

FIRST REGULAR SESSION

# HOUSE BILL NO. 64

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE TERRY.

0273H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 79.020, 79.050, 79.060, 79.070, 79.090, 79.100, 79.110, 79.120, 79.135, 79.140, 79.150, 79.160, 79.165, 79.180, 79.210, 79.230, 79.240, 79.260, 79.270, 79.280, 79.300, 79.310, 79.320, 79.330, 79.340, 79.350, 79.360, 79.370, 79.380, 79.390, 79.400, 79.410, 79.430, 79.440, 79.450, 79.460, 79.470, and 79.552, RSMo, and section 79.130 as enacted by senate bill no. 672, ninety-seventh general assembly, second regular session, and section 79.130 as enacted by house bill no. 1435, eighty-fourth general assembly, second regular session, and to enact in lieu thereof thirty-nine new sections relating to cities of the fourth classification.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 79.020, 79.050, 79.060, 79.070, 79.090, 79.100, 79.110, 79.120, 2 79.135, 79.140, 79.150, 79.160, 79.165, 79.180, 79.210, 79.230, 79.240, 79.260, 79.270, 3 79.280, 79.300, 79.310, 79.320, 79.330, 79.340, 79.350, 79.360, 79.370, 79.380, 79.390, 4 79.400, 79.410, 79.430, 79.440, 79.450, 79.460, 79.470, and 79.552, RSMo, and section 5 79.130 as enacted by senate bill no. 672, ninety-seventh general assembly, second regular 6 session, and section 79.130 as enacted by house bill no. 1435, eighty-fourth general assembly, 7 second regular session, are repealed and thirty-nine new sections enacted in lieu thereof, to be 8 known as sections 79.020, 79.050, 79.060, 79.070, 79.085, 79.090, 79.100, 79.110, 79.120, 9 79.130, 79.140, 79.150, 79.160, 79.165, 79.180, 79.210, 79.230, 79.240, 79.260, 79.270, 10 79.280, 79.300, 79.310, 79.320, 79.330, 79.340, 79.350, 79.360, 79.370, 79.380, 79.390, 11 79.400, 79.410, 79.430, 79.440, 79.450, 79.460, 79.470, and 79.552, to read as follows:

79.020. The mayor and board of [~~aldermen~~] **alders** of such city, whether the same 2 shall have been incorporated before becoming a city of the fourth class or not, with the

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

3 consent of a majority of the voters of such city voting on the question, shall have power to  
4 extend the limits of the city over territory adjacent thereto, and to diminish the limits of the  
5 city by excluding territory therefrom, and shall, in every case, have power, with the consent of  
6 the voters as aforesaid, to extend or diminish the city limits in such manner as in their  
7 judgment and discretion may redound to the benefit of the city.

79.050. 1. The following officers shall be elected by the qualified voters of the city,  
2 and shall hold office for the term of two years, except as otherwise provided in this section,  
3 and until their successors are elected and qualified, to wit: mayor and board of [~~aldermen~~]  
4 **alders**. **No person shall hold office as either mayor or an alder for more than eight**  
5 **years**. The board of [~~aldermen~~] **alders** may provide by ordinance, after the approval of a  
6 majority of the voters voting at an election at which the issue is submitted, for the  
7 appointment of a collector and for the appointment of a chief of police, who shall perform all  
8 duties required of the marshal by law, and any other police officers found by the board of  
9 [~~aldermen~~] **alders** to be necessary for the good government of the city. The marshal or chief  
10 of police shall be twenty-one years of age or older. If the board of [~~aldermen~~] **alders** does not  
11 provide for the appointment of a chief of police and collector as provided by this section, a  
12 city marshal, who shall be twenty-one years of age or older, and collector shall be elected, and  
13 the board of [~~aldermen~~] **alders** may provide by ordinance that the same person may be elected  
14 marshal and collector, at the same election, and hold both offices and the board of [~~aldermen~~]  
15 **alders** may provide by ordinance for the election of city assessor, city attorney, city clerk and  
16 street commissioner, who shall hold their respective offices for a term of two years and until  
17 their successors shall be elected or appointed and qualified, except that the term of the city  
18 marshal shall be four years.

19 2. The board of [~~aldermen~~] **alders** may provide by ordinance, after the approval of a  
20 majority of the voters voting thereon at the next municipal election at which the issue is  
21 submitted, that the term of the collector shall be four years and the term of the mayor shall be  
22 two, three, or four years. Any person elected as collector after the passage of such an  
23 ordinance shall serve for a term of four years and until his **or her** successor is elected and  
24 qualified. Any person elected as mayor after the passage of such ordinance shall serve for a  
25 term of two, three, or four years, as provided, and until his **or her** successor is elected and  
26 qualified.

27 3. The board of [~~aldermen~~] **alders** may provide by ordinance that the term of the  
28 board of [~~aldermen~~] **alders** shall be four years. Such ordinance shall be submitted by the  
29 board to the voters of the city and shall take effect only upon the approval of a majority of the  
30 voters voting at an election at which the issue is submitted. Any person elected to the board  
31 of [~~aldermen~~] **alders** after the passage of such an ordinance shall serve for a term of four  
32 years and until his **or her** successor is elected and qualified.

79.060. 1. The board of ~~[aldermen]~~ **alders** shall, by ordinance, divide the city into not less than two wards, and two ~~[aldermen]~~ **alders** shall be elected from each ward by the qualified voters thereof, at the first election for ~~[aldermen]~~ **alders** in cities adopting the provisions of this chapter. At such election for ~~[aldermen]~~ **alders**, the person receiving the highest number of votes in each ward shall hold ~~[his]~~ office for two years, and the person receiving the next highest number of votes shall hold ~~[his]~~ office for one year; but thereafter each ward shall elect annually one ~~[alderman]~~ **alder**, who shall hold ~~[his]~~ office for two years.

2. Notwithstanding the provisions of subsection 1 of this section, cities with a population of one thousand or less in the most recent census may, by ordinance, choose to elect ~~[aldermen]~~ **alders** at large instead of by the method outlined in subsection 1 of this section. Under this option, the seats of ~~[aldermen]~~ **alders** shall be filled at large as soon as the current terms expire. Each year thereafter, one-half of the board of ~~[aldermen]~~ **alders** shall stand for election at large for a two-year term.

79.070. No person shall be an ~~[alderman]~~ **alder** unless he or she is at least eighteen years of age, a citizen of the United States, and an inhabitant and resident of the city for one year next preceding his or her election, and a resident, at the time he or she files and during the time he or she serves, of the ward from which he or she is elected.

**79.085. Notwithstanding any law to the contrary, the offices of mayor and alder in a city of the fourth classification shall be uncompensated, except for a monthly stipend, and shall not be eligible for employment benefits. As used in this section, "employment benefits" has the same meaning as defined under section 290.528.**

79.090. The board shall elect one of their own number who shall be styled "acting president of the board of ~~[aldermen]~~ **alders**" and who shall serve for a term of one year.

79.100. When any vacancy shall happen in the office of mayor by death, resignation, removal from the city, removal from office, refusal to qualify, or from any other cause whatever, the acting president of the board of ~~[aldermen]~~ **alders** shall, for the time being, perform the duties of mayor, with all the rights, privileges, powers and jurisdiction of the mayor, until such vacancy be filled or such disability be removed; or, in case of temporary absence, until the mayor's return.

79.110. The mayor and board of ~~[aldermen]~~ **alders** of each city governed by this chapter shall have the care, management and control of the city and its finances, and shall have power to enact and ordain any and all ordinances not repugnant to the constitution and laws of this state, and such as they shall deem expedient for the good government of the city, the preservation of peace and good order, the benefit of trade and commerce and the health of the inhabitants thereof, and such other ordinances, rules and regulations as may be deemed necessary to carry such powers into effect, and to alter, modify or repeal the same.

79.120. The mayor ~~[shall have a seat in and preside over the board of aldermen, but~~  
 2 ~~shall not vote on any question except in case of a tie, nor shall he preside or vote in cases~~  
 3 ~~when he is an interested party. He]~~ shall exercise [a] general supervision over all the officers  
 4 and affairs of the city[;] and shall take care that the ordinances of the city, and the state laws  
 5 relating to such city, are complied with.

~~[79.130. 1. The style of the ordinances of the city shall be: "Be it~~  
 2 ~~ordained by the board of aldermen of the city of \_\_\_\_\_, as follows:" No~~  
 3 ~~ordinance shall be passed except by bill, and no bill shall become an ordinance~~  
 4 ~~unless on its final passage a majority of the members elected to the board of~~  
 5 ~~aldermen shall vote for it, and the ayes and nays be entered on the journal.~~  
 6 ~~Every proposed ordinance shall be introduced to the board of aldermen in~~  
 7 ~~writing and shall be read by title or in full two times prior to passage, both~~  
 8 ~~readings may occur at a single meeting of the board of aldermen . If the~~  
 9 ~~proposed ordinance is read by title only, copies of the proposed ordinance shall~~  
 10 ~~be made available for public inspection prior to the time the bill is under~~  
 11 ~~consideration by the board of aldermen . No bill shall become an ordinance~~  
 12 ~~until it shall have been signed by the mayor or person exercising the duties of~~  
 13 ~~the mayor's office, or shall have been passed over the mayor's veto, as herein~~  
 14 ~~provided.~~

15 2. ~~The provisions of this section shall not apply to ordinances~~  
 16 ~~proposed or passed under section 79.135.]~~

79.130. The style of the ordinances of the city shall be: "Be it ordained by the board  
 2 of ~~[aldermen]~~ **alders** of the city of \_\_\_\_\_, as follows:". No ordinance shall be passed except  
 3 by bill, and no bill shall become an ordinance unless on its final passage a majority of the  
 4 members elected to the board of ~~[aldermen]~~ **alders** shall vote for it, and the ayes and nays be  
 5 entered on the journal. Every proposed ordinance shall be introduced to the board of  
 6 ~~[aldermen]~~ **alders** in writing and shall be read by title or in full two times prior to passage,  
 7 both readings may occur at a single meeting of the board of ~~[aldermen]~~ **alders**. If the  
 8 proposed ordinance is read by title only, copies of the proposed ordinance shall be made  
 9 available for public inspection prior to the time the bill is under consideration by the board of  
 10 ~~[aldermen]~~ **alders**. No bill shall become an ordinance until it shall have been signed by the  
 11 mayor or person exercising the duties of the mayor's office, or shall have been passed over the  
 12 mayor's veto, as herein provided.

79.140. Every bill duly passed by the board of ~~[aldermen]~~ **alders** and presented to the  
 2 mayor and ~~[by him]~~ approved **by the mayor** shall become an ordinance, and every bill  
 3 presented as aforesaid, but returned with the mayor's objections thereto, shall stand  
 4 reconsidered. The board of ~~[aldermen]~~ **alders** shall cause the objections of the mayor to be  
 5 entered at large upon the journal, and proceed at its convenience to consider the question  
 6 pending, which shall be in this form: Shall the bill pass, the objections of the mayor thereto  
 7 notwithstanding? The vote on this question shall be taken by ayes and nays and the names

8 entered upon the journal, and if two-thirds of all the members-elect shall vote in the  
9 affirmative, the city clerk shall certify the fact on the roll, and the bill thus certified shall be  
10 deposited with the proper officer, and shall become an ordinance in the same manner and with  
11 like effect as if it had received the approval of the mayor. The mayor shall have power to sign  
12 or veto any ordinance passed by the board of ~~[aldermen]~~ **alders**; provided, that should he **or**  
13 **she** neglect or refuse to sign any ordinance and return the same with ~~[his]~~ objections, in  
14 writing, at the next regular meeting of the board of ~~[aldermen]~~ **alders**, the same shall become  
15 a law without ~~[his]~~ **the mayor's** signature.

79.150. The board of ~~[aldermen]~~ **alders** shall cause to be kept a journal of its  
2 proceedings, and the ayes and nays shall be entered on any question at the request of any two  
3 members. The board of ~~[aldermen]~~ **alders** may prescribe and enforce such rules as it may  
4 find necessary for the expeditious transaction of its business.

79.160. The board of ~~[aldermen]~~ **alders** shall semiannually each year, at times to be  
2 set by the board of ~~[aldermen]~~ **alders**, make out and spread upon their records a full and  
3 detailed account and statement of the receipts and expenditures and indebtedness of the city  
4 for the half year ending with the last day of the month immediately preceding the date of such  
5 report, which account and statement shall be published in some newspaper in the city.

79.165. In the event the financial statement of any fourth class city is not published as  
2 required by section 79.160, the treasurer of such city shall not pay out any money of the city  
3 on any warrant or order of the board of ~~[aldermen]~~ **alders** after the end of the month in which  
4 such financial statement should have been published until such time as such financial  
5 statement is published. Any treasurer violating the provisions of this section shall be deemed  
6 guilty of a class A misdemeanor.

79.180. The board of ~~[aldermen]~~ **alders** shall have power to compel the attendance of  
2 witnesses and the production of papers and records relating to any subject under consideration  
3 in which the interest of the city is involved, and shall have power to call on the proper officers  
4 of the city, or of the county in which such city is located, to execute such process. The officer  
5 making such service shall be allowed to receive therefor such fees as are allowed by law in  
6 the circuit court for similar services, to be paid by the city. The mayor or acting president of  
7 the board of ~~[aldermen]~~ **alders** shall have power to administer oaths to witnesses.

79.210. The mayor shall, from time to time, communicate to the board of ~~[aldermen]~~  
2 **alders** such measures as may, in ~~[his]~~ **the mayor's** opinion, tend to the improvement of the  
3 finances, the police, health, security, ornament, comfort and general prosperity of the city.

79.230. The mayor, with the consent and approval of the majority of the members of  
2 the board of ~~[aldermen]~~ **alders**, shall have power to appoint a treasurer, city attorney, city  
3 assessor, street commissioner, ~~[and night watchman]~~ **security guard**, and such other officers  
4 as he **or she** may be authorized by ordinance to appoint~~[—and]~~. If deemed for the best

5 interests of the city, the mayor and board of ~~[aldermen]~~ **alders** may, by ordinance, employ  
6 special counsel to represent the city, either in a case of a vacancy in the office of city attorney  
7 or to assist the city attorney, and pay reasonable compensation therefor~~[, and]~~. The person  
8 elected marshal may be appointed to and hold the office of street commissioner. **The mayor**  
9 **shall not appoint any person who, directly or through an entity, contributed to the**  
10 **mayor's campaign for the current term of office. An alder shall not vote to approve any**  
11 **person who, directly or through an entity, contributed to the alder's campaign for the**  
12 **current term of office.**

79.240. 1. The mayor may, with the consent of a majority of all the members elected  
2 to the board of ~~[aldermen]~~ **alders**, remove from office, for cause shown, any elective officer  
3 of the city, such officer being first given opportunity, together with ~~[his]~~ witnesses, to be  
4 heard before the board of ~~[aldermen]~~ **alders** sitting as a board of impeachment. Any elective  
5 officer, including the mayor, may in like manner, for cause shown, be removed from office by  
6 a two-thirds vote of all members elected to the board of ~~[aldermen]~~ **alders**, independently of  
7 the mayor's approval or recommendation. The mayor may, with the consent of a majority of  
8 all the members elected to the board of ~~[aldermen]~~ **alders**, remove from office any appointive  
9 officer of the city at will, and any such appointive officer may be so removed by a two-thirds  
10 vote of all the members elected to the board of ~~[aldermen]~~ **alders**, independently of the  
11 mayor's approval or recommendation. The board of ~~[aldermen]~~ **alders** may pass ordinances  
12 regulating the manner of impeachments and removals.

13 2. Nothing in this section shall be construed to authorize the mayor, with the consent  
14 of the majority of all the members elected to the board of ~~[aldermen]~~ **alders**, or the board of  
15 ~~[aldermen]~~ **alders** by a two-thirds vote of all its members, to remove or discharge any chief,  
16 as that term is defined in section 106.273.

79.260. Every officer of the city and his **or her** assistants, and every ~~[alderman]~~  
2 **alder**, before entering upon the duties of his **or her** office, shall take and subscribe to an oath  
3 or affirmation before some court of record in the county, or the city clerk, that he **or she**  
4 possesses all the qualifications prescribed for his **or her** office by law; that he **or she** will  
5 support the Constitution of the United States and of the state of Missouri, the provisions of all  
6 laws of this state affecting cities of this class, and the ordinances of the city, and faithfully  
7 demean himself **or herself** while in office; which official oath or affirmation shall be filed  
8 with the city clerk. Every officer of the corporation, when required by law or ordinance,  
9 shall, within fifteen days after his **or her** appointment or election, and before entering upon  
10 the discharge of the duties of his **or her** office, give bond to the city in such sum and with  
11 such sureties as may be designated by ordinance, conditioned upon the faithful performance  
12 of his **or her** duty, and that he **or she** will pay over all moneys belonging to the city, as  
13 provided by law, that may come into his **or her** hands. If any person elected or appointed to

14 any office shall fail to take and subscribe such oath or affirmation, or to give bond as herein  
15 required, his **or her** office shall be deemed vacant. For any breach of condition of any such  
16 bond, suit may be instituted thereon by the city, or by any person in the name of the city to the  
17 use of such person.

79.270. The board of [~~aldermen~~] **alders** shall have power to fix the compensation of  
2 all the officers and employees of the city, by ordinance. But the salary of an officer shall not  
3 be changed during the time for which he **or she** was elected or appointed.

79.280. If a vacancy occurs in any elective office, the mayor or the person exercising  
2 the duties of the mayor shall cause a special meeting of the board of [~~aldermen~~] **alders** to  
3 convene where a successor to the vacant office shall be selected by appointment by the mayor  
4 with the advice and consent of a majority of the remaining members of the board of  
5 [~~aldermen~~] **alders**. If the vacancy is in the office of mayor, nominations of a successor may  
6 be made by any member of the board of [~~aldermen~~] **alders** and selected with the consent of a  
7 majority of the members of the board of [~~aldermen~~] **alders**. The board of [~~aldermen~~] **alders**  
8 may adopt procedures to fill vacancies consistent with this section. The successor shall serve  
9 until the next regular municipal election. If a vacancy occurs in any office not elective, the  
10 mayor shall appoint a suitable person to discharge the duties of such office until the first  
11 regular meeting of the board of [~~aldermen~~] **alders** thereafter, at which time such vacancy shall  
12 be permanently filled.

79.300. The treasurer shall receive and safely keep all moneys, warrants, books,  
2 bonds and obligations entrusted to his **or her** care, and shall pay over all moneys, bonds or  
3 other obligations of the city on warrants or orders, duly drawn, passed or ordered by the board  
4 of [~~aldermen~~] **alders**, and signed by the mayor and attested by the city clerk, and having the  
5 seal of the city affixed thereto, and not otherwise; and shall perform such other duties as may  
6 be required of him **or her** by ordinance. Before entering upon the duties of his **or her** office,  
7 he **or she** shall give bond in such sum as may be required by ordinance.

79.310. The collector shall, annually, at such times as may be designated by  
2 ordinance, make a detailed report to the board of [~~aldermen~~] **alders**, stating the various  
3 moneys collected by him **or her** during the year, and the amounts uncollected and the names  
4 of the persons from which he **or she** failed to collect and the causes therefor.

79.320. The board of [~~aldermen~~] **alders** shall elect a clerk for such board, to be  
2 known as "the city clerk", whose duties and term of office shall be fixed by ordinance. **No**  
3 **alder shall vote to elect any person who, directly or through an entity, contributed to the**  
4 **alder's campaign for the current term of office.** Among other things, the city clerk shall  
5 keep a journal of the proceedings of the board of [~~aldermen~~] **alders**. He **or she** shall safely  
6 and properly keep all the records and papers belonging to the city which may be entrusted to  
7 his **or her** care; he **or she** shall be the general accountant of the city; he **or she** is hereby

8 empowered to administer official oaths and oaths to persons certifying to demands or claims  
9 against the city.

79.330. The board of [~~aldermen~~] **alders** may by ordinance provide that hereafter the  
2 same person shall hold the offices of marshal and collector, in which case his **or her** official  
3 title shall be "marshal and ex officio collector".

79.340. It shall be the duty of all the officers of the city to report annually to the board  
2 of [~~aldermen~~] **alders**, such reports to embrace a full statement of the receipts and  
3 expenditures of their respective offices, and such other matters as may be required by the  
4 board of [~~aldermen~~] **alders**, by ordinance, resolution or otherwise.

79.350. The mayor or board of [~~aldermen~~] **alders** shall have power, as often as [~~he~~]  
2 **the mayor** or [~~they~~] **the board** may deem it necessary, to require any officer of the city to  
3 exhibit his **or her** accounts or other papers or records[;] and to make report to the board of  
4 [~~aldermen~~] **alders**, in writing, touching any matter relating to his **or her** office.

79.360. Any member of the board of [~~aldermen~~] **alders** or officer of the city who  
2 shall, in official capacity, or under color of his **or her** office, knowingly or willfully or  
3 corruptly vote or assent to, or report in favor of or allow or certify for allowance, any claim or  
4 demand against the city, which claim or demand shall be on account of or under color of a  
5 contract or agreement not authorized by law and the ordinances of the city, shall be deemed  
6 guilty of a misdemeanor, and shall, upon conviction thereof, be punished by imprisonment in  
7 the county jail for not more than one year or by a fine not exceeding five hundred dollars, or  
8 by both such fine and imprisonment.

79.370. The board of [~~aldermen~~] **alders** shall have power, by ordinance, to secure the  
2 general health of the inhabitants of the city by any measure to regulate, suppress and abate  
3 slaughterhouses, slaughtering animals, stockyards, soap and other factories, pig pens, cow  
4 stables, and other stables and dairies, and to remove the same, and to regulate or prevent the  
5 carrying on of any business which may be dangerous or detrimental to the public health, or  
6 the manufacturing or rendering of articles obnoxious to the health of the inhabitants; and to  
7 pass ordinances for the prevention of nuisances and their abatement.

79.380. The board of [~~aldermen~~] **alders** may make regulations and pass ordinances  
2 for the prevention of the introduction of contagious diseases in the city, and for the abatement  
3 of the same, and may make quarantine laws and enforce the same within five miles of the city.  
4 They may purchase or condemn and hold for the city, within or without the city limits, or  
5 within ten miles therefrom, all necessary lands for hospital purposes, waterworks, sewer  
6 carriage and outfall, and erect, establish and regulate hospitals, workhouses, poorhouses,  
7 airports and provide for the government and support of the same, and make regulations to  
8 secure the general health of the city, and to prevent and remove nuisances; except that the  
9 condemnation of any property outside of the city limits shall be regulated in all respects as the



10 condemnation of property for railroad purposes is regulated by law. The police jurisdiction of  
11 the city shall extend over such land and property to the same extent as over other city  
12 property, as provided in this chapter.

79.390. The board of [~~aldermen~~] **alders** may establish, alter and change the channel  
2 of watercourses, and wall them and cover them over, and prevent obstructions thereon, and  
3 may establish, make and regulate public wells, cisterns and reservoirs of water, and provide  
4 for filling the same. The board of [~~aldermen~~] **alders** may purchase grounds and erect and  
5 establish market houses and marketplaces, and regulate and govern the same, and also  
6 contract with any person or persons, association or corporation, for the erection, maintenance  
7 and regulation of market houses, and marketplaces, on such terms and conditions and in such  
8 manner as the board of [~~aldermen~~] **alders** may prescribe. They may also provide for the  
9 erection, purchase or renting of the city hall, workhouse, houses of correction, prisons, engine  
10 houses, and any and all other necessary buildings for the city, and may sell, lease, abolish or  
11 otherwise dispose of the same, and may enclose, improve, regulate, purchase or sell all public  
12 parks or other public grounds belonging to the city, and may purchase and hold grounds for  
13 public parks within the city, or within three miles thereof.

79.400. 1. The board of [~~aldermen~~] **alders** may prescribe limits within the city within  
2 which no lumberyard or woodyard shall be kept, and may regulate, restrain or prohibit the  
3 erection or maintenance of any fence composed in whole or in part of barbed wire, along or  
4 adjacent to any public street, avenue, alley, park, lane, cemetery or other public grounds.

5 2. The board of [~~aldermen~~] **alders** may also regulate or prohibit the running at large  
6 of cattle, hogs, horses, mules, sheep, goats and all other domestic animals, also geese, ducks,  
7 chickens, turkeys and all other domestic fowls and cause such animals or fowls as may be  
8 running at large to be impounded and sold in such manner and at such time as may be  
9 prescribed by ordinance.

10 3. They may also provide penalties for the owners or keepers who shall permit such  
11 animals or fowls to be at large.

12 4. The board of [~~aldermen~~] **alders** may also provide for the erection of all needful  
13 pounds, pens and buildings for the use of the city, within or without the city limits, and  
14 appoint and compensate keepers thereof and establish and enforce rules governing the same.

15 5. The board of [~~aldermen~~] **alders** may also tax, regulate and restrain and prohibit the  
16 running at large of dogs, and provide for their destruction when at large contrary to ordinance,  
17 and impose penalties on the owners or keepers thereof.

79.410. The board of [~~aldermen~~] **alders** may prohibit and prevent all encroachments  
2 into and upon sidewalks, streets, avenues, alleys and other public places of the city, and may  
3 provide for the removal of obstructions from the sidewalks, curbstones, gutters and  
4 crosswalks, at the expense of the owners or occupants of the ground fronting thereon, or at the

5 expense of the person causing the same[; they]. **The board of alders** may also regulate the  
6 planting of shade trees, erecting of awnings, hitching posts, lamp posts, awning posts,  
7 telephone, telegraph and electric light poles, and making of excavations through and under  
8 the sidewalks or in any public street, avenue, alley or other public place within the city.  
9 [They] **The board of alders** may prevent and punish for all [~~horseracing~~] **horse racing**, or  
10 other racing, fast riding or driving or training in the streets, highways, avenues, alleys, or over  
11 bridges or through tunnels in the city, and all games, practices or amusements therein likely to  
12 result in damage to any person or property, and to regulate, prevent and punish for the riding,  
13 driving, leading, standing, hitching or passing of horses, mules, oxen or other teams or stock  
14 or animals or any vehicle over or upon or across or along any sidewalk, street, avenue or alley  
15 of the city.

79.430. The board of [~~aldermen~~] **alders** shall have power to purchase, receive, and to  
2 hold real estate, as herein mentioned, for public cemeteries, either within or without the city,  
3 within a distance of three miles thereof, and the city and its officers shall have jurisdiction  
4 over the said cemeteries wherever located; provided, that no such cemetery shall exceed  
5 eighty acres in one body. The board of [~~aldermen~~] **alders** shall provide for the survey,  
6 platting, grading, fencing, ornamenting and improving of all the cemetery ground, and the  
7 avenues leading thereto, owned by the city, and may construct walks and protect ornamental  
8 trees, and provide for paying the expenses therefor. The board of [~~aldermen~~] **alders** may  
9 make rules and pass ordinances imposing penalties and fines, regulating, protecting and  
10 governing city cemeteries, the owners of lots therein, visitors thereto, and punish trespassers  
11 therein, and the officers of such city shall have as full jurisdiction and power in the enforcing  
12 of such rules and ordinances as though they related to the city itself.

79.440. The cemetery lots shall be conveyed by certificates, signed by the mayor,  
2 countersigned by the clerk, under the seal of the city, specifying that the purchaser to whom  
3 the same is issued is the owner of the lot described therein by numbers, as laid down upon the  
4 official map or plat of such cemetery made by the city, for the purpose of interment, and such  
5 certificate shall vest in the purchaser, his or her heirs or assigns, a right in fee simple to such  
6 lots, for the sole purpose of interment, under the regulations of the board of [~~aldermen~~]  
7 **alders**. Such certificates shall be entitled to be recorded in the office of recorder of deeds of  
8 the proper county without further acknowledgment, and such description of lots shall be  
9 deemed and recognized as sufficient description thereof. The board of [~~aldermen~~] **alders** may  
10 limit the number of lots owned by the same person at the same time, and may prescribe rules  
11 for enclosing, adorning and erecting monuments, tombstones and ornaments on cemetery lots,  
12 and prohibit any improper adornment thereof; but no religious test shall be made to the  
13 ownership of the lots, or the burials had therein, or for the ornamentation of graves or lots.

79.450. 1. The board of [~~aldermen~~] **alders** shall enact ordinances to prohibit and  
2 suppress houses of prostitution and other disorderly houses and practices, including gambling  
3 and gambling houses, and all kinds of public indecencies, and may prohibit the selling or  
4 giving of intoxicating liquors to any minor or habitual drunkard.

5 2. The board of [~~aldermen~~] **alders** shall also enact ordinances to restrain and prohibit  
6 riots, noises, assaults and batteries, disturbances of the peace, disturbances of religious and  
7 other lawful assemblies, indecent shows, exhibitions or concerts in any street, house or place  
8 in the city, disorderly assemblies, and to regulate, restrain and prevent the discharge of  
9 firearms, and the keeping and discharge of rockets, powder, fireworks or other dangerous  
10 combustible materials in the streets or in limits of the city.

11 3. The board of [~~aldermen~~] **alders** may also regulate and control the construction of  
12 buildings, the construction and cleaning of fireplaces, chimneys, stoves and stovepipes,  
13 ovens, boilers, kettles, forges or any apparatus used in any building, manufactory or business  
14 which may be dangerous in causing or promoting fires, and may provide for the inspection of  
15 the same.

16 4. The board of [~~aldermen~~] **alders** may also provide by ordinance limits within which  
17 no building shall be constructed except of brick or stone or other incombustible materials,  
18 with fireproof roofs, and impose a penalty for the violation of such ordinance, and may cause  
19 buildings commenced, put up or removed into such limits in violation of such ordinance, to be  
20 removed or abated.

21 5. The board of [~~aldermen~~] **alders** may also purchase fire engines, hook and ladder  
22 outfits, hose and hose carts, buckets and all other apparatus useful in the extinguishing of  
23 fires, and organize fire companies and prescribe rules of duty for the government thereof,  
24 with such penalties for the violation thereof as they may deem proper, and not exceeding one  
25 hundred dollars and to make all necessary expenditures for the purchase of such fire apparatus  
26 and the payment of such fire companies.

27 6. The board of [~~aldermen~~] **alders** may enact or make all ordinances, rules and  
28 regulations necessary to carry out the purposes of this chapter.

29 7. The board of [~~aldermen~~] **alders** may enact or make all ordinances, rules and  
30 regulations, not inconsistent with the laws of the state, expedient for maintaining the peace,  
31 good government and welfare of the city and its trade and commerce.

79.460. The board of [~~aldermen~~] **alders** may adopt ordinances providing for the  
2 prohibition of and punishment for the carrying of concealed deadly weapons, and may also  
3 adopt ordinances providing for the prohibition of vagrancy and providing that upon  
4 conviction one adjudged guilty may be imprisoned, fined or set to work.

79.470. For all ordinance violations the board of [~~aldermen~~] **alders** may impose  
2 penalties not exceeding a fine of five hundred dollars and costs, or ninety days' imprisonment,

3 or both the fine and imprisonment. Where the city and state have a penalty for the same  
4 offense, the board shall set the same penalty by ordinance as is set by statute, except that  
5 imprisonments, when made under city ordinances, may be in the city prison or workhouse  
6 instead of the county jail.

79.552. 1. In any municipality eligible under section 79.550 to create a municipal  
2 redevelopment authority, upon the motion of the governing body of such municipality, there  
3 is hereby created a municipal redevelopment authority in such municipality, which shall  
4 consist of nine members appointed pursuant to this section. Three members of such authority  
5 shall be appointed by the mayor of such municipality, six members of such authority shall be  
6 appointed by the governor, with the advice and consent of the senate.

7 2. The members of the authority shall be citizens and residents of the state. The  
8 members of the authority appointed by the mayor shall be residents of the municipality, or  
9 shall have previously been residents of the municipality for at least five years preceding the  
10 appointment. Of the members of the authority appointed by the governor, at least four  
11 members shall be residents of the county in which the municipality is located and such  
12 members may also be residents of the municipality.

13 3. Each member appointed shall serve for a term of two years, except that of the  
14 members first appointed, two of the members appointed by the mayor and three of the  
15 members appointed by the governor shall serve for a term of one year. The mayor shall  
16 designate one of the members as ~~[chairman]~~ **chair**. Vacancies in the authority shall be filled  
17 for the unexpired term in the same manner as original appointments are made. Five members  
18 of the authority shall constitute a quorum, and any action or order of the authority shall  
19 require the approval of at least five members.

20 4. All members shall be reimbursed for actual and necessary expenses incurred by  
21 them in the performance of their duties, except that the reimbursements for expenses incurred  
22 on any one day other than the cost of travel shall not exceed one hundred and fifty percent of  
23 the daily expense allowance established for members of the general assembly pursuant to  
24 section 21.145. Any member who is a resident of the county in which the municipality  
25 establishing the authority is located shall not be reimbursed for lodging.

~~2 [79.135. 1. In any city of the fourth classification with more than five  
3 thousand but fewer than six thousand inhabitants and located in any county of  
4 the third classification without a township form of government and with more  
5 than sixteen thousand but fewer than eighteen thousand inhabitants, a  
6 proposed ordinance may be submitted to the board of aldermen by petition  
7 signed by at least ten percent of the registered voters voting for mayor at the  
8 last municipal election. The petition shall contain, in addition to the requisite  
number of valid signatures, the full text of the ordinance sought to be passed~~

9 and a request that the ordinance be submitted to a vote of the people if not  
10 ~~passed by the board of aldermen.~~

11 2. ~~The signatures to the petition need not all be appended to one paper,~~  
12 ~~but each signer shall add to his or her signature his or her place of residence,~~  
13 ~~giving the street and number. One of the signers of each such paper shall make~~  
14 ~~oath before an officer competent to administer oaths that the statements therein~~  
15 ~~made are true as he or she believes and that each signature to the paper~~  
16 ~~appended is the genuine signature of the person whose name it purports to be.~~

17 3. ~~Within ten days from the date of filing such petition, the city clerk~~  
18 ~~shall examine and ascertain whether the petition is signed by the requisite~~  
19 ~~number of voters and, if necessary, the board of aldermen shall allow the clerk~~  
20 ~~extra help for such purpose. The clerk shall attach a certificate of examination~~  
21 ~~to the petition. If by the clerk's certificate the petition is shown to be~~  
22 ~~insufficient, the petition may be amended within ten days from the date of the~~  
23 ~~issuance of the clerk's certificate. The clerk shall, within ten days after such~~  
24 ~~amendment, make like examination of the amended petition. If the second~~  
25 ~~certificate shows the petition to be insufficient, the petition shall be returned to~~  
26 ~~the person filing it, without prejudice to the filing of a new petition to the same~~  
27 ~~effect. If the petition is deemed to be sufficient, the clerk shall submit it to the~~  
28 ~~board of aldermen without delay.~~

29 4. ~~Upon receipt of the petition and certificate from the clerk, the board~~  
30 ~~of aldermen shall either:~~

31 (1) ~~Pass said ordinance without alteration within twenty days after~~  
32 ~~attachment of the clerk's certificate to the accompanying petition; or~~

33 (2) ~~Submit the question without alteration to the voters at the next~~  
34 ~~municipal election or, if the petition has been signed by twenty five percent or~~  
35 ~~more of the registered voters voting for mayor at the last municipal election,~~  
36 ~~the board of aldermen shall immediately submit the question without~~  
37 ~~alteration to the voters of the city.~~

38 5. ~~The question shall be submitted in substantially the following form:~~  
39 ~~Shall the following ordinance be (adopted) (repealed)? (Set out~~  
40 ~~ordinance)~~

41 6. ~~If a majority of the voters vote in favor thereof, such ordinance shall~~  
42 ~~thereupon become a valid and binding ordinance of the city.~~

43 7. ~~Any number of proposed ordinances may be voted upon at the same~~  
44 ~~election, in accordance with the provisions of this section.~~

45 8. ~~Any ordinance in effect that was proposed by petition cannot be~~  
46 ~~repealed except by a vote of the people. The board of aldermen may submit a~~  
47 ~~proposition for the repeal of any such ordinance or for amendments thereto, to~~  
48 ~~be voted upon at any municipal election; and should such proposition receive a~~  
49 ~~majority of the votes cast thereon, such ordinance shall thereby be repealed or~~  
50 ~~amended accordingly. The board of aldermen may amend an ordinance~~  
51 ~~proposed by petition without a vote of the people, but the original purpose of~~  
52 ~~the ordinance may not be changed by such amendment.]~~