

TITLE I. GOVERNMENT CODE

CHAPTER 100: GENERAL PROVISIONS

Cross Reference) Ord. No. 96-04 of the Village of Wilbur Park contracts with the County of St. Louis for the hearing and prosecution of municipal ordinance violations.

ARTICLE I. INCORPORATION

SECTION 100.010: VILLAGE INCORPORATION

- A. The Village shall be a body politic and corporate by the name of the Village of Wilbur Park, and shall by that name be known in law as granted by an order of the County Court of St. Louis County on the fourth day of March, 1941.
- B. The Village shall have perpetual succession unless disincorporated. (Ord. No. 1 §§1)2, 1941)

ARTICLE II. GENERAL CODE PROVISIONS

SECTION 100.020: DEFINITIONS AND RULES OF CONSTRUCTION

In the construction of this Code, and of all ordinances and resolutions passed by the Chairman and Board of Trustees, the following rules or definitions shall be observed, unless such construction would be inconsistent with the manifest intent of the Chairman and Board of Trustees:

BOARD OF TRUSTEES: Whenever the words "*Board of Trustees*", "*Board*", "*this Board*", or "*the Board*" are used, they mean the Board of Trustees of the Village of Wilbur Park, Missouri.

COMPUTATION OF TIME: The time within which an act is to be done shall be computed by excluding the first (1st) day and including the last. If the last day is Sunday it shall be excluded.

COUNTY: The words "*County*", "*the County*", or "*this County*" shall mean St. Louis County, Missouri.

GENDER: A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

HIGHWAY: Shall include any street, alley, highway, avenue or public place or square, bridge, viaduct, tunnel, underpass, overpass or causeway in the Village, dedicated or

devoted to public use.

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

MONTH: A calendar month.

NUMBER: Any word importing the singular number shall include the plural and any word importing the plural number shall include the singular.

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

OFFICERS, DEPARTMENTS, ETC.: Whenever any Officer, Department, Board, Commission or other agency is referred to by title alone, such reference shall be construed as if followed by the words "of the Village of Wilbur Park, Missouri."

OR, AND: "Or" may be read "and", and "and" may be read, "or", if the sense requires it.

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

PERSON: Shall extend and be applied to associations, corporations, firms, partnerships and bodies politic and corporate as well as to individuals. Whenever used with respect to any penalty, the word "person", as applied to partnerships or associations, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

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

ROADWAY: That portion of a street improved, designed or ordinarily used for vehicular traffic.

SIDEWALK: Any portion of the street between the curb, or the lateral line of the roadway and the adjacent property line, intended for the use of pedestrians.

SIGNATURE OR SUBSCRIPTION: The words "signature" or "subscription" shall include a mark when a person cannot write.

STATE: The words "the State" or "this State" shall be construed to mean the State of Missouri.

STREET: Shall include any highway, alley, street, avenue or public place, square, bridge, viaduct, underpass, overpass, tunnel or causeway in the Village, dedicated or devoted to public use.

TENSE: Words used in the past or present tense include the future as well as the past and present.

TRUSTEE: A member of the Board of Trustees of the Village of Wilbur Park, Missouri.

VILLAGE: The words "the Village" or "this Village" shall mean the Village of Wilbur Park, in St. Louis County, Missouri.

WRITTEN OR IN WRITING: Shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

YEAR: A calendar year.

SECTION 100.030: SEVERABILITY OF PARTS OF CODE

It is hereby declared to be the intention of the Chairman and Board of Trustees that the Sections, paragraphs, sentences, clauses and phrases of this Code are severable and, if any, phrase, clause, sentence, paragraph or Section of this Code shall be declared unconstitutional by the valid judgment

or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and Sections of this Code, since the same would have been enacted by the Chairman and Board of Trustees without the incorporation in this Code of any such unconstitutional phrase, clause, sentence, paragraph or Section.

SECTION 100.040: REPEALING LAW REPEALED, FORMER LAW NOT REVIVED, WHEN

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

SECTION 100.050: EFFECT OF REPEAL OF PENAL STATUTE

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

1. That all such proceedings shall be conducted according to existing procedural laws; and
2. That if the penalty or punishment for any offense is reduced or lessened by any alteration of the law creating the offense prior to original sentencing, the penalty or punishment shall be assessed according to the amendatory law.

SECTION 100.060: REPEAL OF LAW NOT TO AFFECT RIGHTS ACQUIRED THEREUNDER

The repeal of any statutory provision does not affect any act done or right accrued or established in any proceeding, suit or prosecution had or commenced in any civil case previous to the time when the repeal takes effect; but every such act, right and proceeding remains as valid and effectual as if the provisions so repealed had remained in force.

SECTION 100.070: ACTIONS PENDING, HOW AFFECTED BY REPEAL OF LAW

No action or plea pending at the time any statutory provisions are repealed shall be affected by the repeal; but the same shall proceed, in all respects, as if the statutory provisions had not been repealed, except that all proceedings had after the repeal becomes

effective are governed by procedural rules and laws then in effect, insofar as they are applicable.

SECTION 100.080: INDEMNIFICATION OF TRUSTEES AND APPOINTED OFFICIALS

- A. It is hereby determined to be necessary in order for the Village to obtain the services of persons serving on the Board of Trustees and as appointed officials of the Village to provide indemnification of such persons against liability arising from or connected with the performance of their duties with the Village. Therefore, the Village shall indemnify and save harmless each member of the Board of Trustees and each appointed official of the Village against any liabilities or claims of whatsoever kind or nature and expenses incurred in connection therewith, including counsel fees, asserted by reason of any such person being a member of the Board of Trustees or serving as such appointed official, or arising from or connected with the performance of services of such person as a member of the Board of Trustees or as an appointed official of the Village; provided, that such indemnification shall not extend to any act of any such person which was intentionally and knowingly wrongfully done.
- B. Such indemnification shall not apply where the same is provided by any policy of liability insurance carried by the Village or by such person.
- C. As used in this Section, the term "*appointed official*" shall include the Village Clerk, the Village Collector, the Village Treasurer, the Village Attorney, the members of the Zoning and Planning Commission, the members of the Park Board and the members of the Board of Adjustment.

CHAPTER 105: ELECTIONS

SECTION 105.010: ELECTIONS)GENERAL PROVISIONS

An election shall be held on the first (1st) Tuesday of April, 1941, and succeeding years at which election five (5) Trustees shall be elected to serve for a period of one (1) year or until their successors are elected and qualified. One (1) Trustee to be elected from each district as set out in Section 105.020 of this Chapter. (Ord. No. 6 §1, 1941)

**SECTION 105.020: BOARD OF TRUSTEES)CORPORATE POWERS VESTED
IN)TERMS
OF OFFICE**

The corporate powers and duties of the Village shall be vested in a Board of Trustees, to consist of five (5) members. The first (1st) Board of Trustees shall be appointed by the County Commission at the time of declaring such town incorporated. If the Board consists of five (5) members the County Commission shall designate two (2) members who shall serve for terms of two (2) years and three (3) members who shall serve for terms of one (1) year. Thereafter all members shall serve for terms of two (2) years and until their successors are elected and qualified.

SECTION 105.030: DECLARATION OF CANDIDACY

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

CHAPTER 110: BOARD OF TRUSTEES

SECTION 110.010: TRUSTEES)QUALIFICATIONS

No person shall be a Trustee who has not attained the age of twenty-one (21) years; who is not a citizen of the United States; who is not an inhabitant of the Village at the time of his/her election, and has not resided therein for one (1) whole year next preceding the time of his/her election.

SECTION 110.020: CHAIRMAN OF THE BOARD OF TRUSTEES)APPOINTMENT

At the next Board meeting after the April election of each year, the Board of Trustees shall appoint one (1) of their number as Chairman, who shall hold said office for a one (1) year term or until his/her successor is elected. The Chairman shall receive compensation as set by the Board by ordinance from time to time. (Ord. No. 7 §1, 1941)

SECTION 110.030: CHAIRMAN OF THE BOARD OF TRUSTEES)DUTIES

The duties of the Chairman shall be as follows:

1. To preside at all meetings of the Board of Trustees, provided that in case of his/her absence the Board may appoint a Chairman pro tempore.
2. To make out, on the first (1st) days of March and September of each year, a correct statement of all monies received and expended on account of the Village for the six (6) months next preceding and to cause copies thereof to be put up, within ten (10) days thereafter, to be published, either in some newspaper distributed in the Village or distributed to each household.
3. To cause to be printed and published, for the information of the inhabitants, the by-laws and ordinances of the Board of Trustees, and to cause the same to be carried into effect.
4. To be and constitute the Chief Officer of the Village and, in general, to perform such other duties as may be prescribed by law or ordinance.
5. Chairman may vote on all matters except his successor if he vacates office. (Ord. No. 7 §2, 1941)

SECTION 110.040: BOARD OF TRUSTEE MEETINGS)WHEN HELD

The stated meetings of the Board of Trustees of the Village of Wilbur Park shall be held on the third (3rd) Tuesday of each month at the hour of 7:00 P.M. at the meeting place selected by the Board of Trustees and made known by the distribution of notices of the time and place of such meetings. (Ord. No. 2001-03 §1, 1-23-01; Ord. No. AA, 3-9-04; Ord. No.

006-002 §1, 4-4-06; Ord. No. 007-001 §1, 1-16-07)

SECTION 110.050: VACANCIES

All vacancies in the Board of Trustees shall be filled by the Chairman with the consent of the Board of Trustees. In case the office of Chairman becomes vacant, the remaining members shall select one

(1) of their own number as temporary Chairman and then proceed to elect some person to fill such vacancy; provided, the Chairman or temporary Chairman shall not vote except in case of a tie. (Ord. No. 5 §1, 1941)

SECTION 110.060: TRUSTEES REQUIRED TO ATTEND MEETINGS

Members of the Board of Trustees shall be required to attend all stated and special meetings of the Board, unless leave of absence is granted by the Board, or unless excused by the Chairman for illness or other special reason. (Ord. No. 5 §2, 1941)

SECTION 110.070: QUORUM

At the hour appointed, the Chairman, or in his/her absence any Trustee, shall call the Board to order, the Clerk shall call the roll of members and announce whether or not a quorum is present. Three (3) of the five (5) Trustees shall constitute a quorum. If a quorum be not present, a smaller number may lawfully adjourn the meeting from day to day until a quorum is present. (Ord. No. 5 §3, 1941)

SECTION 110.080: MEETING PROCEDURE

The Board of Trustees, upon the announcement of a quorum, shall proceed to transact the business before them in the following order:

1. *First.* Reading of the minutes of the last meeting or meetings unless temporarily waived, and approval of the same as read unless changed or objection by a member, in which event, they shall be approved as corrected.
2. *Second.* The audit of all bills and claims against the Village and ordering of payment of bills approved and allowed.
3. *Third.* Reports of officers and committees.
4. *Fourth.* Unfinished business.
5. *Fifth.* The presentation and hearing of remarks, complaints and petitions of citizens or other interested parties on all matters.
6. *Sixth.* New business.
7. *Seventh.* Miscellaneous business. (Ord. No. 5 §4, 1941)

SECTION 110.090: APPOINTMENT OF COMMITTEES

All committees shall be appointed by the Chairman unless, on motion, the Board of

Trustees shall elect to appoint any such committee. (Ord. No. 5 §5, 1941)

SECTION 110.100: ROBERT'S RULES OF ORDER SHALL GOVERN

Robert's Rules of Order shall govern the proceedings of the Board, except when otherwise provided by ordinance, and any question arising thereunder shall be decided by the Chairman, subject to appeal to the Board of Trustees by any member. (Ord. No. 5 §7, 1941)

SECTION 110.110: ORDINANCES)HOW PASSED

- A. No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its passage a majority of all the members of the Board of Trustees vote therefor, and the "ayes" and "nays" be entered upon the journal.
- B. All bills shall be publicly read two (2) times at a regular meeting of the Board of Trustees before the passage thereof, and may be passed immediately after the second (2nd) reading thereof, and all ordinances shall be in full force and effect from and after their passage, and being duly signed by the Chairman of the Board of Trustees and attested by the Village Clerk.
(Ord. No. 4 §§1)2, 1941)

CHAPTER 115: VILLAGE OFFICIALS

SECTION 115.010: VILLAGE CLERK

- A. At the next meeting following the April election of each year, the Board of Trustees shall appoint one (1) of the Trustees or some other inhabitant of the Village as Village Clerk, who shall hold said office until his/her successor is appointed and enters upon the performance of his/her duties. The Village Clerk shall receive compensation as set by the Board by ordinance from time to time.
- B. The duties of the Village Clerk shall be as follows:
1. To have charge and custody of the Seal, ordinances and other records, papers and documents entrusted to his/her care and keeping by the Board of Trustees;
 2. To attend to such correspondence as may be required;
 3. To keep the journal of the proceedings of the Board of Trustees and to enter therein the "ayes" and "nays" of the members on each bill presented for passage as an ordinance;
 4. To attest each ordinance passed by subscribing his/her name on the face thereof;
 5. To issue and attest all warrants ordered by the Board and, in general, to perform such other duties as may be prescribed by law or ordinance or as directed by the Board of Trustees;
 6. To collect the Village's mail;
 7. To prepare minutes of all meetings and prepare agendas for all meetings; to have copies of the agendas and minutes available for distribution at Village meetings;
 8. To post meeting notices and agendas therefor as soon as possible, but no later than twenty-four (24) hours in advance of the respective meeting;
 9. To serve as the Community Development Program liaison and give quarterly reports on the Village's balance in the account and prepare the annual grant request;
 10. To prepare Village correspondence as needed;
 11. To prepare and distribute quarterly Village bulletin in March, June, September and December of each year;
 12. To prepare all election information including, but not limited, to publicizing election filing opening and closing dates, certifying candidates and propositions with the St. Louis County Board of Election Commissioners, and sending Candidate Acknowledgment Forms to the Missouri Ethics Commission;

13. To secure a meeting place, date and time for Village meetings;
14. To issue garage/yard/estate sale permits and to maintain a log of all such sales; and
15. To maintain a log of all ordinances and resolutions passed at Trustee meetings.

- C. The Village Clerk shall have charge of procuring a lawful and proper assessment of property within the Village for purposes of providing revenue for Village purposes in the manner herein provided, upon order from the Chairman. It shall be his/her duty, on or before the first (1st) day of June of each year, to see that there is procured from the County Clerk and that the same be immediately transmitted to the Board of Trustees, a certified abstract from the County assessments books, as corrected by the County Board of Equalization of all property within the Village made taxable by law, which abstract shall by the Board of Trustees be accepted, taken and considered as the lawful and proper assessment on which to levy and collect the taxes of the Village. The certified abstract is to be secured within twenty (20) days after the date of the final adjournment of the Board of Equalization. Upon receipt of such abstract, the Board of Trustees shall by ordinance establish the rate of taxes for the year within constitutional limits. (Ord. No. 9 §§1)3, 1941; Ord. No. 2001-03 §2, 1-23-01)

SECTION 115.020: VILLAGE TREASURER

- A. At the next meeting following the annual April election of each year, the Board of Trustees shall appoint one (1) of the Trustees, or some other suitable inhabitant of the Village as Village Treasurer, who shall hold his/her office for one (1) year or until his/her successor is appointed and qualifies, unless sooner removed from office by the Board of Trustees. The Village Treasurer shall receive compensation as set by the Board by ordinance from time to time.
- B. It shall be the duty of the Village Treasurer:
1. To collect, receive and safely keep all monies, warrants, bonds and other property belonging to the Village and entrusted to his/her care, and to deliver the same to his/her successor in office;
 2. To pay over all monies, bonds and property of the Village only on warrant ordered by the Board of Trustees, signed by the Chairman, issued and attested by the Village Clerk and having the Seal of the Village affixed thereto;
 3. To keep in proper books a full, accurate, and complete account of all monies or other property received and disbursed by him/her in his/her official capacity, showing the date of each transaction, the persons from whom received or to whom paid and on what account so received and disbursed;
 4. To issue receipts to every person making payment of money to the Village and file a duplicate of the same with the Village Clerk;
 5. To make written report to the Board of Trustees at each monthly meeting or whenever required, showing the amount on hand and the items of receipts and disbursements since the previous report;
 6. To make annual report in writing to the Board of Trustees at their first regular meeting in April, showing receipts and expenditures for the previous year and the specific

amount on hand;

7. To give bond to the Village of Wilbur Park in the amount agreed upon and in the manner approved by the Board, the cost of which, if any, to be paid by the Village. (Ord. No. 10 §§1)2, 1941)

SECTION 115.030: VILLAGE ATTORNEY

The Board of Trustees may appoint some licensed attorney at law as Village Attorney or Village Counselor, who shall act as such until the annual election of Trustees, unless sooner removed by a majority vote of the Board, which attorney shall receive a salary as set by the Board by ordinance, for his/her services in attending meetings of the Board of Trustees, advising the various Village Officers upon legal questions pertaining to municipal affairs, drawing up of ordinances, easements, contracts and bonds and other necessary documents and for prosecution for the violation of ordinances of said Village, provided however, he/she shall in addition thereto, be paid reasonable amounts and expenses to be determined by the Board of Trustees for his/her services when necessary to appear in the Circuit Court or other courts of record, before the Public Service Commission or for other matters and things not included herein, or when required to go out of the Village or County of St. Louis on municipal business or affairs. (Ord. No. 8 §1, 1941)

SECTION 115.040: POLICE AND SOLID WASTE MANAGEMENT LIAISON

- A. At the next meeting following the April election of each year, the Board of Trustees shall appoint one (1) of the Trustees as the Police and Solid Waste Management Liaison, who shall hold said office until his/her successor is appointed and enters upon the performance of his/her duties. The Village Police and Solid Waste Management Liaison shall receive compensation as set by the Board by ordinance from time to time.
- B. The duties of the Village Police and Solid Waste Management Liaison shall be as follows:
1. To coordinate implementation of contract(s) for Police service;
 2. To gather and report data regarding contract patrols in the Village by the Village Police protection provider at monthly Trustee meetings;
 3. To collaborate with the Police protection provider regarding Police issues involving the Village;
 4. To assist with any applicable Neighborhood Watch Program;
 5. To coordinate implementation of contract(s) with waste haulers;
 6. To maintain ongoing communication with the Village's waste hauler regarding performance and contractual issues;
 7. To provide monthly updates regarding waste and/or sewer issues, as necessary.
- (Ord. No. 2001-03 §3, 1-23-01)

SECTION 115.050: BUILDING AND ROADS COMMISSIONER

- A. At the next meeting following the April election of each year, the Board of Trustees shall

appoint one (1) of the Trustees as Village Road and Building Commissioner, who shall hold said office until his/her successor is appointed and enters upon the performance of his/her duties. The Village Building and Roads Commissioner shall receive compensation as set by the Board by ordinance from time to time.

B. The duties of the Village Road and Building Commissioner shall be as follows:

1. To oversee the repair and maintenance of the Village's streets;
2. To attend to such correspondence as may be required;
3. To order public works property maintenance inspections at each change of ownership or residency of real property in the village;
4. To issue building permits for all fences requiring them;
5. To assist property owners begin and proceed through the process for all other building permit applications with public works;
6. To contact snow removal providers when plowing and/or salting are needed in the Village;
7. To contact utility providers when services such as street light replacement are required; and
8. To alert appropriate water company providers if and when a water main breaks in the Village. (Ord. No. 2001-03 §3, 1-23-01)