

Chapter 100

GENERAL PROVISIONS

Cross Reference — As to city boundaries and annexation ordinances, these are on file in the office of the city clerk.

Section 100.010. How Code Designated and Cited. [R.O. 2012 §100.010; CC 1979 §1-1]

The ordinances embraced in this and the following Chapters and Sections shall constitute and be designated "The Code of the City of Monett, Missouri" and may be so cited. Such ordinances may also be cited as "Monett City Code".

Section 100.020. Definitions and Rules of Construction. [R.O. 2012 §100.020; CC 1979 §1-2]

- A. In the construction of this Code and of all other ordinances of the City, the following definitions and rules of construction shall be observed, unless it shall be otherwise expressly provided in any Section or ordinance, or unless inconsistent with the manifest intent of the City Council, or unless the context clearly requires otherwise.
- B. *General Rule.* All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the City Council may be fully carried out. Words and phrases shall be taken in their plain, or ordinary or usual sense, but technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

AGENTS, ACTS OF — Whenever any provision of this Code or other ordinance or resolution of the City Council requires an act to be done which, by law, an agent or deputy as well may do as the principal, such requirement shall be satisfied by the performance of such act by an authorized agent or deputy.

AND; OR — The word "*and*" shall be construed to include the alternative word "*or*" where the context makes such construction appropriate, and vice versa.

CERTIFIED MAIL OR CERTIFIED MAIL WITH RETURN RECEIPT REQUESTED — Includes certified mail carried by the United States Postal Service or any parcel or letter carried by an overnight, express or ground delivery service that allows a sender or recipient to electronically track its location and provides a record of the signature of the recipient.

CITY — The term "*the City*" or "*this City*" shall mean the City of Monett, Missouri.

CITY COUNCIL; COUNCIL — Shall mean the Mayor and Commissioners of the City of Monett, Missouri.

COMMISSIONER — When used in this Code shall have the same meaning as Councilperson and the terms shall be interchangeable.

COMPUTATION OF TIME — The time within which an act is to be done shall be computed by excluding the first (1st) and including the last day; and if the last day is Sunday or a legal holiday, that day shall be excluded.

COUNTY — The words "*the County*" or "*this County*" shall mean Barry or Lawrence County, Missouri, or both, as the context requires.

GENDER — When any subject matter, party or person is described or referred to by words importing the masculine gender, females as well as males, and associations and bodies corporate as well as individuals, shall be deemed to be included.

GOVERNOR — Shall mean the Governor of the State of Missouri.

JOINT AUTHORITY — Words importing joint authority to three (3) or more persons shall be construed as giving authority to a majority of such persons, unless otherwise declared in this Code or other ordinance giving such authority.

MAY; SHALL — The word "*may*" is permissive; the word "*shall*" is mandatory.

MAYOR — Shall mean the Mayor of Monett, Missouri.

MONTH — Shall mean a calendar month.

NUMBER — When any subject matter, party or person is described or referred to by words importing the singular number, the plural and separate matters and persons and bodies corporate shall be deemed to be included; and when words importing the plural number are used in describing or referring to any matter, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not be used.

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

OFFICIAL TIME STANDARD — Whenever certain hours are named in this Code, they shall mean standard time or daylight saving time as may be in current use in the City.

OWNER — Applied to all property, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such property.

PERSON — May extend and be applied to bodies politic and corporate, and to partnerships and other unincorporated associations.

PERSONAL PROPERTY — Includes money, goods, chattels, things in action and evidences of debt.

PRECEDING; FOLLOWING — When used by way of reference to any Section of this Code or other ordinance, shall be construed to mean the Section next preceding or following that in which reference is made, unless when some other Section is expressly designated in such reference.

PROPERTY — Includes real and personal property.

REAL PROPERTY — The words "*real property*", "*premises*", "*real estate*" or "*lands*" shall be deemed to be coextensive with lands, tenements and hereditaments.

SIDEWALK — Shall mean that portion of the street between the curb line and the adjacent property line which is intended for the use of pedestrians.

SIGNATURE — Where the written signature of any person is required, the proper handwriting of such person or his/her mark shall be intended; provided, that "signature" may also include a facsimile of a person's proper handwriting where authorized.

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

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

TENANT; OCCUPANT — Applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

TIME — Words used in the past or present tense include the future, as well as the past and present.

WRITTEN, IN WRITING AND WRITING WORD FOR WORD — Includes printing, lithographing, or other mode of representing words and letters, but in all cases where the signature of any person is required, the proper handwriting of the person, or his/her mark, is intended.

YEAR — Shall mean a calendar year, unless otherwise expressed, and the word "*year*" shall be equivalent to the words "*year of our Lord*".

C. *Preemption.* No provision of this Code shall apply to any circumstance in which such application shall be unlawful under superseding Federal or State Law, and, furthermore, if any Section, Subsection, sentence, clause, phrase, or portion of this Code is now or in the future superseded or preempted by State or Federal law or found by a court of competent jurisdiction to be unauthorized, such provision shall be automatically interpreted and applied as required by law. [Ord. No. 8391 §1, 11-20-2015]

Section 100.030. Provisions Considered As Continuations of Existing Ordinances. [R.O. 2012 §100.030; CC 1979 §1-3]

The provisions appearing in this Code, so far as they are the same as those of "The Code of the City of Monett, Missouri", and all ordinances adopted subsequent to such Code and included herein, shall be considered as continuations thereof and not as new enactments.

Section 100.040. Catchlines of Sections. [R.O. 2012 §100.040; CC 1979 §1-4]

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

Section 100.050. Severability of Parts of Code. [R.O. 2012 §100.050; CC 1979 §1-5]

It is hereby declared to be the intention of the City Council that the Sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence,

paragraph or Section of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and Sections of this Code, since they would have been enacted by the City Council without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or Section.

Section 100.060. Effect of Repeal of Ordinance.

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

Section 100.070. Repealing Law Repealed, Former Law Not Revived — When. [R.O. 2012 §100.070; CC 1979 §1-7]

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

Section 100.080. General Penalty — Continuing Violations. ¹ [R.O. 2012 §100.080; CC 1979 §1-8]

- A. Except as hereinafter provided, whenever in this Code or in any other ordinance of the City, or in any rule, regulation, notice or order promulgated pursuant to such Code or other ordinance of the City, any act is prohibited or is made or declared to be unlawful or an offense or an ordinance violation, or whenever in such Code or in such other City ordinance, rule, regulation, notice or order, the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or an ordinance violation, where no specific penalty is provided therefor, the violation of any such provision of this Code or of any other ordinance of the City, or of any rule, regulation, notice or order promulgated pursuant to such Code or other City ordinance, shall be punished by a fine not exceeding five hundred dollars (\$500.00), or by imprisonment for a period of not exceeding three (3) months, or by both such fine and imprisonment; provided, that in any case wherein the penalty for an offense is fixed by any Statute of the State, the statutory penalty, and no other, shall be imposed for the punishment of such offense; except, that imprisonments may be made in the City Jail or workhouse instead of the County Jail.
- B. Whenever any provision of the Revised Statutes of Missouri or other Statute of the State limits the authority of the City to punish the violation of any particular provision of this Code or other City ordinance, or rule, regulation, notice or order promulgated pursuant

1. Cross Reference — As to municipal court generally, ch. 135.

thereto, to a fine of less amount than that provided in this Section or imprisonment for a shorter term than that provided in this Section, the violation of such particular provision of this Code or other City ordinance, rule, regulation, notice or order shall be punished by the imposition of not more than the maximum fine or imprisonment so authorized, or by both such fine or imprisonment.

- C. Each day any violation of this Code or any other City ordinance or rule, regulation, notice or order promulgated pursuant thereto shall continue shall constitute a separate offense, unless otherwise provided.

Section 100.090. One Recovery Per Offense. [R.O. 2012 §100.090; CC 1979 §1-9; Ord. No. 258 §2, 3-22-1935]

In all cases where the same offense may be punishable or shall be created by different provisions of this Code or other ordinances of the City, the prosecuting officer may declare upon all of such provisions, but not more than one (1) recovery shall be had against the same person for the same offense.

Section 100.100. Enforcement; Attorneys' Fees. [Ord. No. 8391 §2, 11-20-2015]

The City shall be entitled to enforce any provision of this Code through all remedies lawfully available, and any user of City services, rights-of-way or other property as a condition of such use, and additionally all other persons violating any provision herein, shall, to the full extent permissible by law, pay the City's costs of enforcement, including reasonable attorneys' fees, in the event the person is determined judicially to have violated the terms of this Code or any requirement, provision or agreement enacted or hereunder.