

CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

Sec. 1-1. How Code designated and cited.

The chapters, articles, divisions and sections embraced in this Code of Ordinances shall constitute and be designated as the "Code of Ordinances, City of Wellston, Missouri," and may be so cited. This Code may also be cited as the "Wellston City Code." (Code 1980, § 1-1)

Sec. 1-2. Rules of construction and definitions.

In the construction of this Code and of all ordinances of this city, the following rules of construction and definitions shall be observed, unless such construction or definition would be inconsistent with the manifest intent of the city council, would be repugnant to the context of the provisions or the context clearly requires otherwise.

Generally. All words and phrases shall be construed and understood according to the common and approved usage of language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

City. The word "city" means the City of Wellston in the County of St. Louis in the State of Missouri.

City council, council. The words "city council" or "council" mean the governing body of the city.

Code. The word "Code" means this Code of Ordinances as designated and cited in section 1-1 above.

County. The word "county" means the County of St. Louis in the State of Missouri.

Delegation of authority. Whenever a provision appears in this Code requiring an officer of the city to do some act or make cer-

tain inspections, it is to be construed to authorize such officer to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section expressly designates otherwise.

Easement. The word “easement” means a right, liberty, privilege or advantage without profit which the owner of one (1) parcel of land may have in the lands of another. A right in the owner of one (1) parcel of land, by reason of such ownership, to use the land of another for a special purpose not inconsistent with a general property right in the owner.

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

State law reference—Similar provisions, RSMo 1.030(2).

In the city. The words “in the city” or “in this city” mean and include any territory within the corporate limits of this city and the police jurisdiction thereof, and any other territory over which regulatory power has been conferred on the city by general or special act, except as otherwise specified.

Joint authority. Words purporting to give authority to three (3) or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise specifically declared.

State law reference—Similar provisions, RSMo 1.050.

Law. The word “law” means any statute, ordinance or regulation promulgated by the United States, the state, the county, the city or any agency thereof, as well as the rules and regulations of other bodies politic that may be appropriate.

Month. The word “month” means a calendar month.

State law reference—Similar provisions, RSMo 1.020(10).

Number. Any word importing the singular number includes the plural, and any word importing the plural number includes the singular.

State law reference—Similar provisions, RSMo 1.030.

Oath. The word “oath” shall be construed to include an affirmation in all cases in which, by law, an affirmation may be sub-

stituted 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 mean central standard time or daylight savings time as may be in current use in the city.

Officials, employees, boards, commissions, etc. Whenever reference is made to officials, employees, boards, commissions or other agencies of the city by title only, i.e., “mayor,” “clerk,” “manager,” “chief of police,” etc., they shall be deemed to refer to the officials, employees, boards, commissions or other agencies of this city.

Or, and. “Or” may be read “and” and “and” may be read “or” if the context of the provision requires it.

Owner. The word “owner,” when applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land.

Person. The word “person” includes and is applied to a firm, partnership, association, corporation, organization, club, society, group acting as a unit or body politic and corporate, as well as to an individual.

State law reference—Similar provisions, RSMo 1.020(11).

Personal property. The words “personal property” include money, goods, chattels, evidences of debt, things in action and any other species of property, except real property.

State law reference—Similar provisions, RSMo 1.020(12).

Preceding, following. The words “preceding” and “following” mean the next before and the next after, respectively.

Property. The word “property” includes real, personal and mixed property.

State law reference—Similar provisions, RSMo 1.020(15).

Public place. The words “public place” mean any public way, park, cemetery, school yard or open space adjacent thereto; any public lake or stream; and any place or business open to the use of the public in general, open to public view or to which the public has access.

Public way. The words “public way” mean any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare.

Real property. The words “real property” include lands, tenements and hereditaments.

State law reference—Similar provisions, RSMo 1.020(16).

Reasonable time. In all cases where any section of this Code or city ordinance shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty, or compliance with such notice.

Residence. The word “residence” means the place adopted by a person as his place of habitation, and to which, whenever he is absent, he has the intention of returning. When a person eats at one place and sleeps at another, the place where such person sleeps shall be deemed to be his residence.

Roadway. The word “roadway” means that portion of a street improved, designed or ordinarily used for vehicular traffic.

Shall, may. The word “shall” is mandatory, and the word “may” is discretionary.

Sidewalk. The word “sidewalk” means any portion of the street between the curb, or the lateral line of the roadway and the adjacent property line, intended for the use of pedestrians.

Signature, subscription. The word “signature” or “subscription” includes a mark when the person cannot write, when his name is written near such mark and is witnessed by a person who writes his own name as witness.

State. The words “the state” or “this state” mean the State of Missouri.

Street. The word “street” means and includes public streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges, public ways and approaches thereto and other public thoroughfares in the city devoted to public use.

Tenant, occupant. The words “tenant” and “occupant,” applied to a building or land, mean any person who occupies the whole or a part of such building or land, whether alone or with others.

Tense. Words used in the past or present tense shall include the future as well as the past or present.

Writing, written. The words “writing” and “written” shall include typewriting, printing on paper and any other mode of representing words and letters.

State law reference—Similar provisions, RSMo 1.020(21).

Year. The word “year” means a calendar year.
(Code 1980, § 1-2)

Sec. 1-3. Incorporation by reference.

All standard codes, rules, regulations and other subject matter herein or hereafter properly incorporated by reference, together with subsequent amendments thereto, pursuant to state law, and future incorporations by reference shall be kept and preserved in the office of the city clerk.

(Code 1980, § 1-4)

State law reference—Adoption of technical codes by reference, RSMo 67.280.

Sec. 1-4. Parenthetical and reference matter.

The matter in parentheses at the ends of sections in this Code is for information only and is not a part of this Code. Citations to ordinances of the city indicate only the source of such section and the text may or may not be changed by this Code. Reference matter not in parentheses is for information only and is not a part of this Code.

(Code 1980, § 1-5)

Sec. 1-5. Catchlines of sections.

The catchlines of sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of any section, nor, unless expressly so

provided, shall they be so deemed when any section, including its catchline, is amended or reenacted.
(Code 1980, § 1-6)

Sec. 1-6. Reference to Code, conflicts.

In addition to the rules of construction and definitions specified in this chapter, the following rules shall be observed in the construction of this Code:

- (1) All references to chapters, articles or sections are to the chapters, articles and sections of this Code unless otherwise specified.
- (2) If the provisions of different chapters of this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions growing out of the subject matter of such chapter.
- (3) If conflicting provisions be found in different sections of the same chapter, the provisions of the section which is last in numerical order shall prevail unless such construction would be inconsistent with the meaning of such chapter.

(Code 1980, § 1-7)

Sec. 1-7. Police power extended to city property.

The police power of the city is hereby extended to include all lands or property owned or leased by the city or any agency of the city and the general ordinances of the city shall be applicable on such property.

(Code 1980, § 1-8)

Sec. 1-8. Altering Code.

It shall be unlawful for any person to change or amend by additions or deletions, any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the city to be misrepresented thereby; provided, that supplementation of this Code by authorized persons shall be permitted.

(Code 1980, § 1-9)

Sec. 1-9. General penalty; continuing violations.

(a) Whenever in this Code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision or the failure to perform any such act shall be punished by a fine of not exceeding five hundred dollars (\$500.00) or by imprisonment not to exceed three (3) months or both such fine and imprisonment in the discretion of the court; provided, in any case wherein the penalty for an offense is fixed by any state statute, the council shall affix the same penalty by ordinance for the punishment of such offense, except that imprisonments, when made under city ordinances, may be in the city prison or work-house instead of the county jail.

(b) Each day any such violation or failure to perform such act shall continue shall constitute a separate offense, unless otherwise specifically provided.

(Code 1980, § 1-10)

Cross references—Alcoholic beverages, Ch. 3; civil defense, Ch. 6; court, Ch. 7; nuisances, Ch. 15; offenses and miscellaneous provisions, Ch. 16; police, Ch. 18.

State law reference—Penalty for violation of ordinances, RSMo 77.590.

Sec. 1-10. Penalty not exclusive.

(a) The imposition of a penalty under the provisions of this Code shall not prevent the revocation or suspension of any license, franchise or permit issued or granted under the provisions of this Code.

(b) In the event any violation of this Code is designated as a nuisance under the provisions of this Code, such nuisance may be summarily abated by the city in addition to the imposition of a fine or imprisonment.

(Code 1980, § 1-11)

Sec. 1-11. Boundaries.

The metes and bounds of the city as reestablished by virtue of the annexation of certain area to the west of the city by the

election of April 4, 1961, shall be defined by metes and bounds as follows, to wit:

Beginning at a point being the intersection of the western limits line of the City of St. Louis, Missouri, with the northern limits line of the City of University City, Missouri, said beginning point distant 150 feet north from the north line of Olive Street Road as said road existed in the year 1906; thence west along the northern limits line of the City of University City, said line being parallel with the north line of said Olive Street Road as the same existed in the year 1906 and distant 150 feet therefrom, to a point in a line extended southward parallel with and 100 feet east of the east line of Leona Avenue, said last mentioned point being in the eastern limits line of the City of University City; thence north along the eastern limits line of the City of University City, being along said line 100 feet east of Leona Avenue, to a point 100 feet north of the north line of Bartmer Avenue, said last mentioned point being in the northern limits line of the City of University City; thence west along the northern limits line of the City of University City being along a line distant 100 feet north of and parallel with the north line of Bartmer Avenue to a point 10 feet east of the west line of Sutter Avenue said last mentioned point being in the eastern limits line of the City of University City; thence north along the eastern limits line of the City of University City being along a line 10 feet east of and parallel with the west line of Sutter Avenue to a point 10 feet north of the south line of Julian Avenue, said last mentioned point being in the northern limits line of the City of University City; thence west along the north limits line of the City of University City being along a line 10 feet north of and parallel with the south line of Julian Avenue to a point in a line being the direct extension southwardly of the west line of Sutter Avenue; thence in a general northwardly direction along the west line of Sutter Avenue and its direct extension northwardly to the north line of Page Avenue; thence along the north line of Page Avenue to its intersection with the western boundary line of Wellston School District of St. Louis County, Missouri; thence in a general northwardly direction along the western boundary line of Wellston School District to a point at the intersection of said boundary line with the north line of St. Charles Road, said

point being near the intersection of St. Charles Road with Lucas & Hunt Road; thence along the north line of St. Charles Road to its intersection with the west line of Lucas & Hunt Road; thence north along the west line of Lucas & Hunt Road a distance of 100 feet more or less to the northern line of the city limits of the City of Pagedale, thence west along the north line of the city limits of the City of Pagedale to its intersection with the western line of U.S. Survey 2684 which is the eastern city limits of the City of Pagedale at that point, thence northwardly along the western line of U.S. Survey 2684 to its intersection with the north line of a street now known as North Market Street as shown on plat recorded in Plat Book 10 at page 89 in the St. Louis County Recorder's office, thence eastwardly along the northern line of said North Market Street as shown in said Plat Book, page 89, to its intersection with the west line of Lucas & Hunt Road, thence southwardly along the west line of Lucas & Hunt Road to its intersection with the north line of North Market Street, 30 feet wide, said last mentioned point being in the southern limits of the Village of Hillsdale, thence along and following the limits line of the Village of Hillsdale to the intersection thereof with the western limits line of the City of St. Louis, said limits line of the Village of Hillsdale being described as follows: From said last mentioned point at the intersection of the west line of Lucas & Hunt Road with the north line of North Market Street running eastwardly diagonally across said Lucas & Hunt Road to the southwest corner of Lot 1 of Easton Avenue Terrace, a subdivision, the plat of which is recorded in Plat Book 1, page 155 of the St. Louis County Recorder's office, thence eastwardly along the southern line of said Easton Avenue Terrace and across Lindell Avenue and along the southern line of Bartling Addition to Bartling Place, a subdivision, the plat of which is recorded in Plat Book 12, page 123 of the St. Louis County Recorder's office, and along said southern line prolonged eastwardly to the southwestern corner of Lot 17 in Block 5 of Glen-Echo Heights, a subdivision, the plat of which is recorded in Plat Book 7, page 67 of the St. Louis County Recorder's office; thence eastwardly along the southern line of said Block 5 and across Glen Echo Avenue, and along the southern line of Block 4 of said Glen-Echo Heights and its prolongation eastwardly to its intersection with the

northwestern line of the right-of-way of the St. Louis Terminal Railway Company; thence diagonally across said right-of-way to a point in the southeastern line of said right-of-way said point being the intersection of said southeastern right-of-way line and a line 30 feet northerly from and parallel to the northern line of Oak Grove Heights 2nd Subdivision, a subdivision, the plat of which is recorded in Plat Book 7, page 31 of the St. Louis County Recorder's office, and 30 feet northerly from and parallel to the northern line of Oak Grove Heights, a subdivision, the plat of which is recorded in Plat Book 7, page 5 of the St. Louis County Recorder's office; thence eastwardly along said parallel line to its intersection with the western line of a subdivision of the Wells Homestead, a subdivision, the plat of which is recorded in Plat Book 5, page 80 of the St. Louis County Recorder's office; thence northwardly along said western line of Wells Homestead to the northwestern corner of said Wells Homestead; thence eastwardly along the northern line of said Wells Homestead to its intersection with the western line of Kienlen Avenue; thence diagonally across Kienlen Avenue to a point in the eastern line thereof distant 214 feet southwardly from the southwestern corner of Lot 1 of Ida R. Robert's Subdivision, a subdivision, the plat of which is recorded in Plat Book 20, page 16 of the St. Louis County Recorder's office; thence eastwardly 200 feet along a line 214 feet south of and parallel to the southern line of said Lot 1, of Block 1, of Ida R. Robert's Addition, a subdivision, plat of which is recorded in Plat Book 31, page 27 of the St. Louis County Recorder's office; thence northwardly 214 feet along a line 200 feet east of and parallel to the eastern line of Kienlen Avenue, to its intersection with the southern line of said Lot 10, at a point 69 feet distant eastwardly from the southwestern corner of said Lot 10; thence westwardly along the southern line of said Lot 10 to the southwestern corner thereof; thence northwardly along the western line of said Block 1, to the southwestern corner of Lot 1, of said Block 1; thence eastwardly along the southern line of said Lot 1 and across Irving Avenue and along the southern line of Lot 7 of Block 2 of said Ida R. Robert's Addition and said southern line prolonged eastwardly to its intersection with the western limits line of the City of St. Louis; thence leaving said limits line of the Village of Hillsdale and running in a general south-

wardly direction along the western limits line of the City of St. Louis, to the point of beginning.
(Code 1980, § 1-12)

Sec. 1-12. Severability of parts of Code.

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 invalid, unenforceable or unconstitutional by the valid judgment of decree of a court of competent jurisdiction, such invalidity, unenforceability or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Code.
(Code 1980, § 1-13)

Sec. 1-13. Effect of repeal.

The repeal of an ordinance shall not revive any ordinance in force before or at the time the ordinance repealed took effect. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of such repeal, for an offense committed or cause of action arising under the ordinance repealed.
(Code 1980, § 1-14)

Sec. 1-14. Ordinances saved from repeal generally.

Nothing contained in this Code of Ordinances or the ordinance adopting this Code shall be construed to repeal or otherwise affect the following:

- (1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of the ordinance adopting this Code;
- (2) Any ordinance promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness, or any contract or obligation assumed by the city;

- (3) Any ordinance fixing salaries or other compensation of officers, employees or special counsel of the city not inconsistent with such Code;
- (4) Any appropriation ordinance;
- (5) Any right or franchise granted by the city council to any person, firm or corporation;
- (6) Any ordinance dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, or in any way affecting any street or public way in the city;
- (7) Any ordinance establishing and prescribing the street grades of any street in the city;
- (8) Any ordinance providing for local improvements or assessing taxes therefor;
- (9) Any ordinance dedicating or accepting any plat or subdivision in the city, or providing regulations for the subdivision of land;
- (10) Any ordinance establishing traffic regulations for specific streets or portions thereof, not inconsistent with this Code;
- (11) Any ordinance annexing property to the city;
- (12) Any zoning ordinance of the city;
- (13) Any ordinance levying taxes, not in conflict or inconsistent with the provisions of this Code;
- (14) Any ordinance fixing utility rates and charges;
- (15) Any ordinance enacted after November 7, 1990.

Such repeal shall not be construed to revive any ordinance or part of an ordinance which is repealed by this Code.