

PART I - HOME RULE CHARTER ^[1]

⁽¹⁾ **Editor's note**— Printed herein is the home rule charter of the city, approved by the voters on November 6, 2007. 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

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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 1.03. - 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 1.04. - 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.

ARTICLE II. - THE COUNCIL

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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 city council member 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 city council members shall be residents and qualified and registered voters of the respective zones provided for in Section 1.05. City council members shall hold no other lucrative public office nor any lucrative position in the city government during their terms as city council members, 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 city council member shall cease to possess the above qualifications, or if a city council member 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 city council member 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 city council member, 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 city council member 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 city council members 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. In the event that a vacancy should occur after the first date that nominating petitions are available as provided in Section 13.04 of this charter and prior to the immediately following regular city election, the council shall fill such vacancy for a period running to the next regular city election as described above.

Section 2.06. - Mayor.

The mayor shall be elected by the council at its first meeting from among the city council members 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 "pro-tempore", a successor shall be elected by the remaining council for the unexpired term.

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.

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.

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- (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.

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 shall 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.

Section 2.15. - Reserved.

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. The council may compromise any such demand regardless of the content of the city attorney's recommendation.

ARTICLE III. - ADMINISTRATION

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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.

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- (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.

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.

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.

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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.

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(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.

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.

It shall be policy of the city to give ample opportunity for competitive bidding prior to making any purchase or contract or letting any contract for improvements. The council may authorize exceptions to this policy for appropriate reasons such as emergencies, contracts for services of a specialized, professional or technical character or for contracts involving small amounts. When authorizing contracts without requiring competitive bidding, the council shall state the reasons why competitive bidding is deemed inappropriate. In giving opportunity for competitive bidding, the city may use any method deemed fair and reasonable to notify prospective bidders.

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.

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.

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.

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.

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.

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.

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, 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.

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.

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.

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 city council shall by ordinance set the tax rates to be levied on the various classes of property as assessed by the assessor, 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 received from the assessor. The director of finance shall, on or before November 1 of each year, unless otherwise provided by the council, deliver the tax rolls so extended to the collector, taking receipt therefore and charging the collector with the amount of the taxes.

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.

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.

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- (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.
- (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 may levy and impose taxes for municipal purposes according to guidelines set forth in state statute.
- (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.

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.

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. No bonds shall be issued without the assent of the requisite number of qualified electors of city voting thereon, as may be required by the Constitution or statutes of the State of Missouri, at an election for that purpose.

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.

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.

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.

ARTICLE V. - PERSONNEL

[Section 5.01. - Director: Council authorized to change: Qualifications.](#)

[Section 5.02. - Director: Powers and duties.](#)

[Section 5.03. - Personnel board.](#)

[Section 5.04. - Board: Powers and duties.](#)

[Section 5.05. - Classification of personnel.](#)

[Section 5.06. - Merit system rules.](#)

[Section 5.07. - Application register.](#)

[Section 5.08. - Pension and retirement plans.](#)

[Section 5.09. - Reserved.](#)

[Section 5.10. - Salaries; wages; hours.](#)

[Section 5.11. - Rights of employees.](#)

[Section 5.12. - Prohibitions.](#)

[Section 5.13. - Violations.](#)

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.

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 board will designate one member as chairman. Members shall serve without compensation. This board shall be an independent agency deriving its power from the council. One member of the Personnel Board shall be an attorney, licensed and practicing law in the State of Missouri. 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, probationary, 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 those voting of all participating officers and employees of the city and participating beneficiaries affected by and participating in the particular pension or retirement plan, to be amended, changed, modified, altered or repealed vote in favor thereof.

(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.

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

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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 City of Joplin municipal office, any partisan public office or any other office that would substantially interfere with the disposition of the employee's duties. 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 appointed salaried officer or employee of the city shall solicit a monetary contribution to a candidate for City office, to the campaign funds of any organization whose primary goal is to effect any city political organization, nor shall any such officer or employee make any monetary contribution 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 reenter the service of the city.

ARTICLE VI. - DEPARTMENT OF LAW

[Section 6.01. - City attorney: Appointment: Qualifications.](#)

[Section 6.02. - Powers and duties.](#)

[Section 6.03. - Assistant city attorneys: Special counsel.](#)

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.

Section 6.02. - Powers and duties.

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

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- (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.](#)
- [Section 7.02. - Powers and duties.](#)
- [Section 7.03. - Director of parks and recreation: Qualifications.](#)
- [Section 7.04. - Director: Powers and duties.](#)
- [Section 7.05. - Parks and recreation board.](#)
- [Section 7.06. - Parks and recreation board: Powers and duties.](#)
- [Section 7.07. - Airport board.](#)
- [Section 7.08. - Airport board: Powers and duties.](#)
- [Section 7.09. - Advisory boards.](#)

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.

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.

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.

Section 7.05. - Parks and recreation board.

The council shall appoint a parks and recreation board of seven (7) members; a majority of the members 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 7.06. - 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. - Airport board.

The council shall appoint an airport board of seven members; a majority of the members 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. - Airport board: Powers and duties.

The airport 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 airport 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. - Advisory boards.

The council may by ordinance appoint boards 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. Any such board shall composed of individuals meeting the qualifications as established by the council 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.

ARTICLE VIII. - DEPARTMENT OF PUBLIC HEALTH AND WELFARE

- [Section 8.01. - Director: Appointment: Qualifications.](#)
- [Section 8.02. - Director: Powers and duties.](#)
- [Section 8.03. - Board of health.](#)
- [Section 8.04. - Board of health: Powers and duties.](#)
- [Sections 8.05—8.08. - Reserved.](#)

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 person qualified by training and experience in public health work.

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 and City relating to public health and welfare and develop and conduct programs necessary for preserving and promoting public health, and shall make and enforce or cause to be enforced reasonable policies, for preserving and promoting public health.
- (2) 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 examinations 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.

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.](#)

[Section 9.02. - Judge of municipal court.](#)

[Section 9.03. - Salary: Costs and fines.](#)

[Section 9.04. - Enforcement and administration.](#)

[Section 9.05. - Proceedings: Place of holding court.](#)

[Section 9.06. - Jury trial.](#)

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, 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 contempt 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 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. - Enforcement and administration.

The Chief of Police and his subordinate police officer and other conservators of the peace, shall enforce the orders, judgments, and decrees of the Municipal Court.

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.

ARTICLE X. - ZONING AND PLANNING

[Section 10.01. - Zoning and planning commission: Organization.](#)

[Section 10.02. - Board of adjustment: Establishment and maintenance.](#)

Section 10.01. - Zoning and planning commission: Organization.

The City Council shall establish and maintain a Planning and Zoning Commission whose powers and duties are prescribed by ordinance in a manner consistent with this charter and the requirements of the appropriate state statutes.

Section 10.02. - Board of adjustment: Establishment and maintenance.

There shall be a Board of Adjustment, the appointment of which shall be provided for by the City Council as required by state statute, which board shall have such powers and duties as are provided by law or ordinance. Members of the Planning and Zoning Commission shall not be disqualified from serving as members of the Board of Adjustment.

ARTICLE XI. - PUBLIC IMPROVEMENTS AND CONDEMNATION

[Section 11.01. - City's powers in making public improvements.](#)

[Section 11.02. - Procedure for levying, collecting, and enforcing the payment of special assessments for public improvements or special tax bills.](#)

[Section 11.03. - Condemnation, power of.](#)

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

The City shall have power to make all public improvements deemed appropriate by the City Council. The decision for making, altering, vacating, or abandoning a public improvement shall be governed by general ordinance consistent with this chapter and within applicable state and federal law.

Section 11.02. - Procedure for levying, collecting, and enforcing the payment of special assessments for public improvements or special tax bills.

The procedure for levying, collecting, and enforcing the payment of special assessments for public improvements or special tax bills, such assessment shall be governed by general ordinance consistent with this charter and with applicable state and federal law.

No special assessments for public improvements shall be levied on city property without prior notice to the property owner, and an opportunity to be heard regarding benefits of those improvements, and the feasibility of those assessments. Reasonable effort to identify and notify the property owner shall be sufficient.

Section 11.03. - Condemnation, power of.

The City shall have such power of condemnation as is authorized by state and federal law.

ARTICLE XII. - LICENSES AND FRANCHISES

[Section 12.01. - Power to license, tax and regulate.](#)

[Section 12.03. - Separate license tax.](#)

[Section 12.04. - Reservation.](#)

[Section 12.05. - Provisions may be amplified.](#)

[Section 12.06. - Liability to taxation.](#)

[Section 12.07. - Classification.](#)

[Section 12.08. - Period of issue.](#)

[Section 12.09. - Exclusions.](#)

[Section 12.10. - Rules, rates, etc.](#)

[Section 12.11. - Granting of franchises.](#)

[Section 12.12. - Rights of regulation.](#)

[Section 12.13. - Purchase: Condemnation.](#)

[Section 12.14. - Revocable permits.](#)

[Section 12.15. - Operation beyond franchise period.](#)

Section 12.01. - Power to license, tax and regulate.

The council shall have the power by ordinance to license, tax, and regulate all businesses, occupations, professions, vocations, or activities unless prohibited by state statute.

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.

The term "public utilities," for purposes of this section, shall be as defined by the city council by ordinance consistent with the laws of the State of Missouri and the United States.

Prior to the establishment, acquisition, or operation of a public utility within the city, any individual, agent, partnership, trust, estate, joint venture, corporation, or other business entity desiring to establish, acquire, or operate a public utility within the City shall make application to the City Council for a non-exclusive franchise. 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 one hundred twenty (120) 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 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.](#)
- [Section 13.02. - Regulation of elections.](#)
- [Section 13.03. - When judge may conduct election.](#)
- [Section 13.04. - Nominations by petitions.](#)
- [Section 13.05. - Withdraw.](#)
- [Section 13.06. - Preparation of ballots.](#)
- [Section 13.07. - Voting machines.](#)
- [Section 13.08. - Returns: Canvass.](#)
- [Section 13.09. - Tie vote.](#)
- [Section 13.10. - Voting precincts.](#)

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 and set the date of elections.

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.

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 the same zone council position, 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

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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 ten (10) weeks before the date of final certification of the election as required by state law. Completed nominating petitions shall then be filed with the city clerk prior to two (2) weeks before the final certification date of the election as required by state law 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 _____, _____ 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 _____/_____/_____

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. Upon the filing and certification of a sufficient nominating petition each candidate shall, under oath, execute a

declaration of candidacy / acceptance of nomination in conformance with state law.

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.

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.

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.

ARTICLE XIV. - INITIATIVE, REFERENDUM AND RECALL

[Section 14.01. - Initiative and referendum—General authority.](#)

[Section 14.02. - Initiative or referendum petitioner's committee.](#)

[Section 14.03. - Petitions.](#)

[Section 14.04. - Filing and certification of petition.](#)

[Section 14.05. - Amended petitions.](#)

[Section 14.06. - Effect of an initiative petition.](#)

[Section 14.07. - Effect of a referendum petition.](#)

[Section 14.08. - Voting.](#)

[Section 14.09. - Effect of vote.](#)
[Section 14.10. - Recall petition.](#)
[Section 14.11. - Recall: Election.](#)
[Section 14.12. - Recall ballot.](#)
[Section 14.13. - Effect of election.](#)
[Section 14.14. - Limitation on recall.](#)
[Section 14.15. - Conduct of initiative, referendum and recall elections.](#)

Section 14.01. - Initiative and referendum—General authority.

(a) 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 to at least fifteen percent of the electors registered to vote at the last regular municipal election. A proposed initiative ordinance shall contain no more than one subject which shall be clearly expressed in its title.

(b) 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 to at least fifteen percent 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.

Section 14.02. - Initiative or referendum petitioner's committee.

Any twenty five (25) qualified voters may commence initiative or referendum proceedings by filing with the City Clerk an affidavit stating they will constitute the Petitioners' Committee and be responsible for circulating the petition and filing in proper form, stating their names and addresses, and specifying the address to which all notices to the committee are to be send, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. Within five (5) days after the affidavit of the Petitioners' Committee, the Clerk shall issue the appropriate petition blanks to the Petitioners' Committee. However, in no event shall the Clerk issue the petition blanks for a referendum until the day following final action by the City Council upon the ordinance that is the subject of the referendum petition.

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. The circulator of each such paper shall be a registered voter of the City but need not be a member of the Petitioners' Committee and 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. Only one person may be circulator of each paper.

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 ten working 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.

(Ord. No. 2009-058, § 1, 5-4-09/8-4-09)

Section 14.06. - Effect of an initiative petition.

When an initiative petition has been certified as sufficient, the council shall proceed to consider the proposed ordinance at its next regular council meeting provided that required notice may be given or at a special meeting called and held prior to the next regular council meeting, 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 an election to be held at the next election date provided for by state law which is consistent with applicable notice provisions and available for municipal election purposes. At such 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 to reconsider the ordinance so referred at its next regular council meeting provided that required notice may be given or at a special meeting called and held prior to the next regular council meeting, 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 an election, to be held at the next election date provided for by state

law which is consistent with applicable notice provisions and available for municipal election purposes. At such 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. Initiative petitions proposing the adoption of an ordinance having the same general subject and purpose of a measure once defeated by the voters under the provisions of this article shall not again be filed until after the expiration of one year from the date of the election at which the measure was defeated.

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.

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 at its next regular meeting call an election to be held at the next election date provided for by state law which is consistent with applicable notice provisions and available for municipal election purposes. 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.

Section 14.12. - Recall ballot.

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 to be held at the next election date provided for by state law which is consistent with applicable notice provisions and available for municipal election purposes and 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 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.

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.](#)

[Section 15.02. - Proof of ordinances, etc.: Evidence, when.](#)

[Section 15.03. - Action for damages maintained, how.](#)

[Section 15.04. - Judicial bonds.](#)

[Section 15.05. - Adoption not to affect existing rights, actions, proceedings, liens, titles, or undertakings.](#)

[Section 15.06. - Consistent ordinances to remain in force.](#)

[Section 15.07. - Inconsistent ordinances, contracts, void, when.](#)

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[Section 15.15. - Library board.](#)

[Section 15.16. - Dissolution of boards.](#)

[Section 15.17. - City to have exclusive control of public highways: Vacation or abandonment.](#)

[Section 15.18. - Use of masculine pronoun.](#)

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[Section 15.20. - Amending the charter.](#)

[Section 15.21. - Unconstitutional provisions: Effect of.](#)

[Section 15.22. - Index to charter.](#)

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

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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) Personal Financial Interest. Any city officer or employee who has any financial interest, direct

or indirect or by reason of ownership of stock in any corporation, in any contract with the city or in the sale of any land, material, supplies or services to the city or to a contractor supplying the city/shall make known that interest and shall refrain from voting upon or otherwise participating in his capacity as a city officer or employee in the making of such sale or in the making or performance of such contract.

(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) as follows: "I do solemnly swear, or affirm, that I 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 I will faithfully perform the duties of my office and that I possess all of the qualifications for the office to which I have been chosen, and that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or nonperformance of any act or duty pertaining to my office, other than the compensation allowed by law. The oath shall be administered by a Judge of the Circuit Court, the Judge of the Municipal Court or the City Clerk.

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.

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This table gives the location within this Charter of Amendments thereto approved by the voters at referendum, and indicates which amendments failed to pass at referendum.

Amendment

Number	Date of Referendum	Disposition
I	11- 4-58	1.015
II	11- 4-58	1.016
III	4- 2-63	1.017
IV	4- 2-63	1.018
V	11- 3-64	1.019
VI	8-29-67	1.020
VII	—	Rpld by Ord. No. 75-38
VIII	11-19-68	1.022
IX	12- 9-69	2.06
X	12- 9-69	5.10
XI	12- 9-69	10.01
XII	12- 9-69	2.14
XIII	4- 4-72	1.023
XIV	4- 6-76	Failed
XV	4- 6-76	Failed
XVI	4- 6-76	Failed
XVII	4- 6-76	Failed
XVIII	4- 6-76	Failed
XIX	4- 4-78	1.029
XX	4- 4-78	1.030
XXI	4- 4-78	1.031
XXII	4- 4-78	2.11
XXIII	4- 4-78	2.12
XXIV	4- 4-78	4.02
XXV	4- 4-78	4.06
XXVI	4- 4-78	4.17
XXVII	4- 4-78	4.17, 4.18
XXVIII	4- 4-78	4.19
XXIX	4- 4-78 Rpld	5.09
XXX	4- 4-78 Rpld	8.05—8.08
XXXI	4- 4-78	11.14
XXXII	4- 4-78	11.19, 11.73
XXXIII	4- 4-78	11.24
	Rpld	11.25—11.27
XXXIV	4- 4-78	13.04, 13.05
XXXV	4- 1-80	1.032
XXXVI	4- 7-81	1.033
XXXVII	11- 2-82	7.03, 7.04

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XXXVIII	4- 3-84	6.01
	11- 4-86(Ord. No. 86-85)	1.034
XXXIX	4- 7-87	Failed
XL	4- 7-87	2.06
XLI	4- 7-87	2.14
XLII	4- 7-87	2.15(21)
XLIII	4- 7-87	4.02
XLIV	4- 7-87	5.02(1)
XLV	4- 7-87	7.01
XLVI	4- 7-87	7.05
XLVII	4- 7-87	7.09
XLVIII	4- 7-87	8.02
XLIX	4- 7-87	9.06
L	4- 7-87	11.20
LI	4- 7-87	13.02
LII	4- 7-87	13.03
LIII	4- 7-87	13.04
LIV	4- 7-87	13.06
LV	4- 7-87	13.10
LVI	4- 7-87	14.01
LVII	4- 7-87	14.10
LVIII	4- 7-87	14.11
LIX	4- 7-87	14.13
LX	4- 7-87	14.02
LXI	4- 3-90	1.05, 2.15(1), 2.15(29), 2.15(58), 3.08, 11.73
LXII	4- 3-90	4.02(3),
		4.07—4.14,
		4.17
		4.18(5),
LXIII	4- 3-90	10.02
		10.05,
		10.06,
		10.09,
		10.11,
		10.13
LXIV	2- 4-91	5.10
LXV	4- 5-94	4.23
LXVI	4- 5-94	1.05

Ord. No.	Adoption Date	Date of Referendum	Disposition
2007-164	7-16-07	11- 6-07 Rpld	1.01—1.05,
			2.01—2.16,
			3.01—3.10,

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			4.01—4.25,
			5.01—5.13,
			6.01—6.03,
			7.01—7.09,
			8.01—8.04,
			9.01—9.06,
			10.01—10.19,
			11.01—11.83,
			12.01—12.15,
			13.01—13.10,
			14.01—14.15,
			15.01—15.22
		Added	1.01—1.05,
			2.01—2.16,
			3.01—3.10,
			4.01—4.25,
			5.01—5.13,
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			8.01—8.04,
			9.01—9.06,
			10.01, 10.02
			11.01—11.03,
			12.01—12.15,
			13.01—13.10,
			14.01—14.15,
			15.01—15.22
2009-058	5- 4-09	8- 4-09	14.05