, and under such regulations as may be provided by ordinance. Such sewers may be extensions or branches of

sewers already constructed, or to be constructed, or entirely new throughout, as may be deemed expedient. Public sewers shall be paid for out of the general fund of the city or out of the proceeds of bonds or otherwise than by special assessments, except as provided in the following section.

Section 11.37. Assessments on reclaimed land.

If in the construction of any public, district or joint district sewer the bed or channel of any natural stream or watercourse is reclaimed and made valuable to the owners thereof, or real property subject to overflow is reclaimed therefrom, in whole or in part, and made valuable to the owners thereof, or real property adjoining such public sewer is otherwise specially benefited, then the council may provide that such real property, or any of it, shall be assessed for such special benefits, and the funds derived therefrom shall be used and applied toward the cost and construction of such public district or joint district sewer. Such proceeding and assessment may be made and collected in such manner as may be provided by ordinance.

Section 11.38. District sewers.

District sewers shall be constructed or reconstructed within the limits of the districts heretofore or hereafter established by ordinance, as the case may be. Any sewer district heretofore or hereafter established may be subdivided, enlarged or changed by ordinance at any time previous to the construction of any district sewer therein; but no such district shall be subdivided, enlarged or changed after a district sewer shall have been constructed therein.

The city may, with the approval of the director of public works, from time to time, cause a district sewer or sewers in any sewer district heretofore or hereafter established, to be constructed or reconstructed; and every such sewer or sewers shall be such as shall be prescribed by the director of public works.

Any district sewer heretofore or hereafter constructed may be changed, diminished, enlarged or extended, and shall have such laterals, inlets and other appurtenances as may be prescribed by the director of public works.

Section 11.39. Cost of district sewers, how apportioned.

As soon as the work of constructing, changing, diminishing, enlarging or extending any district sewer, as aforesaid, shall have been completed under a contract let for the purpose, the director of public works shall compute the whole cost thereof, and apportion and charge the same or the portion of same to be paid by special assessments (or out of the revolving public improvement fund to be reimbursed out of collections of such special assessments as herein provided), as a special tax against the lots, tracts and parcels of land in the district, in the proportion that their respective areas bear to the area of the whole district exclusive of the streets, parkways, boulevards, alleys and public highways therein, according to the area rule, as hereinbefore defined. The director of public works shall thereupon, except as in this article provided, make out and certify in favor of the contractor or contractors to be paid, or to the city in cases provided for in this article, special tax bills for the amount of the special tax assessed

against each lot, tract and parcel of land in the district. The city shall in no event, nor in any manner whatever, be liable for or on account of the cost of work done in constructing, changing, diminishing, enlarging or extending any district sewer, except as in this article provided.

Section 11.40. Joint district sewers.

Whenever the city shall deem it necessary that a sewer be constructed or reconstructed in any part of the city containing two or more sewer districts, it may, by ordinance, unite such sewer districts into a joint sewer district and cause a sewer to be constructed therein and assessments may be levied and apportioned to pay therefor, or for reimbursement of the revolving public improvement fund for payments made on account thereof, in like manner in all respects as is provided in this article in cases of district sewers; except that in cases of joint district sewers the city may provide in the ordinance creating such joint sewer district and authorizing such joint sewer that the city shall pay a certain sum, to be specified in said ordinance, toward the cost of such joint district sewer. Should the council, by ordinance, unite two or more sewer districts into a joint sewer district for the purpose of constructing or reconstructing a joint district sewer therein, such action of the council shall be conclusive for all purposes, and no special tax bills or assessments shall be held invalid or affected on account of the included drainage area thereof, or the size, character and purpose of such sewer.

Section 11.41. Cost of joint district sewers.

The contract for the construction or reconstruction of any such sewer shall specify that the city shall be liable for the sum so specified to be paid by the city, and that the remainder of the cost thereof shall be paid by special assessments represented by special tax bills, to be issued in any manner that is or may be provided for the issuing of special tax bills for the construction of sewers, or in cash out of the revolving improvement fund or other available funds, to be reimbursed by the collection of such assessments as provided in this article.

Section 11.42. Private sewers.

Private sewers may be constructed under such regulations, specifications and restrictions as may be provided by the director of public works; but the city shall be at no expense in the construction or repairing of the same. Sewers constructed by private contract, or private sewers constructed in any public street, alley or other highway, or on land in and on which the city has an easement, under plans and specifications approved by the director of public works and under his supervision, may upon his recommendation be accepted and taken over by the city by ordinance of the council, in which case the city shall thereafter assume the care and maintenance thereof.

Section 11.43. Connection of sewers outside of city.

The council, or when so authorized by general ordinance, the director of public works, may allow property outside the city limits to be connected with a sewer inside or outside the city limits under such regulations and upon such compensation as it or he may determine.

Section 11.44. Payment for septic tanks and construction outside the city limits.

For the purpose of purifying or handling the discharge from any sewer, or outlet thereof, the city may from time to time by ordinance provide for the construction or reconstruction within or without the limits of the city, of sewers, sewer outlets, septic tanks or other sewage reduction or purifying devices, or any other plan or device to care therefor. The cost of such sewers, sewer outlets, septic tank or devices may be paid for in part or in whole out of the general fund or bond funds; or in case of their use in connection with a district or joint district sewer, or outlet thereof, the cost may be paid for in part or in whole by special assessments levied against the lands in the sewer district or joint sewer district from which the sewage is collected, in the same manner as cost of constructing or extending a district or joint district sewer therein may be paid.

Section 11.45. Drains to protect work.

In grading, constructing or improving any street, boulevard, parkway, alley or other public highway, or part thereof, the work may be protected from running or surface water by drains or culverts, upon the order of the director of public works, as may be provided by ordinance, and the same may be closed, removed or altered at will by said director. The cost of such drains or culverts may be included in the cost of the improvement.

Section 11.46. Public work by city without contract.

The city is hereby authorized to provide by ordinance that the director of public works may construct or reconstruct any paving, sidewalk, guttering or curbing, or may maintain and repair the same, or may grade or regrade any portion of a street, alley or other public highway, within the city, without letting a contract for same. In case of gravel or macadam roadway, maintenance and repair as provided for in this section may include rolling and oiling the street.

In any such case a resolution shall be adopted and published, as provided in Sections 11.04 and 11.05 of this article, and the provisions herein pertaining to proceedings for public work let by contract shall apply so far as the same may be applicable. The cost of said work may be assessed according to the method provided in this article applicable to the class of improvement made and the assessments therefor may be made payable in a single payment as provided in this article, or in installments as provided in Section 11.71 hereof, and shall bear the interest not to exceed that prescribed in the respective cases. The city is authorized to cause the issue of special tax bills for such work in favor of Joplin, the same as if such work had been done by contract, and may authorize the director of finance to sell and assign such assessments or such special tax bills, without recourse, upon such terms and in such manner as may be provided by ordinance, and when such sale is made, the director of finance shall assign and deliver said tax bills to the purchaser of the same.

If such tax bills are not sold by the city, as above provided, same shall be carried on the books of the city treasurer, and the collection thereof shall be enforced in the same manner, and with like effect as in the case of other tax bills held by the city, as provided in this article.

Section 11.47. Repairs to sidewalks, curbing and guttering—How cost shall be assessed.

When any sidewalk, curb or gutter on any street or other public highway is out of repair, the director of public works may cause the same to be put in good and substantial repair and pay the cost thereof out of the funds apportioned to his department. An accurate account of the cost of making such repairs in front of and adjacent to each tract of land shall be kept. The director of public works shall, at the end of each fiscal year, assess and charge against the tracts of land on front on [of] which any such repairs shall have been made during such fiscal year, the cost thereof, and shall certify to the director of finance the cost of the repairs made in front of and adjacent to each tract of land fronting or abutting upon the side of the street on which such repairs were made, giving a description of each tract of land so charged, with sufficient accuracy to identify the same, and the amount of the assessment against the same. Thereupon the director of finance shall place the amount so charged and assessed on the land tax book for the next fiscal year, which assessment shall be a lien upon the property so charged from the date of the receipt of such land tax book by the city treasurer. Such assessment shall be subject to the same penalties and shall be collected and may be enforced with the same effect by the city treasurer, or other officer, in the same manner as in the case in general taxes except that no rebate shall be deducted or allowed from said assessments in case the same are paid before the time fixed in this charter when general city taxes become due. Such assessments, when collected by the city treasurer shall be credited to the fund from which the money was paid by said department.

Section 11.48. Contract for street repairs for three years.

The city may cause the driveway portions of any street, alley, public highway, or part thereof to be maintained and kept in repair, and may contract therefor for a period of time not to exceed three years, and pay therefor out of the general fund or other available funds or by issuing special tax bills as herein provided.

When it is proposed to pay for such work by the issue of special tax bills, a proceeding therefor shall be begun and conducted to a final conclusion, from the adoption of a resolution therefor to the acceptance and payment of the cost of the work by the issuance and collection of special tax bills in the same manner as provided in regard to similar improvements mentioned in Section 11.04 of this article.

In case the highway to be maintained and repaired is a macadam or gravel roadway, the specifications therefor may include the rolling and oiling of such street at specified intervals, as an essential part of the maintenance and repair thereof.

The cost of such work, as provided in the contract, when not to be paid out of the general fund, shall be assessed and levied, according to the "front foot rule," as hereinbefore defined, against the tracts of land abutting on the highway or part thereof required by the contract to be maintained or repaired, and special tax bills shall be issued against each tract of land for its proportionate share of the cost. Such tax bills, unless otherwise provided by ordinance, shall be issued within sixty days after the end of each calendar year, during the continuance of such

contract, as payment in full for all work done under the contract during such calendar year, and shall be payable within thirty days after the date of issue thereof without interest, and if not so paid, shall bear interest at a rate of not to exceed seven per cent per annum for the first year, and not to exceed eight per cent per annum thereafter until paid.

Every such tax bill shall be a lien on the lands against which it is issued, and the provisions of this article relating to special tax bills (except the section relating to special tax bills payable in installments), shall so far as practicable and not in conflict with the provisions herein contained, apply to tax bills issued under this section.

Section 11.49. Width of roadways.

Unless specifically provided by ordinance, the width of the roadway in every street or avenue in the city shall be thirty (30) feet, being fifteen (15) feet on each side of the centerline of every such street or avenue. The remaining portion on each side of every such street or avenue shall be regarded as sidewalk space, including the width of the curb. The width of any sidewalk, constructed in said sidewalk space, and the distance, if any, of said sidewalks from the curb shall be fixed by ordinance. That part of the sidewalk space lying between the curb and the sidewalk shall be regarded as the tree planting area. A roadway of different width may be established at any time by ordinance on any street or avenue in the city, and the city may, by ordinance, establish a sidewalk of any width in any sidewalk space and may, by ordinance, designate the character and extent of the use and improvement of any and all sidewalks.

Section 11.50. Certification of tax bills to director of finance.

As soon as the cost of any work, payable in special tax bills as in this article provided, has been assessed against the several tracts of land chargeable therewith, the director of public works shall, at the time of delivering the tax bills to the contractor, or his assignee, or to the director of finance on behalf of the city, when entitled thereto, certify such assessment and apportionment to the director of finance. Such apportionment shall contain the names of the owners and parties interested in the several tracts of land affected and charged therewith, who were such at the date when the work was accepted on behalf of the city, such names to be determined and taken from the assessment books used for the assessment and levy of general taxes by the city, but no defect or mistake in said books, or in the description therein of the parcels of land, or in the names in such apportionment, shall impair or affect the validity of the tax bills. The director of finance shall immediately upon the receipt of such apportionment enter the assessments therein contained in appropriate books to be kept for that purpose to be called "Special Tax Record," showing the property assessed, the title and date of approval of the ordinance providing for the improvement for which such tax bills are issued, the amount and date of the assessment and the rate of interest thereon, and deliver same to the city treasurer.

Section 11.51. Notice by treasurer.

Immediately upon receipt of such apportionment, the city treasurer shall give notice, by mail or otherwise, as may be provided by ordinance, to the parties named in such apportion-

ment, of the issuance of the special tax bills against the tracts of land in which they appear to be respectively interested as appears by such apportionment, describing such tracts of land and stating in general terms for what purpose such tax bills were issued, the amount, rate of interest, and when and where payable.

Section 11.52. Payment of tax bills—Procedure—Holder of tax bill to receive proceeds, how.

Any person owning or interested in any tract of land against which a special tax bill may be issued under the provisions of this charter, may pay the same to the city treasurer, whose duty it shall be to receive the amount thereof, without charge of commission, and to issue to such person duplicate receipts therefor, showing from whom received, the date and the amount of such tax bill, with a description of the land as described in such bill. The original of such receipt shall be delivered to the person entitled thereto; the duplicate thereof shall be filed with the director of finance, who shall keep same in his office, where it shall be available for inspection. The city treasurer shall cancel and mark "paid" the amount of such tax bill so paid on the record thereof, and such entry shall be evidence of the payment as stated, and said tract of land shall be discharged from all liens on account of such tax bill so paid from that date. The person to whom any such tax bill may be issued, or the assignee thereof, shall be entitled to receive, on demand, the money so paid to the city treasurer only on delivery of such special tax bill, duly receipted in full, to the director of finance, who shall file the same in his office and draw a warrant upon the city in favor of the party so entitled to receive the same, for the amount so paid to the city on account of such special tax bill.

Section 11.53. Apportionment of assessments upon change of title to part of land.

Upon sale or change of title of part of any lot or tract against which a single tax bill has been issued, and before suit shall have been brought thereon, or when any tract of land shall be platted or replatted so that portions thereof shall have been included in public streets and alleys dedicated in such platting, the city assessor, with the assistance of the city engineer, shall, upon request make an assessment of the value of such lot or tract, exclusive of improvements, and separately of the portions into which it is divided by such sale or change of title, or of the portions thereof which have been so dedicated to public use as such streets and alleys, and certify such assessments to the city treasurer. The treasurer shall thereupon apportion the amount of such outstanding tax bill on his records in proportion to the respective values of such portions of said lot or tract, as shown by such certificate, and a payment of any such amount thus apportioned to any portion of such lot or tract shall satisfy the lien of such tax bill against same.

Section 11.54. Treasurer's duties and liability as to tax bills.

The special tax record to be kept by the treasurer shall be complete and full and show all special tax bills, if any, issued under this charter, and all benefit assessments arising out of condemnation and grading cases made under the provisions of this article which may be in his hands for collection against any lot, tract or parcel of land in the City of Joplin. Any and all

special assessments therein contained, whether arising out of the issuance of special tax bills, as in this article provided, or by virtue of the verdict or report of juries or commissioners in such condemnation or grading proceedings, respectively, shall be considered for the purpose of collecting and receiving payment therefor, as special taxes against any lot, tract or parcel of land against which the same may be a lien.

Upon application to the city treasurer for the amount of general city taxes against any lot, tract or parcel of land in the City of Joplin, said treasurer shall also furnish to the party making such application a list of all special tax bills and of all such benefit assessments against such lot, tract or parcel of land as appear by said record at that time.

Section 11.55. Council may regulate keeping of records.

The council may, by ordinance, consistent with the provisions of this charter, further regulate the keeping of the records, by the city treasurer, of special tax bills and benefit assessments against real property arising out of the provisions of this article, and the collection of such assessments by execution and sale of the private property against which the same may be a lien. Failure to comply with the provisions of this and the next preceding five sections of this article shall not vitiate or impair any tax bill. Nor shall the execution of the provisions of this and the next preceding five sections, or failure or defect in executing the provisions of said sections, impair or vitiate the general city taxes on any lot or parcel of land.

Section 11.56. When collections made by county officers—Duties.

If and when provision shall have been made by law for the collection of special assessments authorized in this charter by any officer of Jasper or Newton County instead of by the city treasurer, such duties, powers and obligations in this charter given to the city treasurer in the collection of such assessments shall be deemed to be given to and exist in such officer as the council shall by ordinance declare.

Section 11.57. Tax bills may be paid direct to holders thereof effect.

Every special tax bill may be paid to the owner or holder thereof, and upon presentation of such tax bill marked "paid" to the city treasurer, he shall cancel and mark "paid" the amount of such tax bill on the record thereof. Such entry, when made, shall have the same effect to discharge the tract of land affected by such tax bill from the lien thereof as if the amount of such tax bill had been paid to the city treasurer as in this article provided, and such entry shall be evidence of the payment of the tax bill as therein stated.

Section 11.58. Lien of assessments—Suit to be brought within two years.

Every special tax bill issued under the provisions of this article shall be a lien upon the land described therein upon the date of the certification thereof to the director of finance as in this article provided, and such lien shall continue for two years thereafter, but no longer (except as in this article otherwise provided) unless suit shall be brought to collect the same within two years from the date of said certification. In such case the lien shall continue until the

determination of the legal proceedings to collect the same, including any sale of the property charged. Every such tax bill and lien thereof shall be assignable, and the assignee thereof may sue in his own name.

Section 11.59. Notice of suit on tax bills to be filed with city.

If suit on any special tax bill shall be brought within two years, the plaintiff or plaintiffs therein shall before the bringing of each suit, in person or by attorney or agent, file in the office of the city treasurer a written statement giving a brief description of the tax bill to be sued on, and in what court and against whom such suit is to be brought. The city treasurer shall immediately after the filing of any statement, note on the record of such tax bill the time of filing such statement and the substance of the same. If the plaintiff or plaintiffs in such suit shall fail to file such statement within the time above limited, the land described in the tax bill sued on shall be free from the lien of the tax bill and of any judgment in such suit, no matter when rended [rendered], and shall not be sold in satisfaction of any such judgment.

Section 11.60. Parties to suits on tax bills.

All or any of the owners of the land charged, or of any interest or estate therein, may be made defendants in any suit upon a tax bill, and the right, title, interest or estate of the parties made defendants in any such suit shall be bound thereby; and the owners of the land as shown by the records in the office of the recorder of deeds of Jaspter or Newton County, Missouri, and by the records of the courts of record having jurisdiction in the City of Joplin shall be conclusively held to be the owners thereof for the purpose of foreclosing such liens; and all suits on special tax bills may be brought in the names of the owners or assignees thereof. Before suit, the owner of any part in severalty or of any undivided interest in the land charged by any tax bill may pay his share separately, in which case his part or interest shall not be liable in case of suit.

Special tax bills, whether issued pursuant to one or more contracts or against one or more parcels of land owned by the same party or parties made defendant, may be joined in one suit, but a separate judgment on each tax bill shall be rendered and execution shall be issued accordingly.

Section 11.61. Unknown parties.

In case any owner of land or interest therein, or his whereabouts, shall be unknown, or shall be a nonresident of the state, suit may be brought against such owner separately or together with others, and such unknown or nonresident owner may be proceeded against and charged by giving notice, either by publication in a newspaper or otherwise, as is authorized by law in a suit in the circuit court to enforce any other lien on land in the county.

Section 11.62. Requisites for suit.

It shall be sufficient for the plaintiff in any suit to plead the making and issuance of the tax bill sued on, giving the date and contents thereof, and the assignment thereof, if any, and to

allege that the party or parties made defendant own or claim to own the land charged, or some estate or interest therein, as the case may be, and to file the tax bill in the suit, or to set out a copy thereof in the petition.

Section 11.63. Tax bills, prima facie evidence—Ordinance held to cure all defects—Defenses.

Every tax bill shall, in any suit thereon, be prima facie evidence of the validity of the bill, of the doing of the work, of the furnishing of the material charged for and of the liability of the land to the charges stated in the tax bill.

The ordinance authorizing any public improvement and the contract therefor, and approving and confirming such contract, shall operate and shall be held by all departments and courts to cure all errors and irregularities, if any, on the part of the city in the proceedings relating to such improvements, up to and including the time such ordinance takes effect; and no tax bill shall be defeated, or the amount or lien thereof in any wise be affected, by reason of any such error or irregularity; provided, that nothing in this section shall be so construed as to prevent any defendant from pleading and proving in reduction of any bill, any mistake or error in the amount thereof or that the work therein mentioned was not done in a good and workmanlike manner; and, provided further, that if any party shall plead any mistake or error in the amount of the bill or that the work was not done in a workmanlike manner, and that such party, before the commencement of the suit, tendered to the contractor, or to the holder of the bill, the full value of the work done, and shall establish the same on the trial, the recovery shall only be for the amount so tendered and judgment for costs shall be rendered against the plaintiff. Provided, further, that if it shall be pleaded and proved that the work for which the bill was issued was not done according to the terms of the contract made by the contractor with the city, then the plaintiff or plaintiffs shall recover thereon only the actual value of the work done, if of any value, and if not of any value the judgment shall be for the defendant.

No suit on any tax bill shall be defeated or affected by any irregularity affecting any other bill, or by any matter rendering any other bill invalid in whole or in part.

Section 11.64. Courts in which suit may be brought.

Suits on special tax bills issued under this article may be brought in any circuit court of competent jurisdiction.

Section 11.65. Judgment and execution thereon.

In a suit on any special tax bill, except as in this article otherwise provided, judgment shall be special that the plaintiff shall recover the amount found due, including interest, together with costs, to be levied and made off the land described in the tax bill, and a special execution shall issue to sell the land to pay any such judgment, interest and costs. The judgment, exclusive of costs, shall bear interest at the same rate as the tax bill.

Section 11.66. Certificate of sale on execution—To be recorded.

Upon sales made by the sheriff upon any such special execution upon tax bills or upon special assessments, he shall issue to the purchaser a certificate of purchase, setting forth the substance of such special execution, the date of sale, the purchaser, the property sold, and the amount bid. Such certificate of purchase shall be delivered by the sheriff to the purchaser, or his assignee, on the payment of the amount bid, which certificate shall be executed and acknowledged by such sheriff before an officer authorized by law to take acknowledgments of instruments affecting real estate, and shall be filed for record in the office of the recorder of deeds of the county where the land is located within six months after the date of same.

Section 11.67. Redemption.

If the property so sold be redeemed within one year from the date of such sale, or at any time prior to the issuance of the sheriff's deed, by payment to the sheriff of the amount due on said judgment, including interest and costs up to date of redemption, by the owner of, or party interested in, said property, no deed shall be given by the sheriff. Upon such redemption as herein provided of any tract of land sold under such special execution, the judgment against the same and the lien thereon shall be satisfied on the record of such judgment upon presentation of the receipt of the sheriff for the amount necessary for the redemption.

Section 11.68. Deed to issue if not redeemed.

If the tract of land so sold be not redeemed, as herein provided, a deed shall be given at the end of one year from the date of said sale, by the sheriff to the holder of such certificate. Such deed may be given to the original holder of such certificate, or to his assignee, and shall vest all the right, title, interest and estate in the land so sold that defendants, and each of them, owned at the time that the lien of the tax bill commenced, or acquired afterwards; and every such special judgment as herein provided shall bind all the right, title, interest and estate in the land that defendants, and each of them, owned at the time that the lien of the tax bill commenced or acquired afterwards.

Section 11.69. Proceedings to conform to circuit court practice.

Proceedings on special executions on judgments on special tax bills as herein provided, including the makings of deeds to purchasers, shall conform as far as practicable to proceedings on other special executions from the circuit court. Parties interested in lands, who are not made defendants in said proceedings shall not be affected thereby; and if they claim through or under any party defendant, by right acquired before such suit was brought they may redeem from the purchaser or otherwise assert their rights according to equity and good conscience.

Section 11.70. Part owner may compel contribution, how.

In case the owner of an undivided interest or particular estate in any land charged be compelled by suit to pay on account of any such tax bill more than he ought equitably to pay

as between him and others interested in the land, such owner so paying shall be subrogated to the lien of such tax bill and may, by proper proceedings in any court of competent jurisdiction, enforce such lien and have the equities between such owner so paying and other parties interested in the land adjusted, notwithstanding such other parties were not parties defendant to the original suit on the tax bill, and notwithstanding such subsequent proceedings may be commenced after two years from the issue of the tax bill; and the lien of the tax bill shall continue after the two years for the purpose of such remedy; or the owner so paying shall be entitled to contribution from others according to equity without enforcing the lien.

Section 11.71. Assessments may be payable in not more than ten installments.

The council may, by ordinance, provide that the special assessments to be levied or special tax bills to be issued in payment for improvements mentioned in this article shall be made payable in not more than ten equal installments, and such tax bills when issued shall be payable and collectible as follows: The first installment shall become due and collectible on the first anniversary of the date of certification to the director of finance of the tax bills; and each succeeding installment shall become due on the anniversary of each year thereafter.

Section 11.72. Rate of interest on payments before maturity.

The owner of the property charged with the payment of such tax bills, or the owner of any interest therein, shall have the privilege of paying the same in full, without interest, at any time before the expiration of thirty days from the date of said certification; and paying same in full at any time thereafter by paying interest thereon to a date ninety days after the date of such payment, unless such payment is made within less than ninety days of the maturity of the next installment, and then by paying interest thereon to the date when the next installment becomes due and payable.

Section 11.73. Interest on tax bills.

Such tax bills, including each installment thereof, if not paid in full before the expiration of thirty days from the date when their apportionment and assessment is certified to the director of finance, shall bear interest from the date of said certification at the rate as set by the city council at the time of the awarding of the contract on each project, but not to exceed the Missouri legal interest rate; and when any installment becomes due and collectible, as herein provided, interest thereon and all unpaid installments shall be due and collectible to that date. If any installment of any such tax bill be not paid when due, then all the unpaid installments thereof shall immediately become due and collectible, together with interest thereon at the rate as set by the city council at the time of the awarding of the contract on each project, but not to exceed the Missouri legal interest rate from the date on which interest has already been paid on said installments, or if no installment has been paid, then from the date of the tax bill. (Charter Amendment No. XXXII, approved by the voters April 4, 1978; Charter Amendment No. LXI, approved by the voters April 3, 1990)

Section 11.74. Lien of installment bills until one year after maturity of last installment.

The lien of all special tax bills payable in installments issued under this article shall continue for a period of one year after the date the last installment matures, as expressed upon its face, and no longer, unless within such year suit shall have been instituted to collect such tax bill, and unless within ten days after the institution of such suit, notice of the bringing of such suit shall have been filed with the city treasurer, as provided as to other special tax bills. In such case the lien of such tax bill shall continue until the termination of such suit, and until the sale of the property under execution on the judgment establishing the same; and no default in the payment of any interest or any installment shall operate to diminish the period during which suit may be brought. Such special tax bills and the liens thereof shall be assignable and shall be of the same force and effect, and suits may be brought thereon in the same manner, as on other special tax bills issued by the city; and all other provisions relating to special tax bills issued pursuant to the authority given in this article shall apply to those issued under this section and the last three preceding sections, excepting so far only as the other provisions of this article conflict with those contained in said sections.

Section 11.75. Assessments against city property.

Whenever any street, avenue, boulevard, parkway or other highway of the city, upon which fronts or abuts any public park, public square or other public property (other than another highway, parkway or boulevard), shall be graded, regraded, paved, repaved, surfaced, resurfaced, curbed, recurbed, guttered, reguttered, or otherwise improved or repaired, or the sidewalk thereon constructed, or when any drain or sewer shall be built in whole or in part in the sewer district in which any such land is situated, the tax bills shall have been issued under the provisions of this charter against such land or against the city, on account of the benefit deemed to have accrued to or on account of such land, by virtue of such improvement, the city shall pay off and discharge such tax bills, or any judgments obtained against the city on account thereof.

Section 11.76. Amount assessable against city to be submitted to council with resolution.

It shall be the duty of the director of public works in submitting to the council any resolution adopted by them for the making of any public improvement, to submit with the same a statement of the amount of city property against or on account of which tax bills will be issued for such work, and the estimated amount of such tax bills; but a failure to so submit such statement shall in no respect affect the validity of the proceedings or of the assessments levied or tax bills issued therein or thereon.

Section 11.77. Improvements on streets along city limits or creek front.

In the case of any street improvement within the city on any such public street, boulevard, parkway or other public highway upon which abuts or fronts any city property as aforesaid, or

in any case where any street or highway proposed to be improved lies along the city limits, or along any creek front, such ordinance may provide that the entire cost of paving, repaving, surfacing, or resurfacing such street or highway for a width not in excess of thirty feet, within the city limits, shall be charged to the property within the city fronting or abutting on such street or highway, or part thereof so improved; provided, however, that in such case the question of whether or not such property is benefited to the full extent of such entire cost may be tried as an issue of fact in any proper proceeding brought in the circuit court having jurisdiction thereof if same be brought by any interested party (who has not waived his right thereto) at any time within twenty days after the issuance of the tax bills for such work. In such case the city and the contractor doing the work or his assigns of such tax bills, shall be made parties.

If the judgment shall be that such property of any such plaintiff or plaintiffs is not so benefited, and that the special tax bills against same shall be reduced, the court shall in its judgment declare the amount by which the cost of such improvement charged to such property, under such contract, exceeds the benefits to the property of the plaintiff or plaintiffs in such cause, as aforesaid, and which shall be deducted from the amount or amounts of the tax bills, or assessments, against such property. Such amount or amounts shall, by such judgment, be declared to be a judgment against the city, in favor of such contractor or his assigns, enforceable as other judgments against the city. But no land of the city shall be sold under any such judgment.

The institution of any such action praying for the reduction of the amount of any tax bills, as above provided, and any judgment sustaining such prayer, and ordering any such reduction, shall not affect the validity of the contract, nor of the tax bills issued on account thereof, except as to the amount of the reduction ordered in such judgment, nor be a cause for delaying the work thereunder, but shall only have the effect of reducing the amount of the tax bills involved in such action, to the extent set forth in such judgment.

Section 11.78. Notice—Waiver.

The director of public works, after the adoption of the resolution providing for any such improvement, may have notice served on the owners of property liable to such assessment, in the manner provided in this article for serving such notices in condemnation cases. Such notice shall state the general nature of the improvement, the fact that it is proposed to charge the entire cost thereof to the private property fronting or abutting thereon, and that unless objection in writing is filed thereto, such objection will be deemed to be waived, and naming the time and place of the hearing thereon. In such case if no objection is filed with the director of public works, in writing, at or prior to such hearing, such objection shall conclusively be deemed to have been waived.

Section 11.79. Lands owned by railroads, cemeteries, etc.

Whenever any land liable to be assessed with special benefits to pay for any public improvement mentioned in this charter shall be owned by a railroad corporation, cemetery

association, county, school district, or any other public or quasi-public corporation, or by any other corporation, association, society or person as trustee, such land shall be assessed and a special tax bill issued to evidence the same in the same manner as though the same were the property of a private person; and if a sale of such land to enforce such assessment is contrary to the public policy or the laws of this state then the amount of such assessment, as may be evidenced by the special tax bill, shall be paid by such railroad corporation, cemetery association, school district, county, or other public or quasi-public corporation, or by such association, society or person as trustee. Suits shall be instituted to enforce the collection of any such special tax bills in the same manner and in the same courts as on other special tax bills, and the judgment in any such suit, if for the plaintiff, shall be a personal one against the owner of the land assessed, for the amount due on such tax bill; but no such judgment shall be rendered in any suit for an amount greater than the value of the land so assessed; and the defendant or defendants in any such suit may, by appropriate pleading, raise the issue of the value of the land so assessed; and when that issue is raised the judgment, if any, shall be enforced as other judgments against the judgment debtor; but no such lands shall be sold under such judgments; provided, that whenever sixty-five per cent or more of the area of any cemetery not held or maintained for private profit shall have been sold for burial purposes, such cemetery shall thereafter be exempt from the payment of special taxes assessed to pay the cost of local public improvements; and thereafter any special assessments levied for local public improvements against or on account of such cemetery shall be chargeable to and paid by the city in the same manner as special assessments levied against or on account of city property.

Section 11.80. Invalid assessments may be reassessed, when.

Whenever the city, by valid ordinance, shall have authorized the making of any public improvement to be paid for in special tax bills and shall have entered into a valid contract for such improvement, and shall have attempted to levy an assessment or issue a special tax bill to pay the cost thereof, and said contract shall have been faithfully and fully performed by the contractor, and it shall be made to appear by a final judgment of a court of competent jurisdiction, or otherwise, that the lien of such assessment, or part thereof, or of any or all tax bills evidencing the same, is invalid, in whole or in part, by reason of any omission, irregularity, erroneous calculation, or erroneous basis of calculation, defect or invalidity in the acts or proceedings of any of the municipal authorities of the city relating thereto, the director of public works may, at any time thereafter within two years after the original issue of the tax bills, or in the case of tax bills payable in installments, within one year from the date of maturity of the last installment, or if the question of such validity is involved in a proceeding in any such court, then at any time within six months from the date of such final judgment therein, reassess any or all of the tracts of land subject to assessment to pay the cost of such improvement according to the rule of assessment, and in the same manner and with the same effect, and evidence the same by like special tax bills, as is provided in this article for such assessment in the first instance.

Section 11.81. Land and property mean public and private.

All reference in this article to land and property shall apply to and mean both public and private lands and property.

Section 11.82. Condemnation—Grading.

All proceedings for the exercise by the City of Joplin of the right, herein granted it, to condemn both public and private land and other property within or without the city limits, or in the exercise of eminent domain, and all proceedings relating to establishment of and change of street grade or where the city has graded or regraded or where the city may thereafter grade or change the grade or lines of any street or alley, or in any way alter or enlarge the same, or construct any public improvement, thereby causing damage to either private or public property, may be the same or in accordance with the present provisions of Section 88.010 to Section 88.130, both inclusive, of Chapter 88, Revised Statutes of Missouri, 1949, which provisions of said sections are hereby adopted and incorporated in this charter by reference with the same force and effect as though repeated in full herein; provided that any amendments or changes in the aforementioned laws and statutes effected after the adoption of this charter shall in no wise affect the provisions of this charter unless this charter be so changed and amended as provided herein.

Section 11.83. City may adopt procedure from state law for condemnation.

In addition to the method heretobefore provided in this article for the condemning and damaging of private and public property, whenever the city shall deem it necessary and by ordinance determine to take or damage any public or private property for public use of said city within or without the city limits, it may adopt the same procedure for such taking and damaging as is prescribed in the general law of the state for the appropriation and valuation of lands taken for railroad and other purposes, being Title XXXVI, Chapter 523, of the Revised Statutes of Missouri, 1949, as now or hereafter amended. Upon paying to the clerk of the circuit court of the amount of damages awarded, the city shall have the right, notwithstanding the filing of exceptions to such award, or appeals therefrom, to enter upon and take possession of the property so taken and condemned and to proceed with the public improvement, or in case of damage only, to proceed with the public improvement, and any subsequent proceeding shall only affect the amount of compensation to be allowed and paid.

ARTICLE XII. LICENSES AND FRANCHISES

Section 12.01. Power to license, tax and regulate.

The City of Joplin shall have the power by ordinance not inconsistent with the constitution or any law of the state to license, tax and regulate all lawful objects or subjects of taxation including but not limited to the following businesses, pursuits, avocations, occupations and callings: Abstractors, certifiers or guarantors of land titles; accountants; auditors; adjusters of claims; addressing businesses; advertising agencies and advertising of any kind or by any

means, and advertising advisers; acoustical articles and supplies; air conditioning machines, articles, and supplies therefor; air express service, air freight and air transportation services; artists; animal shows; appraisers; architects; arenas; art galleries; assayers; athletic, boxing, wrestling or sparring exhibitions or contests; apron supply; auctioneers; auction criers; automobile livery; automobiles and automobile accessories and supplies; automobile dealers, agencies, establishments, buyers, sellers, repairers and servicers; any service to automobiles and any motor driven vehicles; automobile shows; any kind of locker for food or merchandise storage; aircraft dealers and manufacturers; aircraft flying schools, services and instructors; aircraft repair services; antique shops, buyers, sellers and dealers; automobile, trailer and vehicle rental agencies; auction house establishments; automatic machines or devices; ambulances; airports; asphalt work; air compressors; art glass; aluminum products; awnings; aerial surveying; aircraft transportation; amusement ticket brokers and sellers; amusement parks; armature rewinding; bail bondsmen; bakers; bowling or ball alleys; banks; bankers; barbershops; barbers and barber supplies; beauty shops; beauticians, chiropodists, manicurists and hair dressers; bus and freight terminals; bathhouses; battery chargers; battery dealers; beer depots; beer storerooms; beer or wine gardens, taverns, dramshops; night clubs or any other public place of business or amusement where alcoholic beverages of whatsoever percentage of alcoholic content are sold or permitted to be consumed on the premises; bicycles; billboards or bill posters; boilers; beds, bleaching; boiler cleaning and inspection and setting; book-binding; bookkeeping services; buffing, grinding, repolishing; building reports; billiard or pool room tables or other tables or instruments used for amusement; blacksmith shops; blue print or photostat makers; board, livery or sales stables; boarding, lodging or rooming houses; bonding or surety companies; bottle exchanges, bottling plants; brewers or breweries; brick makers; brick masons; broadcasting stations; building management, operation or maintenance; building, house or window cleaners; building companies; builders; boats for hire; bookstores, vendors, sellers and solicitors; bottlers, wholesale or retail; brush manufacturers, sellers, and solicitors; butchers suppliers; brokerage companies; brokers of whatever class or character; badminton or tennis courts; building or house movers; brickwork; bridges and culverts; caterers; composers or writers; carnivals and any other kind of show; carters or draymen; cemeteries; chauffeurs; check rooms; chemists; circuses; children's nurseries; cigarettes, cigars and tobacco of all kinds; cigarette, cigar, or tobacco manufacturers or dealers, wholesale or retail; claim agents, clairvoyants and fortune tellers; clearing houses; coffee, tea, spice, cocoa and condiment dealers, and coffee roasters and processors; coal and other fuels and dealers, haulers, peddlers, brokers and deliverers thereof; collectors of accounts or claims; chairs or tables; costumes; check cashing; chimney cleaning; credit associations, bureaus or agencies; commission merchants or agents; concerts; concrete and cinder block makers; contract haulers; contract tailors; convalescent or nursing homes; crematories; curb market merchants; cabinet makers; cafeterias; cameras and camera agencies; candy manufacturers and sellers, wholesale or retail; carpet and rug cleaning, laying and repairing service; chair rental agencies; chit and gravel companies; cocktail lounges; corn dealers; concert bureaus; concrete mixer rentals; concrete pipe, block and products manufacturers, sellers and dealers; concrete (ready-mixed) service; contractors and subcontractors engaged in or contracting for work and labor or materials to be performed within the city limits irrespective of whether said contractor or

subcontractor are residents of said city, for the construction, alteration or repair of any structure or thing; corset dealers, sellers and solicitors; cookie, bread, pastry and cracker products and dealers; cosmetic dealers, sellers and solicitors; crating service; creameries; credit reporting bureaus and service; car washing establishments; confectioners; cycloramas; carpenters; caulking work; concrete and cement work; carpets; clothing; contractor's equipment; cranes; dairies; dance halls; designers; detectives; detective agencies or investigators; development companies; distillers or distilleries; dealers or distributors of goods, wares, or merchandise, new or used; dog kennels; dogs and cats and other domesticated animals; drivers of motor vehicles; drugs, druggists and drugstores, wholesale or retail; drummers or salesmen; dry cleaners, dyers, and pressers; dairy equipment and supplies; dancing studios, schools, and instructors; decorators; delicatessens; delivery service; dental laboratories; duplicating service, duplicating machines; dairy products; dairy and vegetable compound products; dessicating; dye houses; diapers, diaper service; dredgers; drillers; desks; diecutting; escrow service in land transfers; electrologists or electrotherapists; embalmers; employment agencies; engineers; engravers; exhibitions; explosives; explosive dealers and haulers of explosives; fireworks dealers, retail or wholesale; equipment contractors; excavating machinery and supplies; excavating contractors; elevators; electrical goods of all kinds; electrical supply establishments; electric charging stations; express companies; engines; electric or compressor hammers; electrical transcription; electronic service; electroplating; embossing; enameling; freight transfer or other warehousing; filling or service stations; finance or loan companies; farm implements, machinery, vehicles and tractors; fire or burglar alarm systems; food and all other processors; freight or other forwarders; fumigators; funeral directors; feed manufacturers and dealers; film rental service; fish dealers; floor refinishing; floor sanding, floor sanders and floor surfacing machines; florists; food brokers; foundries; fur dealers and storage; furnaces, manufacturers, dealers and servicers; furniture, manufacturers, dealers and repairers and refinishers; food lockers and cold storage plants; foundation work; fire escapes; finders of missing persons; fluorescent lighting and maintenances; fans; feather renovating; film developing; filters; gasoline, inflammable fuels and haulers thereof; garbage removers; gaugers; geologists; gift, premium or trading stamp enterprises; gold refinishers or goldsmiths or silversmiths; golf courses, driving ranges and any other golf enterprises; golf professionals; grain, grain elevators; gunsmiths; gymnasiums; garages; gift shops; glass dealers; greenhouses; grocers; grading; guttering or spouting; gas appliances; gas or electric ranges; gauges; galvanizers; grinding or sharpening; health institutes or reducing parlors; hawkers, husksters, peddlers or solicitors seeking or taking orders or applications for books, magazines, and any and all kinds of goods, wares and merchandise; horse, mule and cattle buyers and sellers; horseshoers; hospitals, sanitariums or sanatoriums; hearing aids and equipment therefor; hotels, hardware, wholesale or retail; hatcheries; hat cleaning and blocking; haulers; heating services; home builders, hotel or restaurant equipment; horses; hoisting; inspectors, inspection bureaus; installation with or without sale; insurance companies; interpreters; investment or trust companies; itinerant vendors, traveling or auction stores; itinerant wholesale or retail produce dealers; ice, or dry ice, dealers and haulers; ice cream, soft drinks, frozen desserts, and similar products; industrial or technical instruments; intercommunicating systems; income or other tax returns or tax services; jewelry; jewelers; jobbers, job wagons; junk dealers,

merchants or peddlers; jukeboxes and renters or repairers thereof and other musical instruments of whatsoever nature or kind; janitor service; kalsomining; kitchen equipment; laboratories and laboratory equipment; labor or public relation counselors; laundries and self-service laundries; lenders and their agents; lithographers; lino-typing; liquor; liquor dealers, wholesale or retail; locksmiths; lumber, lumber brokers and agents; lumber measurers; lunch stands, counters or wagons; lightning rods; livestock; loan companies; lung testers; linen and towel supply; land clearing; lathing; lifting jacks; lawnmowers; leather goods; lamps; linoleum and linoleum laying; malt dealers; machine shops; manufacturers; marble and stone dealers and stone or marble quarries; market places; masseurs; mercantile agents or agencies; merchants; merry-grounds; midwives; milk and dairy products processors, salesmen, solicitors; haulers, or deliverers; milk dealers; mines and mining companies and ore concentrating plants; manufacturers of or dealers or agents for mining machinery, road machinery, earth moving machinery, building machinery and other heavy industrial machinery and equipment; miniature golf; money transportation; market research; messengers; metal finishing; mirror resilvering; movers of personal property for pay; moving picture film producers, distributors, exchanges or rental establishments; motor vehicles; moth-proofing; motor courts and motels; motorcycles, agencies, buyers, sellers, dealers and repairers and servicers; motor scooters; multigraphing; motor vehicle and motor truck salvage dealers; moving picture exhibitions or shows; museums; music arrangers or bureaus; monuments; magazines; manufacturers of and dealers in orthopedic, medical or surgical supplies; menageries; muscle developers; mausoleums; millwrights; machinery of all kinds; meat; meat choppers; motors; motor vehicle oiling, repossessing, steam cleaning, washing, towing, wheel aligning or repairing wrecks; motion picture projecting equipment; musical instruments; machinery designing; mailing; mail order houses; natural or artificial gas; news agents, dealers or distributors; newspapers; newspaper publishers, agents, or dealers or distributors; news service or bureaus; nurseries or nurserymen; nursery stock; numbering machines; office business and professional buildings; oil companies; operatic, theatrical or other performances; opticians, optometrists; orchestras or bands; ore buyers; oil, mining or other stocks; ornamental work; office equipment; organs; oxygen tents; office coats, overalls, towels, uniforms, and work clothes supply; oil or gas burners or stokers; optical instruments, equipment, eye glass lenses, and appliances; oil cutting or reclaiming; private airports; packing or slaughter houses; parades; parking lots; passenger stations or terminals; patent medicine sellers and shows; pawnbrokers; peddlers of vegetables, meat, fish and other foods and other kinds of personal property; pest exterminators; photographers, local or itinerant; physiotherapists or hydrotherapists; pipe lines, pipes, poles, wires or conduits of public utility companies; printing presses, printing establishments; public amusements and entertainments; pinball machines and all other coin-operated machines and devices and repairers thereof; public carriers; public garages; public halls; public lecturers; public meetings; public scales and weighers; public utilities of all kinds; publishing companies; push carts; produce; public grounds, arenas and halls; panoramas, palmists; pool and billiard rooms and halls; painters; paper hangars; patrol, guard or watchman services; paving; pile driving; plasterers; plumbers and gas fitters; power plants; prefabricators; phonographs; pianos; public address systems; pumps; paint sprayers; portable saws; pattern making; payrolls; pension plans; photograph finishing; pipe bending, cleaning, cutting or

threading; plastic products, manufacturers and repairers; press clipping bureaus; quarries; race tracks; realtors; realty brokers and salesmen; rectifiers; refrigerators, refrigeration systems, refrigerating companies; rendering plants; restaurants; runners; rental services of all kinds; rental agents and all agents of whatever kind or character; renovating and repair service; rest homes and homes for the aged; rooming houses, boarding, apartment and tenement houses; radio broadcasting and television stations; railway traffic; razing, shoring and wrecking; railroads and railroad tankcars; riggers; roads, road oiling; roofers; radios; radio equipment; research bureaus; rugs; rating bureaus; surgical instruments; surveying instruments; savings and loan associations; safe depositories; salary brokers or buyers; sample and order salesmen and owners; scalp treaters; selling or storing gasoline, butane, propane, oil, kerosene, diesel fuel, and other fluid fuels; service and rental cars; service or rental car drivers; shoe shining parlors; shooting galleries; sightseeing tours; signs; skating rinks; slot machines; solicitors; sport events or exhibitions; statisticians; stock or merchants' exchanges; stockyards; stone work; stone cutters; storage houses; street railway cars and companies; street stands; store fixtures; soda fountains; sporting goods; stairs; statuary; stockers; stoves; sash metal; scaffolding; sewers; sheet metal work; sidewalks; steamfitters; safes; saws; scales; shoes; silverware; slicing machines; smokestacks; surveyors; swimming pools; sewing machines; shows or exhibitions; sales of goods by common carriers or agencies; shoe repairers and shoe repair establishments; sellers; shippers; steamships; surety companies; steel shearing; spraying or stamping; street lighting; sales counseling; sand blasting; stock; steel; scrap metal; trucking or other transportation companies for hire having a local office or agency in Joplin, whose principal place of business is located within or without said city; tailors, including agencies for taking or soliciting orders for clothing; tanners; taxicabs and taxicab owners, drivers and companies; taxicab meters; taxidermists; ticket agents and agencies; theaters; theatrical agents or agencies or bookings; toll bridges, roads or viaducts; trailer or tourist camps or courts; transfer companies; travel or traffic bureaus; truck terminals; trust companies; typographers or typesetters; television instruments or equipment; television dealers, sellers and repairers; typewriters, adding, calculating machines, cash registers, and all other kinds of office machines and supplies and all kinds of recording machines and devices; trucks, agencies, buyers, sellers and dealers, repairers and servicers; telegraph, telephone, street railway cars, electric, gas, heating, air conditioning, lighting, water and transportation utilities of whatsoever name, kind or character, like and unlike; tanks; terrazzo or tile work, tin work; tuckpointing; theater sound equipment; tire repairing or retreading; tube cleaning and expanding; tents, awnings and canvas products; tariff bureaus; trailers; tires; therapeutic devices; tools; typing or secretarial work; undertakers; ushering; upholsterers, upholstering; used motor vehicles and used motor trucks and dealers; umbrellas; vehicles, agencies, buyers, sellers, repairers, servicers, and dealers; vending machines, operators, agents, and repairers; veterinary hospitals; vacuum cleaners and similar devices; vehicle repossession agencies or services; ventilation work; vulcanizing; welders; welding equipment; wine manufacturers; wineries; woodworkers; wild west shows and rodeos; wreckers; washing, ironing, dishwashing, and all other similar household equipment and devices; waterproofing; waterworks; wallpaper cleaning; weatherstripping and all other improvements on real property; watches, windows, window displays; watercoolers; rebuilding, renovating, selling, repairing, maintaining or

storing any of the specific property heretofore named or any other property not specifically named or any property or equipment used in connection therewith; renting, selling, leasing, hiring and repairing any of the specific kinds of property hereinbefore named or any other property or any kind or species of property; private schools and academies of art conducted for profit, business, correspondence, dancing, dramatics, expression, language, music, nursery, riding and private technical and trade schools or colleges, conducted for profit; services rendered in connection with, or any property or equipment connected therewith, upon any of the things or businesses hereinbefore set out or any other kind of property.

Section 12.02. General inclusions.

It is intended by the foregoing provisions of this article to include not only the articles and businesses therein named but also all persons, corporations, agents, and representatives of whatsoever nature engaged in operating, soliciting or contracting relative to all services or processes or dealing in any of the above enumerated things, property or businesses and all other things or businesses not specifically exempted by general law.

Section 12.03. Separate license tax.

A separate license tax may be imposed for each place of business conducted or maintained and on each kind of business herein specified and any and all kinds of businesses not specifically set out herein by the same person, firm or corporation.

Section 12.04. Reservation.

The foregoing enumeration shall not be taken to affect or impair the general power of the city to license, tax and regulate any business, avocation, pursuit or calling or any class or classes thereof now or hereafter not prohibited by law.

Section 12.05. Provisions may be amplified.

The specific provisions of this article may be further amplified and extended by other provisions of this charter, especially in the article on powers of the council, not inconsistent herewith and which do not conflict with any constitutional or legislative act or judicial interpretation thereof.

Section 12.06. Liability to taxation.

When authorized by law, licenses, taxes and regulations may be imposed by ordinance upon any person, subject or object of such tax not otherwise included in this article.

Section 12.07. Classification.

Any ordinance imposing a license tax may divide and classify any subject of taxation, and may impose a different tax upon each class, but the tax shall be uniform for each class.

Section 12.08. Period of issue.

All licenses shall be issued for such periods as may be provided by ordinance, but no such period shall exceed one year.

Section 12.09. Exclusions.

Where the owner or operator of any of the foregoing businesses, pursuits, avocations, occupations and callings shall have taken out a license for the same, no person acting as the servant, agent, officer or employee of said owner or operator shall be required to take out any such license, anything to the contrary in this article notwithstanding.

Section 12.10. Rules, rates, etc.

The city may fix and enforce rules, rates or methods of charging taxes, licenses or fees for all vehicles and other means of transportation using the streets and alleys of the city for hire; and for the rental and use of all public property of the city.

Section 12.11. Granting of franchises.

All public utility franchises and all renewals, extensions and amendments thereof shall be granted only by ordinance. No such ordinance shall be adopted within less than thirty days after application therefor has been filed with the council and notice of public hearing by the council shall be given by three consecutive publications in a daily newspaper published in the City of Joplin. No such ordinance shall become effective until it has been submitted to the electors and has been approved by a majority of the electors voting thereon.

No ordinance shall be submitted at any election less than sixty days after the grantee named therein has filed its unconditional agreement to accept such franchise, and such ordinance shall not be submitted to a special election unless the expense of holding the election, as determined by the council, shall have been paid into the city treasury by the proposed grantee. No exclusive franchise shall ever be granted, and no franchise shall be granted for a longer term than twenty years. No such franchise shall be transferable directly or indirectly, except with the approval of the council expressed by ordinance.

Section 12.12. Rights of regulation.

All public utility franchises, whether or not it be so provided in the ordinance granting the franchise, except as to regulatory matters within the jurisdiction, so far as it may extend, of the public service commission law or state or federal laws creating regulatory bodies, shall be subject to the right of the council to:

(1) Any franchise granted by the city shall be subject to the right of the city to forfeit the same at any time on account of the failure of the grantee or its assigns to observe the terms thereof. Such forfeiture shall be enforced in a suit brought by the city in the circuit court of Jasper County, Missouri, by the judgment of said court.

If the grantee in any franchise shall fail to commence to exercise the rights and privileges granted by said franchise, the same shall be deemed abandoned and forfeited.

(2) Require proper and adequate extension of plant and service and the maintenance thereof at the highest practicable standard of efficiency.

(3) Establish reasonable standards of service and quality of products, and prevent unjust discrimination in service or rates.

(4) Make an independent audit and examination of accounts at any time, and require reports annually.

(5) Require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof.

(6) To provide for regulating and controlling the exercise by any person or corporation of any public franchise or privilege in any of the streets or public places of the city, whether such franchises or privileges have been granted by the city or by or under the State of Missouri, or any other authority.

(7) Regulate rates, fares and charges and make readjustments thereof from time to time if the same are not regulated by the state.

(8) Impose such other regulations from time to time as it may determine to be conducive to the safety, welfare and accommodation of the public.

Nothing contained herein shall be construed as constituting any surrender or relinquishment to the public service commission or any similar state or federal regulatory body by the city of the city's exclusive right to regulate and control the use of the streets, alleys, boulevards, highways, and other public ways and places of the city, nor its general police powers over all public utilities.

Section 12.13. Purchase: Condemnation.

The city shall have the right to acquire by condemnation or otherwise the property of any public utility in accordance with the general laws of the state, or as otherwise provided in this charter, not in conflict therewith.

Section 12.14. Revocable permits.

Temporary permits for the operation of public utilities, or like permits for a period not to exceed two years but subject to being renewed for a period not to exceed one year and subject to amendment, alteration or revocation at any time at the will of the council, may be granted only by ordinance on such terms and conditions as the council shall determine; provided that such permits shall in no event be construed to be franchises, or extensions or amendments of franchises.

Section 12.15. Operation beyond franchise period.

Any operation of a public utility by a franchise holder, with the tacit permission of the city, beyond the period for which the franchise was granted, shall under no circumstances be

construed as a renewal or extension of such franchise. Any such operation shall at most be regarded as a mere temporary permit, subject, like other permits, to amendment, alteration or revocation at any time at the will of the council.

ARTICLE XIII. NOMINATIONS AND ELECTIONS

Section 13.01. Time of elections.

A regular election for the choice of elective municipal officials shall be held biennially on the first Tuesday in April in even numbered years, including in 1954. The council may by resolution order special elections, fix the time, and provide for holding the same.

Section 13.02. Regulation of elections.

The council shall provide by ordinance all regulations which it considers needful or desirable, not inconsistent with this charter or state laws, for the conduct of municipal elections, including notice, for the prevention of fraud in such elections, and for the recount of ballots in case of doubt or fraud. Municipal elections shall be conducted by the city clerk in coordination with the Jasper and Newton County clerks who, through "The Comprehensive Election Act of 1977—State of Missouri" are designated as election authorities except when charter cities hold individual separate elections. Present applicable state election laws are hereby continued and incorporated herein unless superseded by requirements of this charter or ordinance that would be considered more restrictive in nature. The council may by ordinance, unless prohibited by law, fix the number of judges and clerks and other election officials to officiate in municipal elections.
(Charter Amendment No. LI, approved by the voters April 7, 1987)

Section 13.03. When judge may conduct election.

If at any time, by reason of non-acceptance, resignation, refusal to qualify, or for any other cause, there shall be no officers of the city to order and conduct an election, the presiding judge of the Jasper County Circuit Court is empowered to order and conduct an election for city officers, declare the results thereof, and install the newly elected officials.
(Charter Amendment No. LII, approved by the voters April 7, 1987)

Section 13.04. Nominations by petitions.

Nominations of candidates for all elective offices shall be by petition. Petitions for zone councilmen shall be signed by not less than one hundred fifty (150) registered voters of whom not less than seventy-five (75) registered voters shall be registered voters in the zone in which the candidate for zone councilman resides. Petitions for general councilmen shall be signed by not less than one hundred fifty (150) registered voters of the city. No voter shall sign more than one nominating petition for a zone councilman and should a voter do so, his signature shall be void except as to the first petition filed. No voter shall sign more nominating petitions for general councilman than the number of general councilmen to be elected at the forthcoming

election and should a voter do so, his signature shall be void except as to the aforesaid proper number of petitions which he has signed and which are first filed. Each signer of a petition shall designate his residence by street and number, or by other description sufficient to identify his place of residence, and precinct number. Nominating petitions shall contain the name, occupation, residence and precinct number of the person nominated, and the specific office (zone or general councilman) for which he is a candidate.

The signatures on the nominating petition need not be all appended to one paper, but each separate paper shall have a statement setting forth the election date; the office to be filled; and the name, occupation, residence and precinct number of the candidate on whose behalf the petition is being filed. In addition, there shall be attached to each such paper a signed statement of the circulator thereof, stating the number of signers of such paper, that each signature appended thereto was made in his presence, and is the genuine signature of the person whose name it purports to be, and that he believes each such signer to be a legal voter.

Nominating petitions for regularly scheduled council elections shall be made available by the city clerk's office no sooner than eighteen (18) weeks before the election. Completed nominating petitions shall then be filed with the city clerk prior to ten (10) weeks before the election to allow two (2) weeks for finalizing the ballot before the election as prescribed. Nominating petitions shall be in substantially the following form:

We, the undersigned registered voters of the City of Joplin, Missouri, respectfully petition and request the name of _____ residing at _____, occupation _____, precinct number _____, be placed upon the ballot as a candidate for the office of _____ to be voted for at the election to be held on the day of _____ 19____ and we, individually, signify that our names have appeared on the roll of registered voters within the last year, and that we are qualified to vote for this candidate:

NAME _____ PRECINCT _____, STREET AND NUMBER _____, DATE OF SIGNING _____

STATEMENT OF CIRCULATOR

The undersigned is the circulator of the foregoing paper containing ____ signatures. Each signature appended thereto was made in my presence and is the genuine signature of the person whose name it purports to be. I am a registered voter; qualified to vote for this candidate, and I believe each signer is a registered voter qualified to vote for this candidate.

Signature of circulator _____

Address _____

ACCEPTANCE OF NOMINATION

I hereby accept the nomination for the office of _____ and agree to serve if elected.

_____
(Signature of Candidate)

Date and hour of filing _____
This petition is filed by _____
Whose address is _____
Received by _____
(Signature of city clerk)

The clerk shall certify petitions in the order they are received.

Within ten days after the filing of a nominating petition the city clerk shall notify the candidate and the person who filed the petition whether or not it is found to be sufficient. If a petition is found insufficient, the city clerk shall return it immediately to the person who filed it with a statement certifying wherein the petition is found insufficient. Within the regular time for filing petitions a new or supplemental petition may be filed for the same candidate. The petition of each candidate nominated shall be preserved by the city clerk until the expiration of the term of office for which he has been nominated.
(Charter Amendment No. XXXIV, approved by the voters April 4, 1978; Charter Amendment No. LIII, approved by the voters April 7, 1987)

Section 13.05. Withdraw.

Any candidate for elective office or person for whom a nominating petition has been or may be filed with the city clerk, may withdraw as a candidate provided said candidate or person files with the city clerk at least thirty (30) days before the election, or if the city clerk is required by law to deliver to the county clerk a sample ballot, then on or before that date, a statement of withdrawal duly signed by said candidate or person so withdrawing and acknowledged by him before the city clerk or the deputy city clerk, and the name of such person complying therewith shall not appear on the ballot.
(Charter Amendment No. XXXIV, approved by the voters April 4, 1978)

Section 13.06. Preparation of ballots.

The names of candidates for elective offices shall be printed on the ballot in the order of their certification without party designation.
(Charter Amendment No. LIV, approved by the voters April 7, 1987)

Section 13.07. Voting machines.

The council shall have the power to provide for the use of mechanical or other devices for voting or counting the votes not inconsistent with state law.

Section 13.08. Returns: Canvass.

The council shall canvass the election returns and declare the results of any municipal election, regular or special, at a meeting to be held not later than one week following such election. The candidate or candidates receiving the highest number of votes for each office shall be declared elected and inducted into office at that time.

Section 13.09. Tie vote.

If at any municipal election there shall be no choice between candidates by reason of two or more having received an equal number of votes, the council shall proceed to determine the election by lot in a meeting open to the public and to which all candidates have been invited.

Section 13.10. Voting precincts.

The precincts of the city shall continue as now defined, subject to change by the county clerks.
(Charter Amendment No. LV, approved by the voters April 7, 1987)

ARTICLE XIV. INITIATIVE, REFERENDUM AND RECALL

Section 14.01. Initiative.

The electors shall have power to propose any ordinance, except an ordinance appropriating money, and to adopt or reject the same at the polls, such power being known as the initiative. Any initiated ordinance may be submitted to the council by a petition signed by qualified electors of the city equal in number for a regular election to at least ten per cent of the electors registered to vote at the last regular municipal election and for a special election equal in number to at least fifteen per cent of the electors registered to vote at the last regular municipal election.
(Charter Amendment No. LVI, approved by the voters April 7, 1987)

Section 14.02. Referendum.

The electors shall have power to approve or reject at the polls any ordinance passed by the council, or submitted by the council to a vote of the electors, excepting emergency ordinances as provided for in Section 2.12 of this charter, ordinances for the levying of taxes, or for the issuance of special tax bills, as provided in this charter, such power being known as the referendum. Ordinances submitted to the council by initiative petition and passed by the council shall be subject to the referendum in the same manner as other ordinances. Within twenty days after the enactment by the council or by initiative of any ordinance which is subject to referendum, a petition signed by qualified electors of the city equal in number for a regular election to at least ten per cent of the electors registered to vote at the last regular

municipal election and for a special election equal in number to at least fifteen per cent of the electors registered to vote at the last regular municipal election may be filed with the city clerk, requesting that such ordinance be either repealed or submitted to a vote of the electors. (Charter Amendment No. LX, approved by the voters April 7, 1987)

Section 14.03. Petitions.

All petition papers comprising an initiative or referendum petition shall be assembled and filed with the city clerk as one instrument. Every initiative petition shall contain the full text of the measure proposed and every referendum shall contain the full title of the ordinance referred, but the signatures to any petition need not all be appended to one paper. Each signer, after his name, shall designate his residence by street and number and precinct number, or by other description sufficient to identify his place of residence, and the circulator of each such paper shall make oath before an officer competent to administer oaths that he believes each signature appended to the petition to be the genuine signature of the person whose name it purports to be, that he believes each such signer to be a legal voter, and that all signatures were affixed in his presence, and shall designate his residence by street and number and precinct number.

Section 14.04. Filing and certification of petition.

Within twenty days after a petition is filed, the city clerk shall determine whether each paper of the petition has a proper statement of circulator and whether the petition is signed by a sufficient number of qualified electors. If a petition paper is found to be signed by fewer persons than the number certified, the signatures shall be accepted unless void on other grounds. After completing his examination of the petition, the city clerk shall certify the result thereof to the council at its next regular meeting. If he shall certify that the petition is insufficient, he shall set forth in his certificate the particulars in which it is defective and shall at once notify the person filing the petition of his findings.

Section 14.05. Amended petitions.

An initiative or referendum petition may be amended at any time within ten days after the notification of insufficiency by filing a supplementary petition upon additional papers executed and filed as provided in case of an original petition. The city clerk shall, within five days after such an amendment is filed, make examination of the amended petition; if the petition be still insufficient, he shall file his certificate to that effect in his office and notify the person filing the petition of his findings, and no further action shall be had on such insufficient petition. A finding of insufficiency in a petition shall not prejudice the filing of a new petition for the same purpose.

Section 14.06. Effect of an initiative petition.

When an initiative petition has been certified as sufficient, the council shall proceed at once to consider the proposed ordinance, taking final action thereon not later than thirty days after certification.

If the council shall fail to pass an ordinance in the form proposed by the initiative petition, it shall within ninety days after the final action thereon call a special election, unless there shall be a general election within that same period of time. At such special or general municipal election, such ordinance shall be submitted without alteration to the vote of the electors of the city. The enacting clause of such ordinance shall be: "BE IT ORDAINED BY THE PEOPLE OF THE CITY OF JOPLIN."

Section 14.07. Effect of a referendum petition.

When a referendum petition has been certified as sufficient, the ordinance specified in the petition shall not become effective, or, if it shall have gone into effect, further action thereunder shall be suspended until the ordinance referred has been approved by the electors, as hereinafter provided. The council shall proceed forthwith to reconsider the referred ordinance, and its final vote upon such reconsideration shall be taken within thirty days after certification and shall be upon the question: "Shall the ordinance specified in the referendum petition be repealed?"

If the council shall fail to repeal an ordinance specified in any referendum petition, it shall within ninety days after its final vote thereon call a special election, unless there shall be a general election within the same period of time. At such special or general municipal election, such ordinance shall be submitted without alteration to the vote of the electors of the city.

Section 14.08. Voting.

Ordinances submitted to the electors in accordance with the initiative and referendum provisions of this charter shall be submitted by ballot title, which shall be prepared by the city attorney. The ballot title shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance. The ballot used in voting upon any ordinance, if a paper ballot, shall have below the ballot title the following propositions, one above the other, in the order indicated: "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE." Immediately at the left of each proposition there shall be a square in which by making a cross (X) the elector may vote for or against the ordinance. Any number of ordinances may be voted on at the same election and be submitted on the same ballot but any paper ballot used for voting on ordinances shall be for that purpose only. If voting machines are used, the ballot title of any ordinance shall have below it the same two propositions, one above the other or one preceding the other in the order indicated, and the elector shall be given an opportunity to vote for either of the two propositions and thereby to vote for or against the ordinance.

Section 14.09. Effect of vote.

If a majority of the electors voting on a proposed initiative ordinance or referred ordinance shall vote in favor thereof, it shall thereupon be an ordinance of the city, and shall, unless otherwise specified, become effective as indicated in Section 2.12 of this charter. No such ordinance shall be amended or repealed by the council for at least six months and then only by its unanimous vote. A referred ordinance which is not approved by a majority of the electors

voting thereon shall thereupon be deemed repealed. If conflicting ordinances are approved by the electors at the same election, the one receiving the greatest number of affirmative votes shall prevail. No election under the initiative or referendum procedure shall be set aside because of any defect in the petition.

Section 14.10. Recall petition.

Any councilman may be removed by the electors qualified to vote for a successor to such incumbent. The procedure to effect the removal of such incumbent shall be as follows: A petition demanding the removal of such officer shall be filed with the city clerk; such petition shall be signed by electors entitled to participate in such election equal in number to at least twenty per cent of the electors registered to vote in the last regular municipal election. This petition shall contain a general statement of the grounds for removal. Such petition shall be executed, verified, filed, and may be amended in the manner provided for initiative and referendum petitions.
(Charter Amendment No. LVII, approved by the voters April 7, 1987)

Section 14.11. Recall: Election.

When a sufficient petition has been filed, the city clerk shall submit the same to the council without delay, and the council shall fix a date for holding the election, not less than thirty nor more than forty-five days thereafter. If such office or offices become vacant prior to the election, such election shall be cancelled and the vacancies shall be filled by the remaining council members for a period running until new officers can be elected at a special election in the manner provided for under Article XIII; provided, however, that if no more than one vacancy is to be filled, the vacancy shall be filled until a new officer can be elected at the next general election in the manner provided by Section 2.05 of Article II of this charter.
(Charter Amendment No. LVIII, approved by the voters April 7, 1987)

Section 14.12. Recall ballot.

The ballot shall be in the following form:

Shall _____ be removed from office:
(Name and title)

☐ YES
☐ NO

Voters in favor of the removal place a cross (X) in the square opposite the word "Yes."

Voters opposed to the removal place a cross (X) in the square opposite the word "No."

If voting machines are used, the ballot shall be prepared in a form so as to give the elector an opportunity to vote either "Yes" or "No" as set forth above.

Section 14.13. Effect of election.

If a majority of those voting in such recall election shall vote in favor of the recall, then a vacancy shall exist, regardless of any defect in the recall petition. Such vacancies shall be filled by the remaining council members for a period running until new officers can be elected at a special election in the manner provided for under Article XIII; provided, however, that if no more than one vacancy is to be filled, the vacancy shall be filled until a new officer can be elected at the next general election in the manner provided by Section 2.05 of Article II of this charter. If an election is required hereunder, the council shall fix the date therefor not less than thirty nor more than forty-five days after the results of the recall election have been canvassed. If a majority of those voting in such election shall vote against the recall, the official shall continue in office. An official who has been recalled shall be ineligible to serve in the city in any capacity at any time during the remainder of the term for which he was originally elected. (Charter Amendment No. LIX, approved by the voters April 7, 1987)

Section 14.14. Limitation on recall.

No officer shall be subject to recall within three months after his induction into office, nor during the last three months of his term. If he is retained in office by any recall election, he shall not again be subject to recall within a period of six months thereafter.

Section 14.15. Conduct of initiative, referendum and recall elections.

Notice of initiative, referendum and recall elections shall be given and publicized by the council by publication of such initiated or referred ordinance or recall at least three times in some daily newspaper published in the city, at such times as the council may prescribe by ordinance. Such elections shall be conducted, the returns canvassed and the results thereof declared in all respects as are other city elections.

ARTICLE XV. MISCELLANEOUS PROVISIONS

Section 15.01. Judicial notice of the charter.

This charter is declared to be a public act, and all courts shall take judicial notice thereof.

Section 15.02. Proof of ordinances, etc.: Evidence, when.

All ordinances, resolutions and proceedings of the city may be proved by a copy thereof duly certified by the city clerk under seal of the city; or when printed in book or pamphlet form and purporting to be published by authority of the city, the same shall be received in evidence in all courts and places without further proof of authenticity.

Section 15.03. Action for damages maintained, how.

No action shall be maintained against the city on account of any injury to person or damage to property growing out of alleged negligence of the city unless notice, signed by the person or

persons claiming injury or damage, shall first have been given in writing to the city clerk within sixty (60) days of the occurrence for which said injury or damage is claimed, stating the place, time, character and circumstances of the injury, and that the person or persons so injured or damaged will claim damages therefor from the city.

Section 15.04. Judicial bonds.

The city shall not be required to give bond in any judicial proceeding or appeal.

Section 15.05. Adoption not to affect existing rights, actions, proceedings, liens, titles, or undertakings.

The adoption of this charter or anything herein contained shall not affect any right, lien, title or liability accrued, established, or subsisting previous to the time when such charter takes effect; nor shall the adoption of this charter or anything herein contained be in anywise construed so as to affect any right or liability acquired or accrued under previous law or charter, and by amendments superseded thereby, by or on the part of the city or any person or body corporate; and all rights of action, fines, penalties and forfeitures accrued to the city and all liens, rights and titles to real and personal property held, had and acquired by the city previous to the time when this charter takes effect shall remain unaffected thereby and may be prosecuted, recovered, received, held, maintained, had and enjoyed as fully in every respect as if said charter had not taken effect. No action or proceeding, civil, criminal or quasi-criminal, pending at the time this charter shall take effect, brought by or against the city or any office, department, agency, board or officers thereof, shall be affected or abated by the adoption of this charter or by anything herein contained; and all contracts entered into by the city, or for its benefit, prior to the taking effect of this charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws. All taxes and assessments levied or assessed and all other obligations of every kind and character owing to the city which are uncollected at the time this charter becomes effective, shall continue in full force and effect and shall be collected as if no change had been made.

Section 15.06. Consistent ordinances to remain in force.

All ordinances, regulations and resolutions in force at the time this charter takes effect, and not inconsistent with the provisions thereof shall remain and be in force until altered, modified, amended, or repealed by or under authority of this charter (or any amendment thereto) or ordinance.

Section 15.07. Inconsistent ordinances, contracts, void, when.

All contracts, agreements, undertakings and other obligations entered into, and all ordinances, regulations and resolutions passed after the adoption of this charter and contrary to the provisions thereof shall be void.

Section 15.08. Transfer of records and property and use of equipment and supplies.

(1) All records, property, supplies or equipment of any office, department, board or agency or part thereof, the powers and duties of which are assigned to any other office, department, board or agency by this charter, shall be transferred and delivered to the office, department, board or agency to which such powers and duties are assigned.

(2) Any property or equipment belonging to any office, department, board or agency and usable by any other office, department, board or agency of the city shall be made available to such other department or agency, at such time and in such manner as not to interfere with the efficient operation of the department or agency owning such equipment and in the manner provided by ordinance.

(3) Any equipment, property or supplies usable by any other office, department, board or agency and no longer usable, needed or required by the office, department, board or agency charged with it, shall be made available to such other office, department, board or agency through the city purchasing agent in the manner provided by ordinance.

Section 15.09. Officers and employees: Qualifications: Not to be interested in contracts: Not required to hold property.

(1) No officer or employee of the city shall have a financial interest, direct or indirect, in any contract with the city or any office, department, board or agency thereof, or be financially interested, directly or indirectly, in the sale or lease to the city of any land, materials, supplies, equipment or services except on behalf of the city as an officer or employee. Any violation of this section shall render the contract, agreement, undertaking or sale void, and any officer or employee so violating this section shall thereby forfeit his office, position or employment. Provided, however, that nothing herein contained shall be construed to apply to any contract, sale or lease not initiated, proposed, instituted, introduced or commenced by an officer or employee of the city who may be involved or interested in such undertaking.

(2) No property qualifications shall be required of any person to render him eligible to any office, position or employment.

Section 15.10. Oath of office: Employment.

(1) Before entering upon the duties of his office, every officer of the city shall take and subscribe, and file with the city clerk, his oath (or affirmation) that he possesses all the qualifications for the office to which he is chosen, that he is not subject to any of the disqualifications provided in this charter or by ordinance, that he will support the constitution and laws of the United States and the State of Missouri, and the charter and ordinances of the City of Joplin, and that he will faithfully discharge the duties of his office.

(2) Before entering upon the duties of his office or before being employed by the city in any capacity, every officer of the city, whether elected or appointed, and every employee of the city shall take and subscribe and file with the city clerk, his oath (or affirmation) that he is not a

member of nor believes in any group or organization, political or otherwise, whose tenets, doctrines or dogma, in whole or in part, seek or advocate the abolition by forcible means of the constitutionally constituted government of the United States of America.

Section 15.11. Official bonds.

All officers of the city whether elected or appointed, and all employees of the city receiving, disbursing, having charge of, handling or responsible for city funds and such other officers or employees as the council may by ordinance require to do so, shall give bond in such amount and with such surety and conditioned upon such requirements and provisions as shall be prescribed by ordinance. The premiums on such bonds shall be paid by the city. If any such person shall fail to give bond as herein required or as may be required by ordinance, he shall forfeit his office or employment. The bonds herein required and as by ordinance may be required shall be filed with the city clerk and kept and maintained by him with the other records, papers and documents of the city.

Section 15.12. Oaths: Power to administer.

Any councilman or the city clerk may administer oaths or affirmations in any matter pertaining to the affairs and government of the city.

Section 15.13. Taxation, rates and kinds of; remitting prohibited.

(1) The rates of taxes levied by the council shall be within the limits now or hereafter authorized by the constitution and law of the state applicable to cities adopting constitutional charters and no tax shall be imposed unless clearly authorized by this charter, the constitution or the general statutes of the State of Missouri, any conflicting provisions herein to the contrary notwithstanding.

(2) No income tax or tax on wages or earnings shall be levied or collected unless clearly authorized by the general statutes of the state and by a majority of the qualified voters voting at a general election or special election called for said purpose, at which such tax or taxes are submitted to a vote of the people.

(3) Nothing contained in this section is intended to affect present taxes or tax ordinances and the same shall remain and be in force until altered, modified or repealed by ordinance.

Section 15.14. Security of deposits.

The council shall require all funds of the city in any city depository to be adequately secured by a deposit of obligations of the United States government in an amount satisfactory to the council.

Section 15.15. Library board.

The library board shall, notwithstanding any provisions of this charter, be constituted and appointed and have such powers and duties as are now prescribed by law for library boards in all cities of this state.

Section 15.16. Dissolution of boards.

Any board provided for and established by this charter, save and except the library board, may be abolished and the functions, powers and duties of said board transferred to another board or to a department of the city government either then existing or to be established by the council for the assumption thereof, upon the majority vote of the total membership of the council.

Section 15.17. City to have exclusive control of public highways: Vacation or abandonment.

The City of Joplin shall have exclusive control over its public highways, streets, avenues, alleys and public places and the council shall by ordinance have exclusive power to vacate or abandon any public highway, street, avenue, alley or public place, or part thereof.

Section 15.18. Use of masculine pronoun.

Unless specifically and especially otherwise provided, the use of the masculine pronoun throughout this charter or any amendments thereto is understood to apply indiscriminately to either sex.

Section 15.19. Harmony with state law.

This charter is adopted in harmony with and subject to the constitution and the laws of the State of Missouri applicable to cities adopting constitutional charters.

Section 15.20. Amending the charter.

This charter may be amended by complying with the provisions of Sections 19 and 20 of Article VI of the Constitution of the State of Missouri, or any amendments thereof.

Section 15.21. Unconstitutional provisions: Effect of.

If any provision of this charter be held to be unconstitutional or void, this shall not affect the validity, force or effect of any other provision.

Section 15.22. Index to charter.

Not later than six months after the first council elected hereunder is inducted into office, the city clerk, under the supervision of the city attorney, shall prepare a detailed index of this charter, said index to be arranged alphabetically by topics.