

Chapter 1

GENERAL PROVISIONS

§ 1-1. How Code Designated and Cited.

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

§ 1-2. Definitions and Rules of Construction.

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 board of aldermen, or unless the context clearly requires otherwise:

BOARD OF ALDERMEN — The board of aldermen of Eureka.

CITY — The City of Eureka, Missouri.

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

COUNTY — The County of St. Louis, State of Missouri.

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

JOINT AUTHORITY — Words importing joint authority to three or more persons shall be construed as authority to a majority of such persons.

MONTH — 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.

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

OWNER — Applied to a building or land, 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 building or land.

PERSON — Includes a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word "person" is used in any section of this Code prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members thereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such section.

PRECEDING, FOLLOWING — Next before and next after, respectively.

PROPERTY — Includes real and tangible and intangible personal property.

PUBLIC WAY — Includes any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare.

REAL PROPERTY — "Premises," "real estate" or "lands" shall be deemed to be coextensive with lands, tenements and hereditaments.

SHALL, MAY — Is mandatory, and the word "may" is permissive.

SIDEWALK — 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 mark shall be intended.

STATE — The State of Missouri.

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

TANGIBLE PERSONAL PROPERTY — "Tangible personal property" shall include goods, chattels and all personal property, except intangible personal property.

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.

WRITING — Includes printing, lithographing or any other mode of representing words and letters.

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

§ 1-3. Catchlines of Sections; Provisions Considered as Continuations of Existing Ordinances.

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 section, 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.

The provisions appearing in this Code, so far as they are the same as those of ordinances existing at the time of the adoption of "The Code of the City of Eureka, Missouri," shall be considered as a continuation thereof and not as new enactments.

§ 1-4. Severability of Parts of Code.

It is hereby declared to be the intention of the board of aldermen 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 judgement 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 the same would have been enacted by the board of aldermen without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

§ 1-5. Repeal of Ordinance not to Affect Liabilities, Etc.

Whenever any ordinance or part of any ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the ordinance repealing or modifying the same shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under any ordinance previous to its repeal shall in anywise be affected, released or discharged but may be prosecuted, enjoyed and recovered as fully as if such ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

§ 1-6. Repeal not to Revive Former Ordinance.

When an ordinance repealing a former ordinance, clause or provision shall itself be repealed, such repeal shall not be construed to revive such former ordinance, clause or provision unless it be expressly so provided, and such former ordinance, clause or provision is set forth at length.

§ 1-7. General Penalty. [Ord. No. 329, §1; Ord. No. 1824 §1, 3-15-2005]

Except as hereinafter provided, whenever in this Code or in any other ordinance of the City or in any rule, regulation 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 a misdemeanor, or whenever in such Code or in such other City ordinance, rule, regulation or order the doing of any act is required or the failure to do any act is declared to be unlawful, 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 or order promulgated pursuant to such Code or other City ordinance shall be punished by a fine not exceeding seven hundred fifty dollars (\$750.00), or by

imprisonment for a period of not exceeding six (6) months, or by both such fine and imprisonment.

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 or order promulgated pursuant 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, then the violation of such particular provision of this Code or other City ordinance, rule, regulation or order shall be punished by the imposition of not more than the maximum fine or imprisonment so authorized or by both such fine and imprisonment.

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

The term "*misdemeanor*", wherever the same may be found in this Code or other ordinances, shall be construed to mean and to stand in lieu of the words "a violation of ordinance".

§ 1-8. Procedure for Entry onto Property.

All entries onto property within the city by officers, employees, Etc., of the city, for the purpose of enforcing the provisions of this Code or other ordinances of the city, shall be made in the manner authorized and directed by law.

§ 1-9. City Flag Adopted. [Ord. No. 276, §2]

A flag of the following description is hereby adopted as the official flag of the city:

The flag shall be rectangular in shape and its vertical dimension shall be to its horizontal dimension as seven is to twelve.

The design shall be three vertical fields or bars, equal in area, colored gold, white and blue, in that order from the staff outward.

Upon the center field of white shall be imposed the word "EUREKA" on the upper third, the seal of the city in the middle third, and the date 1850 on the lower third.

§ 1-10. Charges for Public Information Requests. [Ord. No. 619, §1; Ord. No. 1787 §1, 9-7-2004]

There shall be a charge of ten cents (\$.10) per page (not to exceed ten cents (\$.10) for nine (9) by fourteen (14) inch paper), twelve dollars (\$12.00) per hour for duplicating time, and the actual cost of research time. The custodian shall receive (or may require) payment prior to duplicating copies.

Fees for providing access to public records maintained on computer facilities, recording, tapes or disks, videotapes or films, pictures, maps, slides, graphics, illustrations or similar audio or visual items or devices, and for paper copies larger than nine (9) by fourteen (14) inches shall include only the cost of copies, staff time, which shall not exceed the

average hourly rate of pay for staff of the public governmental body required for making copies and programming, if necessary, and the cost of the disk, tape, or other medium used for the duplication. Fees for maps, blueprints, or plats that require special expertise to duplicate may include the actual rate of compensation for the trained personnel required to duplicate such maps, blueprints, or plats. If programming is required beyond the customary and usual level to comply with a request for records or information, the fees for compliance may include the actual costs of such programming.