

Chapter 1

GENERAL PROVISIONS

SECTION 1-1. How Code Designated and Cited.

The ordinances embraced in the following Chapters and Sections shall constitute and be designated the "*Code of Ordinances, City of Lexington, Missouri,*" and may be so cited.

SECTION 1-1.1. Code Adoption. [Ord. No. 90-8 §§ 1-2, 12-11-1990]

- A. The Code of ordinances, consisting of Titles I through VII, each inclusive, is hereby adopted and enacted as the "Code of Ordinances of the City of Lexington"; which shall supersede all other general and permanent ordinances of the City passed on or before April 20, 1990, to the extent provided in Section 1-1.1 hereof.
- B. All provisions of such Code shall be in full force and effect from and after December 11, 1990.

SECTION 1-1.2. Exceptions to Repeal. [Ord. No. 90-8 § 3, 12-11-1990]

- A. All ordinances of a general and permanent nature of the City adopted on final passage on or before April 20, 1990, and not included in such Code or recognized and continued in force by reference therein, are hereby repealed from and after December 11, 1990, except those which may be specifically excepted by separate ordinance, and except the following which are hereby continued in full force and effect, unless specifically repealed by separate ordinance:
 - 1. Ordinances promising or guaranteeing the payment of money for the City, or authorizing the issuance of any bonds or notes of the City or any other evidence of the City's indebtedness, or authorizing any contract or obligation assumed by the City;
 - 2. Ordinances levying taxes or making special assessments;
 - 3. Ordinances appropriating funds or establishing salaries and compensation, and providing for expenses;
 - 4. Ordinances granting franchises or rights to any person, firm or corporation;
 - 5. Ordinances relating to the dedication, opening closing, naming, establishment of grades, improvement, altering, paving, widening or vacating of streets, alleys, sidewalks or public places;
 - 6. Ordinances authorizing or relating to particular public improvements;

7. Ordinances respecting the conveyances or acceptance of real property or easements in real property;
 8. Ordinances dedicating, accepting, or vacating any plat or subdivision in the City or any part thereof, or providing regulations for the same;
 9. Ordinances annexing property to the City;
- B. The repeal provided for in this Section shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this Section.

SECTION 1-2. Rules of Construction. ¹

In the Construction of this Code, and of all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the City Council:

CITY; CORPORATION — Whenever the words "the City," "this City," "the corporation" or "this corporation" are used they shall be construed as if the words "of Lexington, Missouri" followed them.

COMPUTATION OF TIME — Whenever a notice is required to be given or an act to be done, a certain length of time before any proceeding shall be had, the day on which such notice is given, or such act is done, shall not be counted in computing the time, but the day on which such proceeding is to be had shall be counted.

CORPORATE LIMITS, CORPORATION LIMITS — Whenever the words "corporate limits," "corporation limits" or "City limits" are used they shall mean the legal boundary of the City of Lexington.

COUNCIL — Shall be construed to mean the City Council of the City of Lexington.

COUNCILMAN — Any person elected to that office and shall include those persons who hold other offices and who are ex officio.

COUNTY — The words "the County" or "this County" shall mean the County of Lafayette in the State of Missouri.

DELEGATION OF AUTHORITY — Whenever a provision appears requiring the head of a department of the City to do some act or make certain inspections it is to be construed to authorize the head of the department to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or Section designate otherwise.

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

INTERPRETATION — In the interpretation and application of any provision of this Code, it shall be held to be the minimum requirements adopted for the promotion of the

¹. State Law Reference — Definitions, rules of construction, etc., RSMo. § 1.020 et seq.

public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than the general provision imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

JOINT AUTHORITY — All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

KEEPER AND PROPRIETOR — Shall mean and include persons, firms, associations, corporations, clubs and partnerships, whether acting by themselves or through a servant, agent or employee.

MAYOR — Shall mean the Mayor of the City of Lexington.

MISDEMEANOR — Shall be construed to mean any violation, failure, neglect or refusal to comply with the provisions, regulations or requirements of this Code or any other ordinance of the City.

MONTH — Shall mean a calendar month.

NAME OF OFFICER — Whenever the name of an officer is given it shall be construed as though the words "of the City of Lexington" were added.

NONTECHNICAL AND TECHNICAL WORDS — Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

NUMBER — A word importing the singular number only may extend and be applied to several persons and things as well as to one (1) person and thing.

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."

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

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

PERSON — Shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

PERSONAL PROPERTY — Includes every species of property except real property, as herein described.

PRECEDING, FOLLOWING — The words "preceding" and "following" mean next before and next after, respectively.

PREMISES — Whenever the word "premises" is used it shall mean place or places.

PROPERTY — Shall include real and personal property.

PUBLIC PLACE — Shall mean any park, cemetery, school yard or open space adjacent thereto.

REAL PROPERTY — Shall include lands, tenements and hereditaments.

RESIDENCE — Shall be construed to mean 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 (1) place and sleeps at another, the place where such person sleeps shall be deemed his residence.

SEAL — Shall mean the City or Corporate Seal.

SIDEWALK — Shall mean any portion of a street between the curblin and the adjacent property line intended for the use of pedestrians, excluding parkways.

SIGNATURE OR SUBSCRIPTION — The "signature" or "subscription" of a person shall include a mark when the person cannot write.

STATE — The words "the State" shall be construed to mean the State of Missouri.

STREET — Shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public highways in the City.

TENANT, OCCUPANT — The word "tenant" or "occupant," applied to a building or land, shall include any person holding a written or oral lease or who occupies the whole or a part of such buildings or lands, either alone or with others.

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

WEEK — Shall be construed to mean seven (7) days.

WRITTEN, IN WRITING — The term "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

YEAR — Shall mean a calendar year.

SECTION 1-3. Catchlines of Sections.

The catchlines of the several Sections of this Code printed in boldface type 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, or 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 1-4. Effect of Repeal of Ordinances.²

The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

². Cross Reference — Ordinances generally, §§ 2-15 — 2-26.

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 the repeal, for an offense committed or cause of action arising under the ordinance repealed.

SECTION 1-5. 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 unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and Sections of this Code.

SECTION 1-6. Amendments to Code.³ [Ord. No. 90-8 § 4, 12-11-1990]

All ordinances passed subsequent to this Code of Ordinances, which amend, repeal or in any way affect this Code of Ordinances, may be numbered in accordance with the numbering system of this Code and printed for inclusion therein, or in the case of repealed Chapters, Sections and Subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby and the subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code of Ordinances and subsequent ordinances numbered or omitted are readopted as a new code of ordinances by the City Council.

Amendments to any of the provisions of this Code should be made by amending such provisions by specific reference to the Section of this Code in substantially the following language: "That Section _____ of the Code of Ordinances of the City of Lexington, Missouri, is hereby amended to read as follows: _____ (Set out new provisions in full)..."

When the governing body desires to enact an ordinance of a general and permanent nature on a subject not heretofore existing in the Code, which the governing body desires to incorporate into the Code, a Section in substantially the following language shall be made a part of the ordinance:

"Section _____. It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Lexington, Missouri, and the Sections of this ordinance may be renumbered to accomplish such intention."

All Sections, Articles, Chapters or provisions of this Code desired to be repealed should be specifically repealed by Section number or Chapter number, as the case may be.

Any and all additions and amendments to such Code when passed in such form as to indicate the intention of the City Council to make the same a part thereof shall be deemed to be incorporated in such Code so that reference to the *"Code of Ordinances of the City*

³. Cross Reference — Ordinances generally, §§ 2-15 — 2-26.

of Lexington", shall be understood and intended to include such additions and amendments.

SECTION 1-7. Altering Code. [Ord. No. 90-8 § 8, 12-11-1990]

It shall be unlawful for any person to change or alter by additions or deletions, any part or portion of such 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 of Lexington to be misrepresented thereby. Any person violating this Section shall be punished as provided in Section 1-8 of this Chapter.

SECTION 1-7.1. Official Copy. [Ord. No. 90-8 § 7, 12-11-1990]

A copy of such Code shall be kept on file in the Office of the City Clerk, preserved in looseleaf form or in such other form as the City Clerk may consider most expedient. It shall be the express duty of the City Clerk, or someone authorized by said officer, to insert in their designated places all amendments and all ordinances or resolutions which indicate the intention of the City Council to make the same part of such Code when the same have been printed or reprinted in page form, and to extract from such Code all provisions which from time to time may be repealed by the City Council. This copy of such Code shall be available for all persons desiring to examine the same.

SECTION 1-8. General Penalty; Continuing Violations. [Ord. No. 90-8 § 5, 12-11-1990]

- A. Whenever in this Code or any other ordinance of the City, or in any rule, regulation, notice or order promulgated by any officer or agency of the City under authority duly vested in him or it, any act is prohibited or is declared to be unlawful or an offense or misdemeanor or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, and no specific penalty is provided for the violation thereof, upon conviction of a violation of any such provision of this Code or of any such ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in the City or County Jail not exceeding ninety (90) days or by both such fine and imprisonment; provided, that in any case wherein the penalty for an offense is fixed by a Statute of the State, the statutory penalty, and no other, shall be imposed for such offense, except that imprisonments may be in the City prison or workhouse instead of the County Jail.
- B. Every day any violation of this Code or any other ordinance or any such rule, regulation, notice or order shall continue shall constitute a separate offense.
- C. Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding, or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited.

SECTION 1-8.1. Penalty as to Amendments. [Ord. No. 90-8 § 6, 12-11-1990]

In case of the amendment by the City Council of any Section of such Code for which a penalty is not provided, the general penalty as provided in Section 1-8, of this Code shall apply to the Section as amended; or in case such amendment contains provisions for which a penalty other than the aforementioned general penalty, is provided in another Section in the same Chapter, the penalty so provided in such other Section shall be held to relate to the Section so amended, unless such penalty is specifically repealed therein.

SECTION 1-9. Prosecution Where Different Penalties Exist for Same Offense.

In all cases where the same offense may be made punishable, or shall be created by different clauses or Sections of the ordinances of the City, the prosecuting officer may elect under which to proceed, but not more than one (1) recovery shall be had against the same person for the same offense.

SECTION 1-10. Lexington Reward Fund. [Ord. No. 88-17 §§ 1-3, 8-23-1988]

- A. There is hereby created and established a special financial account to be named and commonly known as the "Lexington Reward Fund"; that said account is to be funded solely and exclusively by voluntary contributions from persons, firms and other entities other than the City of Lexington, and shall not in any way be funded by the City of Lexington or result in any cost or expense to the City of Lexington;
- B. Withdrawals of monies from said account shall be authorized and effectuated only by ordinance after the receipt by the Mayor and City Council of a properly executed requisition, or other appropriate form of written request for payment, executed by the City Marshall and City Attorney that particularly describes the following;
 - 1. Identity of person, firm or entity to be paid;
 - 2. Total amount to be paid; and
 - 3. The case caption or title of the criminal or quasi-criminal proceeding that has been successfully concluded at the trial level with or through the use of the information provided;
- C. The monies contributed and accumulated within the Fund thereafter shall be utilized or disbursed for no reason or purpose whatsoever other than to provide a financial reward to any person, firm or entity that provides verifiable, truthful, factual information to the Lexington City Police that in fact results in successful prosecution and conviction entered in a criminal or quasi-criminal originally filed in a Division of the Circuit Court of Lafayette County.