

**CITY of
SPRINGFIELD**



CITY CHARTER

City of Springfield, Missouri

September 2003

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This Charter was adopted by vote of the citizens of Springfield, March 17, 1953, pursuant to Section 19, Article VI, of the Constitution of Missouri. This edition of the Charter reflects all amendments through September, 2003.

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PREAMBLE

In Order to Secure the Benefits and Advantages of the Constitution of the State of Missouri, Adopted in the Year 1945, and to Establish Home Rule for the City Under the Provisions Thereof, the People of Springfield, Missouri, Hereby Adopt the Following Charter.

**ARTICLE I. INCORPORATION; FORM GOVERNMENT;
POWERS; ZONES**

Section 1.1. Incorporation

The inhabitants of the City of Springfield, within the corporate limits as now established or as hereafter established in the manner provided by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the "City of Springfield."

Section 1.1.1. Extended corporate limits

In addition to all that territory in the State of Missouri, County of Greene, included within the corporate limits of the City of Springfield, Missouri, as of November 5, 1985, there shall hereafter be included within the corporate limits of the City of Springfield, Missouri, additional territories in Greene County, Missouri, which extended city limits are not set out in this volume, but may be found set out in full in general ordinances which are on file in the office of the City Clerk.

Approved by vote of the people November 5, 1985.

Section 1.2. 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 1.3. 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, or those powers which the legislature 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.

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 such powers.

Section 1.4. Zones

The city is hereby divided into four zones, bounded and numbered as in the case of the postal zones existing in the City of Springfield at the time of the adoption of this Charter. Zone boundaries shall be established by ordinance following each decennial census. Zones shall comprise compact and contiguous territory, and contain, as nearly as possible, an equal number of inhabitants.

Section 1.5. Extended city limits

Editor's Note: Section 1.5 of this Charter, establishing the extended city limits of Springfield, was adopted by vote of the people at an election held November 8, 1955. The extended city limits are not set out in this volume, but may be found set out in full in general ordinances which are on file in the office of the City Clerk.

ARTICLE II. THE COUNCIL

Section 2.1. Number and term

(1) Election of Mayor

One member of the City Council shall be known as the mayor who shall be elected to that office by the qualified voters of the city at large for a term of two years who shall serve until his successor shall be elected and qualified. Provisions of this Section shall apply at the next regular municipal election, at which time the mayor shall be elected for a term of two years and one General Councilmember for a term of four years. Thereafter at the next regular municipal election the mayor shall be elected for a term of two years, and at each regular municipal election there shall be elected two General Councilmembers and two Zone Councilmembers for terms of four years except at the Municipal election in 1981 the General Councilmembers shall be elected for a short term of two years. The mayor shall be prohibited from serving more than four consecutive terms as Mayor.

Approved by vote of the people April 1, 1986.

(2) Number and Term

The Council shall consist of nine (9) members to be known as Councilwomen or Councilmen, each of whom shall be elected for a term of four (4) years and shall serve until his or her successor shall be elected and qualified. Reference to "Councilmember" as used throughout this Charter is intended to mean "Councilwoman" or "Councilman" depending upon the gender. Five Councilmembers known as General Councilmembers shall be elected by the qualified voters of the city at large. Four (4) of the Councilmembers to be elected shall reside respectively in Zones 1, 2, 3 and 4 and are to be known as Zone Councilmembers. Zone Councilmembers shall be elected by the qualified voters of the zone in which they reside.

General Councilmembers' seats or positions shall be individually designated by number or by letter or by other reasonable designation, and shall thereby be distinguished from one another for purposes of appointment and election.

Approved by vote of the people April 3, 1984.

(3) Running for Another Council Office - Limitation

No member of City Council may file for another City Council office, other than the office of mayor, if such other City Council office has a term overlapping the term of office that the member of council then holds, unless the member of council first gives written notice to the city clerk of intent to so file not later than 30 days prior to the date upon which one can first file for such other office. The giving of written notice of intention to file for such overlapping office shall constitute an irrevocable resignation of the office that the Councilmember then holds effective as of the date upon which the results of the general city election are certified for such other office. Notwithstanding any other provision of this Charter to the contrary, the office to be vacated by the irrevocable resignation shall be filled by the qualified voters for the balance of the term thereof at the same aforesaid general city election held after the notice of intent to file for the other office is given.

Approved by vote of the people February 5, 1985.

Section 2.2. Qualifications

A councilmember hereafter elected or appointed shall be a qualified voter of the city and shall have been a resident thereof for at least two years immediately prior to his or her election or appointment. The four zone councilmembers hereafter elected or appointed shall be residents and qualified and registered voters of the respective zones provided for in Section 1.4. Each zone councilmember hereafter elected or appointed shall have been a resident of his or her zone for at least one year immediately prior to

his or her election or appointment. No councilmember shall be a candidate or nominee for or hold any other lucrative public office or hold a lucrative position in the city government during his or her term as councilmember, except the following persons shall not be disqualified: A member of the National Guard or Naval or Military Reserve or Notary Public. A city councilmember should not be employed by the City of Springfield or any of its departments, boards, or agencies for a period of one (1) year after leaving the position of councilmember. If a councilmember shall cease to possess the above qualifications or shall be convicted of a crime involving moral turpitude, his or her office shall immediately become vacant.

Approved by vote of the people April 3, 1984.

Section 2.3 Salary

(1) The councilmembers shall receive no salary, but they, including the mayor, shall be reimbursed for any necessary specific expenses incurred in connection with their duties as provided by ordinance or resolution of the Council prior to incurring such expenses.

(2) The mayor shall receive a salary of \$200.00 per month, provided, however, the council may provide a fund for incidental expenses incurred in the performance of his duties not to exceed \$100.00 per month, for which no accounting shall be required.

Approved by vote of the people April 1, 1986.

Section 2.4. 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 2.5. Vacancies

Vacancies in the office of Councilmembers shall be filled by the affirmative vote of a majority of the entire Council for a period running to the next regular city election, at which time a successor shall be elected for the unexpired term.

Approved by vote of the people April 3, 1984.

Section 2.6. Mayor; Election and duties

The mayor shall be elected by the qualified voters of the city at large for a term of two (2) 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 councilmembers 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, the mayor "pro-tempore" shall assume the office of mayor until the next election or until such time as Council shall call a special election.

Approved by vote of the people April 1, 1986.

Section 2.7. 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 councilmember shall receive such appointment during the term for which he or she shall have been elected or within one year after the expiration of his or her 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 immediately upon the city manager. The city manager shall have fifteen (15) 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 (10) days nor later than fifteen (15) 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.

Approved by vote of the people April 1, 1986.

Section 2.8. 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 by 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 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 councilmember 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.

Approved by vote of the people April 1, 1986.

Section 2.9. 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, departments, or agencies, other than the offices, 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, 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 especially at such times as prescribed by its rules, but not less frequently than once each month. All meetings of the council shall be open to the public, except city council may close such meetings when provided for by state law. The first meeting of each newly elected council, for induction into office, shall be held at the time which the election returns are officially confirmed in accordance with Section 13.7 of this Charter.

Approved by vote of the people February 6, 1979.

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 written or printed form, and the enacting clause shall be "BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD." No bill, except those making appropriations and those codifying or rearranging existing ordinances, shall relate to more than one subject, which shall clearly be expressed in the title. Ordinances making appropriations shall be confined to the subject matter of the appropriation. Except as otherwise authorized herein, all bills shall either be read by title two times before final passage, not more than one of which shall be at the same legislative session; and at least one week shall elapse between introduction and final passage, except as otherwise provided herein. Emergency bills, bills pertaining to public improvement projects for which tax bills are to be issued, and any other council bill that may be acted upon at the same city council meeting under provisions of this Charter shall be required to be read or printed in the city council agenda only one time by title provided the reading or printing of such bill by title shall take place at the meeting at which final action is taken on the bill. The printing of the title of the bill shall constitute a separate reading of the bill each time it is printed in the city council agenda.

Approved by vote of the people November 5, 1985.

An ordinance may be passed as an emergency measure on the day of the introduction of the bill if it contains the statement that an emergency exists and specifies distinctly the facts and reasons constituting the emergency. No ordinance granting, enlarging, or affecting any franchise shall be passed as an emergency measure. The emergency procedure shall be restricted to the following:

- (1) Bills concerning the immediate preservation of public peace, property, health, safety, or morals.
- (2) An appropriation for payment of principal or interest of the public debt.

(3) An appropriation for the payment of current expenses of the city government or payment of compromise settlement of damage claims upon recommendations of the city attorney.

(4) Calling an election or providing for the submission of a proposal to the people.

(5) Any ordinance fixing any tax rate or assessment.

(6) Any ordinance relating to the public improvement to be paid for by special assessment.

Either the vote of two-thirds of the members of the council or the unanimous vote of those members present, whichever is the lesser, shall be required to pass an ordinance as an emergency measure.

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 shall be given an opportunity to be heard before the council, in accordance with such rules and regulations as the council may adopt. After the second reading of any bill and compliance with the other provisions herein, 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 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 thirty (30) 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.

Approved by vote of the people June 11, 1974.

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. Annual audit

An independent audit shall be made of all accounts of the city government at least annually, and more frequently if deemed necessary by the council. Such audit shall be made by a certified public accountant who is experienced in municipal accounting and who is selected by the council. Such accountant shall have no personal or financial interest, direct or indirect, in the fiscal affairs of the city government or of any of its officers. The results of such audit shall be made public in such manner as the council may determine.

Section 2.15. Investigator

The council may appoint an investigator who shall serve for such term as the council may prescribe. He shall be a certified public accountant or a person specially trained and experienced in governmental or business investigation or administration. His duty shall be to keep the council informed as to the work performed, methods, and financial affairs of the city. He shall not be responsible for the keeping of accounts. He shall make such investigations of the work of all departments of the city and such reports to the council as it shall require. He shall make such other investigations as the council may direct. He shall have access to all books and records of all departments of the city. If the council

desires, he shall certify to the correctness of any or all financial reports before the same shall be regarded as official.

Section 2.16. Enumeration of certain powers

Without limitation of the powers conferred upon the city by Section 1.3 of Article I of this Charter, or by any other provision hereof, the council shall have power by ordinance not inconsistent with this Charter to do, but shall not be restricted to, the following:

(1) Assessment, levy and collection of taxes. Assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation not expressly prohibited by laws, provide for enforcing the prompt payment and for penalties for delinquency thereof, and adopt such classifications of the subjects and objects of taxation as may not be contrary to law.

(2) Furnishing public services; operation, etc., of public utilities. Furnish all public services; purchase, hire, lease, construct, own, maintain, and operate public utilities; dispose of the services and products thereof; acquire, by condemnation or otherwise, within or without the corporate limits, property, or any estate or interest therein, necessary for any such purposes; grant public utility franchises and permits and regulate the exercise thereof.

(3) Public improvements generally. Make public improvements and acquire, by condemnation or otherwise, property, or any estate or interest therein, within or without the corporate limits, necessary for such improvements.

(4) Police, health, sanitary, safety, fire prevention, etc., regulations. Adopt police, health, sanitary, safety, fire prevention, and other similar regulations not in conflict with general laws and provide for their enforcement.

(5) Expending money - Generally. Expend the money of the city for all lawful purposes.

(6) Borrowing money. Issue, sell, pledge, or in any manner dispose of, negotiable or nonnegotiable, interest bearing or noninterest bearing bonds or notes of the city, upon the credit of the city, or solely upon the credit or specific property owned by the city, or solely upon the credit of income derived from the property used in connection with any public utility owned or operated by the city, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two or more such credits.

(7) Power of eminent domain - Generally. Exercise the power of eminent domain, including the power of excess condemnation as authorized by the constitution or by law, and condemn private property, real or personal, or any use therein for public use within or without the city.

(8) Administering, etc., trusts. Take and hold property within or without the city upon trust, and administer trusts.

(9) Acquisition of property - Generally. Acquire and receive by gift, bequest or devise all kinds of property, real, personal or mixed, or any estate or interest therein, within or without the city, absolutely or in trust, for all public, charitable or municipal uses or purposes; perform all acts necessary to carry out the purposes of such gifts, bequests or devises, with power to manage, sell, lease or otherwise handle or dispose of such property, in accordance with the terms of the gift, bequest or devise.

(10) Same - Further provisions. Acquire, receive, hold, provide for by contract or otherwise, construct, operate, regulate, manage, maintain and improve all kinds of public buildings, structures, public market facilities, airports, off-street parking facilities, public housing, cemeteries, hospitals, parks and other recreational facilities, all other public improvements, and any other property, real or personal, within or without the city, for all such uses or purposes, or for any other public or municipal use or purpose; acquire, receive and hold any estate or interest in any such property; and sell, lease, mortgage, pledge or otherwise dispose of the same or the products thereof. The power herein granted shall be limited only by prohibitions contained in the

constitution and laws of Missouri and other provisions of this Charter.

(11) Collection, etc., of sewage, garbage, refuse, etc. Collect and dispose of sewage, offal, ashes, garbage and refuse, or license and regulate such collection and disposal.

(12) Regulation of businesses liable to be nuisances. Prescribe limits with which businesses, occupations and practices liable to be nuisances or detrimental to the health, morals, safety, security or general welfare of the people may lawfully be established, conducted or maintained.

(13) Weights and measures. License and inspect weights and measures; and inspect, test, measure and weigh any article offered for sale within the city for consumption or use.

(14) Building regulations. Regulate the construction and materials of all buildings and structures and inspect all buildings, lands and places as to their condition for health, cleanliness and safety; and when necessary, prevent the use thereof and require any alterations or changes necessary to make them healthful, clean and safe.

(15) Establishment, improvement, etc., of streets, parks, sewers, etc. Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds and squares, bridges, viaducts, subways, tunnels, sewers and drains, and regulate the use thereof.

(16) Regulate, etc., grade crossings, airports, aircraft, communication facilities, etc. Abolish or prevent grade crossings, and provide for safe crossings and compel any street, steam, electric railroad or other transportation company or companies affected thereby to pay all or a part of the cost thereof; regulate and control the location of aviation fields, hangars and aircraft landing places; regulate and control the use of all aircraft

within or over the city; and regulate and control the location, construction, operation and use of all types of communication facilities.

(17) Investment of funds. Invest funds of the city in:

(a) Obligations of the United States government, the State of Missouri, this city; or

(b) Bonds, bills, notes, debentures or other obligations guaranteed as to payment of principal and interest by the government of the United States or any agency or instrumentality thereof, the State of Missouri or this city; or

(c) Revenue bonds of this city; or

(d) Certificates of deposit, savings accounts as defined in Chapter 369, Revised Missouri Statutes or in interest bearing time deposits when such funds are held in United States banks, state banks, savings and loan associations operating under Chapter 369, Revised Missouri Statutes, or savings and loan associations authorized by the United States government so long as such deposits, saving accounts, and interest bearing deposits are secured by one or more of the types of securities described in subparagraphs (a), (b), or (c) of this Section; or

Approved by vote of the people June 11, 1974.

(e) Banker's acceptances issued by domestic commercial banks possessing the highest rating issued by a nationally recognized rating agency; or

Approved by vote of the people April 6, 1999.

(f) Commercial paper issued by domestic corporations which has received the highest rating issued by a nationally recognized rating agency; or

Approved by vote of the people April 6, 1999.

(g) Investments permitted by the City Council which are authorized in the model investment policy prepared by the State of Missouri for political subdivisions.

Approved by vote of the people April 6, 1999.

(18) Annexation and disannexation. Extend or diminish the limits of the city by ordinance subject to the approval of a majority of the qualified voters of the city voting thereon in any general or special election.

(19) Defining and abatement of nuisances. Define, prohibit, suppress, prevent and regulate, all acts, practices, conduct, businesses, occupations, callings, trades, uses of property and all other things whatsoever detrimental or liable to be detrimental to the health, morals, comfort, safety, convenience, or welfare of the inhabitants of the city, and abate all nuisances and impose liens on properties where such nuisances exist for the cost of the abatement of such nuisances.

Approved by vote of the people April 6, 1971.

(20) General welfare, etc. Do all things whatsoever necessary or expedient for promoting and maintaining the comfort, education, morals, safety, peace, government, health, welfare, trade, commerce, or industry of the city and its inhabitants.

(21) Imposition of penalties, etc. Enforce any ordinance, rule, or regulation by means of fines, forfeitures, penalties, and imprisonment, or by action or proceedings in the municipal court or in any other court of competent jurisdiction, or by any one or more of such means, and impose costs as a part thereof and provide for probation and parole in proper cases.

(22) Regulation of businesses generally. License, tax, regulate or suppress all businesses, occupations, professions, vocations, activities (set forth and enumerated by the statutes of this state, now or hereafter applicable to cities of the first, second, third or fourth class or of any population group) which any such

cities are now permitted or may hereafter be permitted to license, tax, regulate, or suppress.

(23) License taxes generally. To impose a license tax upon any business, vocation, pursuit, calling, animal, or thing.

(24) Issuance of process, etc. Compel, by the issuance of process, the attendance of witnesses and production of papers and records relating to any subjects under investigation in which the interest of the city is involved, and call upon the proper officers of the city or county to execute such process.

(25) Contracts, suits, etc. Contract and be contracted with, sue and be sued, except an ordinance authorizing the city to enter into such contracts with the state and federal government for the purpose of receiving grant monies from the same may be passed at the meeting of the council at which it is introduced or later at the pleasure of the council.

Approved by vote of the people April 4, 1978.

(26) Assessment and collection of special assessments. Make and collect special assessments on public or private property for public improvement, and provide for enforcing the prompt payment thereof by any appropriate means.

(27) Enumeration of inhabitants. Provide for the enumeration of the inhabitants of the city for any purpose whatever.

(28) Zoning regulations. Divide the city into districts and for each of such districts impose regulations, restrictions, or prohibitions designed to promote the public health, safety, convenience, comfort, morals, prosperity, or general welfare, governing the erection of buildings and other structures and governing premises to be used for trade, industry, residence, or other specified purposes; designate the kinds of classes of trade, industries, residences, or other purposes for which buildings or other structures or premises may be permitted to be erected, constructed, reconstructed, altered, repaired or used; regulate and limit the height and bulk of buildings and other structures; regulate

building lines and limit the percentage of lot occupancy; and regulate and limit the area of courts and other spaces.

(29) Legislative power generally. Enact, adopt, and enforce all ordinances, rules, and regulations; do all things, and exercise all governmental and municipal authority necessary, needful, and convenient, contributing to, or bearing a substantial relation to the full and complete exercise of all the powers in this Charter enumerated.

(30) Cooperation with other governmental bodies. Cooperate, or join by contract or otherwise with other cities, with counties, states, the United States, or other governmental bodies, singly or jointly or in districts or associations for promoting or carrying out any of the powers of the City, or for the acquisition, construction, or operation of any property, works, plants or structures convenient or necessary for carrying out any of the purposes or objects authorized by this Charter.

(31) Regulate utility rates. Establish and enforce gas, electric, and public transportation rates, and rates and charges for all other utilities owned and operated, or services furnished, by the city; *and establish or approve and enforce all rates and charges of privately owned utilities operating within the city not regulated by other public authority.* All such rates and charges shall be determined after a public hearing and in accordance with regularly established procedures to be prescribed by ordinance.

(32) Incur debts. Incur debts by borrowing money or otherwise and give any appropriate evidence thereof.

(33) Regulate water courses. Improve water courses and regulate the use thereof.

(34) Regulate poles, wires, etc. Direct, regulate, and control the location and construction of all poles, wires, conduits, subways, pipe mains, or other structures or erections of any kind in or under or over public streets, alleys, highways or places in the city.

(35) Purchase property for delinquent taxes, etc. Provide for the purchase by the city of property levied upon under execution or process in favor of the city and of property when sold for delinquent taxes and assessments, and sell and convey the same.

(36) Care of sick, insane, neglected or delinquent children, etc. Provide for the support, maintenance, and care of the sick, aged, or insane poor persons and neglected or delinquent children; and provide for the punishment of parents, guardians, or custodians for neglect of children.

(37) Operation, etc., of eleemosynary institutions, etc. Acquire, operate and maintain charitable, educational, comfort, recreative, curative, corrective, detentive, penal and other institutions, departments, functions, facilities, instrumentalities, conveniences, and services.

(38) Employment of personnel. Provide for the employment of all personnel necessary to carry on the function of all departments and agencies of the city.

(39) Limitation of the power to tax real property. In the event a city sales tax is adopted for general municipal purposes in the City of Springfield in an amount of $\frac{7}{8}$ of one percent or more, the authority of the city council to tax real property for municipal purposes at a rate of one dollar on one hundred dollars assessed valuation under provisions of Article X, Section 11(b) of the Constitution of the State of Missouri 1945, as amended, shall be limited by this Charter Section to an amount not to exceed fifty cents (\$.50) on one hundred dollars assessed valuation, provided, however, this limitation shall not be effective until the first calendar year after the calendar year in which the City has adopted the sales tax.

Approved by vote of the people April 4, 1978.

ARTICLE III. THE CITY MANAGER

Section 3.1. 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 administrations. 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 the event of his absence or disability; if he should fail to do so, the council shall make such designation.

Section 3.2. Compensation

The city manager shall receive such compensation as may be fixed by ordinance.

Section 3.3. 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) Prepare the budget annually and submit it to the council and be responsible for its administration after adoption.

(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, insofar 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 3.4. Administrative assistants

The city manager shall appoint such administrative assistants as are authorized by the council.

ARTICLE IV. ADMINISTRATIVE SERVICE

Section 4.1. Departments and boards

There shall be the following administrative departments and boards: Police, Fire, Finance, Personnel, Law, Public Works, and

Public Health and Welfare; and Public Utility, Parks, Airport, and Art Museum. In addition, there shall be a City Planning and Zoning Commission and a Board of Adjustment.

Any such departments and boards may be consolidated or the function assigned thereto may be transferred to other boards or departments, but no function or duty, the performance of which is required by this Charter, shall be discontinued. Notwithstanding any other provision of the Springfield City Charter to the contrary, the city council may transfer a function or duty assigned to a particular office, board, department, or agency by this Charter to an agency of the federal or state government; provided, that in the event such function or duty is transferred, then the City shall thereafter have no obligation to perform the duty or provide that particular function under this Charter.

The city council is authorized to sell the Children's Home, including all property associated with the operation of the home, to Boys Town of Missouri, Inc., a not-for-profit corporation of the State of Missouri, which organization will continue to provide programs, services, and facilities to disadvantaged youth and their families. Upon the sale of such property, all references to the Children's Home as set forth in this Charter shall be deleted.

Approved by vote of the people April 4, 1989.

Section 4. Appointment, removal and duties of department heads

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.

Section 4.3. 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 4. Same - Function; operation; organization; jurisdiction

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.

The council shall by ordinance provide for the organization of the police department and may classify the members thereof and prescribe their qualifications and duties.

The police department may enforce all ordinances of the city violated within public parks or grounds belonging to the city, but located outside of its limits, in the same manner and with the same effect as if located within the corporate limits of the city.

Section 4.5. 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 4.6. Same - 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 and perform such other duties in the protection of life and property as the council may by ordinance prescribe.

The council shall by ordinance provide for the organization of the fire department and may classify the members thereof and prescribe their qualification and duties.

ARTICLE V. DEPARTMENT OF FINANCE

Section 5.1. Director - Appointment; qualifications

The director of the department of finance shall be, or be appointed by, the city manager. He shall have knowledge of municipal accounting and taxation and shall have had experience in budgeting and financial control.

Section 5.2. Same - Powers and duties

The director of finance shall have charge of the administration of the fiscal affairs of the city and to that end he shall have authority and shall be required to:

- (1) Keep books of account of the receipts and expenditures of all departments.
- (2) Keep accurate detailed accounts of:
 - (a) All taxes assessed by the city and all money due to the city from any and every source.
 - (b) Moneys received and the several sources from which derived.
 - (c) All funds of the city and disbursements made therefrom and all obligations incurred.

(3) Prescribe the method of keeping accounts for all departments and offices of the city, which method shall be uniform as nearly as practicable and conform to the laws of the state.

(4) Examine and audit all accounts and claims against the city *except claims for unliquidated damages*. He 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) Balance the books of account of all departments of the city each calendar month under the direction of the city manager, who shall make *monthly and quarterly public financial statements to the council*.

(6) Present to the council annually, and whenever required by the council, a detailed statement of the financial condition of the city, which shall include all receipts and expenditures of the various departments; a detailed statement of the debt of the city, and the purpose for which it was incurred; and an inventory of all real estate, personal property, supplies, and equipment of the city, with both their cost and estimated current value.

(7) 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.

(8) Have custody of all investments and invested funds of 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.

(9) 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.

(10) 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.

(11) Be responsible for the approval of all proposed expenditures; and unless he shall certify that there is an unencumbered balance of appropriated and available funds, no appropriation shall be encumbered and no expenditure shall be made.

(12) 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.

(13) He shall assess, or cause to be assessed, on a just and equitable basis, and as provided by law, all taxable property in such manner and within such time as the council may prescribe.

Section 5.3. 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 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 specifications.

(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 the approval of the council, sell surplus, obsolete, or unused supplies, materials or equipment.

Section 5.4. Competitive bidding

Before the city makes any purchase or contract, or lets any contract for improvements, there shall be given ample opportunity for competitive bidding, subject to such exceptions as the council upon recommendation of the city manager may prescribe by ordinance or resolution; provided, however, that the council shall not except individual contract, purchases or sales from the requirement of competitive bidding, or shall it permit the subdivision of contracts, or purchases, for the purpose of evading the requirements of competitive bidding.

Section 5.5. Representation on board of equalization

For the purpose of giving the City of Springfield representation on the County Board of Equalization when said Board is sitting for the purpose of equalizing assessment of property in the city, the city shall have the same number of representatives thereon as the city was entitled to prior to the adoption of this Charter. The representatives of the City shall be appointed by the council, one of whom may be the Director of Finance. The city council may

prescribe the compensation which the city members of the Board of Equalization shall receive from the city treasury.

Approved by vote of the people August 5, 1986.

Section 5.6. Fiscal year

The fiscal year of the City of Springfield unless otherwise provided by ordinance, shall begin on the first day of July and shall end on the last day of June of each calendar year. 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 5.7. Tentative budget

The city manager, at least two weeks before the council undertakes to set the tax rate for the next fiscal year, shall prepare and submit to the council a tentative budget in sufficient detail to enable said council to appraise the needs of the city for the next budget year. The council shall then set a tax rate upon all taxable property in an amount sufficient to produce the revenue needed.

Section 5.8. Final 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 council, shall submit to the council a final budget with an explanatory message. For the purpose of preparing this 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, as he may deem necessary.

The 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 budget is to cover, together with a comparative statement of revenues for the last completed fiscal year and the year in progress.

(2) An itemized statement of proposed expenditures recommended by the city manager for each office, department, or agency for the year which the budget is to cover, together with a comparative statement of expenditures for the last completed fiscal year and year in progress.

(3) A statement of the amount required for the payment of interest, amortization and redemption charges on the debt of the city.

(4) Provision for contingent expense in an amount not to exceed five per cent of the total operating expenditures 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 year. Expenditures proposed in the budget for each department, office or agency shall be itemized by character, object, function, activity and fund. The classification of revenue and expenditure accounts shall conform as nearly as local conditions permit to established and recognized standards of accounting. In no event shall the total amount of the proposed expenditures exceed the estimated income of the city.

Section 5.9. Budget a public record

The 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. The city manager shall cause sufficient copies of the budget and the budget message to be prepared for distribution to interested persons.

Section 5.10. Public hearing

At the meeting of the council at which the budget is submitted, the council shall determine the place and time of the public hearing on the budget. The council shall cause to be published a notice of the time and place of the hearing at least ten days before the hearing is to be held. At the time and place so advertised, or at any time and place to which such public hearing shall from time to time be adjourned, the council shall hold a public hearing on the budget as submitted, at which interested persons shall be given an opportunity to be heard.

Section 5.11. Adoption of the 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 budget, except for specified fixed expenditures. If it shall increase the total proposed expenditures, the council shall also increase the total anticipated revenue to at least equal such total proposed expenditures. The budget 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 budget is intended. Should the council take no final action on or prior to that date, the budget as submitted shall be effective without council action.

Section 5.12. Effective date, certification and copies of the budget

Upon a final adoption, the budget shall be in effect for the budget year. A copy of the 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 budget so certified shall be printed, mimeographed, or otherwise reproduced, and sufficient copies thereof shall be made available for the use of all offices, departments and agencies of the city and for the use of interested citizens and civic organizations.

Section 5.13. Appropriations

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several offices, departments or agencies for the various functions and activities specified in the budget.

Section 5.14. Expenditures limited to budget

All allowable claims against the city shall be approved for payment by the department or agency head and by the director of finance. *The city manager shall establish procedures for verification and oversight of such expenditures.* Any such official who shall approve any claim for payment of which there is not a sufficient unencumbered balance in the fund or appropriation, 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.

Approved by vote of the people April 3, 1984.

Section 5.15. 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 is within the purpose of the appropriation to which it is to be charged and that there is an unencumbered balance to the credit of such appropriation sufficient to pay therefor.*

Section 5.16. Tax rates and tax rolls

The City Council shall by ordinance set the tax rates and levy on the various classes of property as assessed by the director of finance, 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.

Section 5.17. Transfer of unexpended appropriations

The city manager, with the approval of the council and upon the recommendation of a department or agency head, may transfer any unencumbered appropriation balance or portion thereof from one classification of expenditure to another within an office, department or agency. At the request of the city manager, and within the last three months of the fiscal year, the council may by resolution transfer any unencumbered appropriation balance or portion thereof from one office, department or agency to another unless otherwise provided in this Charter. No transfer shall be made of specified fixed appropriations.

Section 5.18. 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.

(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.

(3) In any fiscal year, the council may issue and sell bonds or notes payable within one year in any amount not to exceed fifty 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. Any money so borrowed shall be repaid out of said revenues when collected.

(4) All fees, charges and commission for city services, 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 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.

(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.

Section 5.19. 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 laws of the State of Missouri with respect to any municipality.

Section 5.20. 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 derived 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, 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, and equipment therefor; street lighting systems, gas or electric utility systems, hearing and power plants, telephone and telegraph systems, facilities for radio and television broadcasting and reception; off-street parking facilities, or any other public utility or equipment therefor; public housing, hospitals, orphan homes, industrial schools, jails, workhouses 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 local improvement fund to be used for the purpose of paying cash for local improvements, such fund to be replenished from time to time by the payment into it of the proceeds of special assessments made on account of such local improvements.

The foregoing enumeration shall not be construed to limit any general provision of this Charter 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 5.21. Vote required for issuance of bonds

Whenever by Constitution of the State of Missouri or other applicable law a vote of the electors of the City of Springfield shall

be required prior to the issuance of any bonds of the City, then no such bonds shall be issued unless and until a proposal to issue the said bonds of the City of Springfield shall have been submitted to the qualified electors of the City at an election held for that purpose and the necessary vote in favor of the issuance of said bonds shall have been received.

Approved by vote of the people October 1, 1968.

Section 5.22. Conduct of election

Notice of any such election shall be given, and such election shall be held, conducted, and the returns thereof made, canvassed and declared in the manner provided by ordinance and by the laws and constitution of the State of Missouri.

Section 5.23. 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 5.24. Sale of bonds

All general obligation bonds, public utility bonds or sanitary sewer revenue bonds issued under this Charter shall be sold at public sale upon sealed proposals after notice published at least once in a newspaper published in Springfield, Missouri, such publication to be made at least ten days prior to the date of sale; provided, however, this section shall not apply if the City is selling sewer revenue bonds to a governmental agency. The director of finance shall mail notices by direct mail to all parties and financial institutions which in his opinion may be interested in the purchase of such bonds or who shall make written application therefor.

Section 5.25. Issuance of refunding bonds

For the purpose of refunding, extending and unifying the whole or any part of its valid outstanding bonds, the city may issue refunding bonds not exceeding in amount the principal of the outstanding bonds to be refunded and the accrued interest to the date of such refunding bonds. The council shall provide for the payment of interest at not to exceed the same rate, and the principal of such refunding bonds, in the same manner as was provided for the payment of interest and principal of the bonds refunded.

ARTICLE VI. DEPARTMENT OF PERSONNEL

Section 6.1. Director - Appointment; qualifications

The director of the personnel department shall be selected by the city manager on the basis of his training, experience, qualifications, and fitness in personnel administration.

Section 6.2. Same - Powers and duties

The Personnel Director shall have authority and be required to:

(1) Hold competitive examinations for appointments in the classified service.

(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 city manager and the personnel board such rules as he may consider appropriate to carry out the provisions of this article.

(6) Keep or supervise the keeping of such employee records as may be required by the merit system rules.

(7) Perform such other duties as may be required by this Charter, by ordinance, or by the city manager.

Section 6.3. Personnel board - Generally

The council shall appoint a personnel board of nine members who shall designate one member as chairman. Members shall serve without compensation. This board shall be an independent agency deriving its power from the council. Members of the board shall be qualified voters of the city and shall have resided in the city for at least two 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. Official political party committeemen shall be ineligible to serve as members of the board.

Approved by vote of the people June 11, 1974.

Section 6.4. Same - Powers and duties

The board shall have power and shall be required to:

(1) Advise the council, the city manager, 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 appeals from disciplinary action.

(5) Perform such other duties with reference to personnel administration not inconsistent with this Charter, as the council may require by ordinance.

Section 6.5. 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 assistants, city clerk, secretary to the city manager, probationary employees, financial, research, legal, and other technical personnel employed on special occasions 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, except for temporary emergency appointments, shall be filled only in accordance with the merit system rules provided for in this article.*

Section 6.6. 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 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 positions 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 responsibility, 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 or rank for the purpose of filling vacancies.*

(4) *Temporary appointments to meet emergencies, in the absence of an eligible list.*

(5) *Cause of discharge from the city service.*

(6) *A credit of five points in favor of applicants for appointment to the classified service who can submit documentary proof of having served in the armed forces of the United States in time of*

war, or in any expedition of the armed forces of the United States, and who have been honorably discharged therefrom. This credit shall apply to entrance examinations of those applicants who have received passing grades.

Section 6.7. 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 applications for the classified service, and the offices or employments which they seek. All applications shall be upon forms approved by the personnel board.

Section 6.8. Retirement plans

The scope or extent of pension benefits for city employees shall not be reduced by action of the City for those vested or receiving payments under a pension system, or for those who are members of a pension system at the time the reduction is effective, unless the reduction has been submitted to and adopted by the voters of the city.

Section 6.9. Present employees continued in office

All persons (other than temporary or emergency employees) who, at the time this Charter is adopted by vote of the people, are holding positions hereby placed in the classified service shall, on the basis of qualification, meritorious service and necessity, continue to hold such positions as though appointed in accordance with the provisions hereof.

Section 6.10. Rights of employees

Any employee under the classified service who shall be discharged or reduced in rank or compensation shall be presented with written reasons for such discharge or reduction within five days thereafter. The employee shall have the privilege of a public hearing before the personnel board. The board shall submit its

recommendations to the city manager, who may at his discretion reinstate the employee or restore him to his former rank or compensation provided the decision of the city manager shall be supported by competent and substantial evidence which decision shall be reduced to writing stating the reasons therefor. In the event the city manager shall reverse or modify the recommendation of the board, the city manager shall file with the board in writing the reasons for such reversal or modification.

Approved by the vote of the people April 4, 1978.

Section 6.11. Prohibitions

No person in a classified service or seeking admission thereto, shall be appointed, promoted, reduced, removed, advanced, or retarded on any basis for any reason other than qualifications, merit, and fitness for the service or lack thereof. Any such actions shall be taken wholly without favoritism or discrimination and on no basis other than provided herein. No person shall willingly 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 other 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 public office. 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 appointive salaried officer or employee of the city shall make any monetary contribution to the campaign of any candidate for city office. No appointive salaried officer or employee of the city shall during the hours when he is on duty engage in any form of political activity calculated to favor or improve the chances of any political party or any person seeking or attempting to hold political office, nor shall he engage in any political activity when not on duty to such an extent that his efficiency during

working hours will be impaired or that he will be tardy or absent from his work. No appointive salaried officer or employee of the city shall directly or indirectly solicit or receive subscriptions or contributions of money for any candidate for city office, a campaign committee for any such candidate or on behalf of any person or committee when there is an election issue which involves an election to be held by the city or by the county clerk on behalf of the city. However, the prohibition against the receipt of contributions shall not apply to any such employee who holds an office in a political organization and receives money in the course of his duties in said office. No appointive salaried officer or employee of the city shall solicit any monetary contributions to the campaign funds of any candidate for office or to the campaign funds of any political organization when such funds are to be used to support candidates directly or indirectly. No appointive salaried officer or employee of the city shall use his official title or job designation in the form of any political activity calculated to favor or improve the chances of any political candidate or any person seeking or attempting to hold political office. Nothing in this section shall be construed to prevent the exercise of the rights of the appointive salaried officers or employees as citizens to express their opinions and to cast their votes.

Approved by vote of the people April 4, 1978.

Section 6.12. Violations

Any person who shall willfully or through culpable negligence 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, re-employed, reappointed, or be permitted to re-enter the service of the city.

ARTICLE VII. DEPARTMENT OF LAW

Section 7.1. 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 the city manager. He shall be a resident of the City of Springfield, Missouri, and a duly licensed attorney of the State of Missouri. He shall receive such compensation as may be fixed by ordinance.

Approved by vote of the people in April, 1972.

Section 7.2. Same - Powers and duties

The city attorney shall have the power and be required to:

(1) Conduct and carry on all civil suits, actions and proceedings on behalf of the city, represent the city in all legal matters in which the city is a party or interested, and unless otherwise provided by ordinance as herein authorized, represent the city in all cases before 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 interests.

(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) Direct and supervise the revision of the city's ordinances, as herein provided, within three years after the adoption of this

Charter, and thereafter shall maintain the system of continuous revision.

(6) See to the enforcement of all ordinances, franchises and public service commission rules and regulations relating to privately-owned utilities operating in the city and shall represent the city in the courts and before all public regulatory bodies in connection therewith.

(7) Perform such other legal duties as the council may by ordinance or resolution require.

Section 7.3. Assistants; Special counsel

The council shall provide by ordinance for such assistant city attorneys as it may deem necessary, who shall be appointed by the city attorney with the approval of the city manager. 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 city council shall further have the power to employ from time to time special legal counsel as it deems necessary.

ARTICLE VIII. DEPARTMENT OF PUBLIC WORKS

Section 8.1. Director - Appointment and qualifications

The city manager shall appoint the director of the department of public works, who shall be a graduate of an accredited school of engineering and shall be registered under the laws of Missouri and qualified to perform the duties required of him by this Charter and the ordinances of the city.

Section 8.2. Same - Powers and duties

The director of public works shall serve as city engineer and shall have charge of:

(1) The designing, construction, reconstruction, supervision, and repair of all municipal buildings, bridges, viaducts, waterways, sewers, drains, levees, airports, 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 of all parks, parkways, playgrounds, golf courses, recreational centers, 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; provided that, with respect to such functions, the duties of the department of public works and the public utility department shall be coordinated by the city manager.

(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 public works department 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.

(11) The drafting of a city building code and amendments thereto for adoption by the city council.

(12) Notwithstanding any of the other provisions of this section to the contrary, other than paragraph number six (6), the director of public works shall not have charge of any of the properties, institutions, or facilities in charge of and operated by any of the administrative boards established by this Charter nor responsibility for the performance of any duty or function imposed upon or entrusted to any such board, though nothing shall prevent the director of public works from performing any appropriate public works activities for any board under agreement with the board.

Approved by vote of the people April 6, 1971.

As the 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.

ARTICLE IX. DEPARTMENT OF PUBLIC HEALTH AND WELFARE

Section 9.1. Director - Appointment; qualifications

The director of the department of public health and welfare shall be appointed by the city manager. He shall be a physician

graduated from a medical school approved or accredited by the American Medical Association or a sanitary engineer or other person qualified by training and experience in public health work. The department shall have such divisions as may be established by ordinance.

Section 9.2. Same - 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, the provisions of this Charter, and all ordinances relating to public health and shall make rules and regulations, subject to the approval of the council, for preserving and promoting the public health.

(2) Direct and supervise the inspection of all articles or commodities offered for sale within the city for human consumption, including the storage thereof, and including the inspection of and *requirements for sanitary conditions, and cleanliness of places* (whether within or without the city) where the same are produced, handled, processed, stored, or offered for sale or consumption, and including the healthfulness, cleanliness and sanitation of all methods, practices, persons and things relating thereto.

(3) Exercise general supervision over the health and cleanliness of the city and take all necessary measures for the protection, preservation and promoting thereof, including the making of any health examinations required by statute or by ordinance and the conduct of programs of public health and including the power of quarantine and detention to prevent the spreading of contagious and infectious diseases.

(4) Have charge of all hospitals and other institutions now or hereafter owned or controlled by the city for the care and treatment of sick, injured, insane, orphaned or destitute persons and of the control and operation thereof, unless otherwise provided in this Charter.

(5) Administer all ordinances and programs of the city involving human and social relations, social services and public assistance.

(6) Cooperate with all other public and private agencies engaged in health or welfare activities including child welfare and hygiene, juvenile delinquency and mental hygiene to the end that a duplication of activities may be avoided as much as possible.

(7) Perform such other duties as may be required by this Charter or by ordinance.

ARTICLE X. PUBLIC IMPROVEMENTS

Section 10.1. Power to make public improvements

The city may establish and improve public highways of every character and part thereof by doing any of the following:

(1) Grading, regrading, paving, repaving, macadamizing, surfacing, resurfacing, constructing, reconstructing, oiling, sprinkling, curbing, guttering, or repairing the same.

(2) Construction or repairing sidewalks thereon.

(3) Planting, removing, and caring for trees, grass and shrubbery on or along the same, or by sodding the same.

(4) Constructing and maintaining bridges, viaducts, subways, culverts, drains, and sewers on or along any highway or right of way therefor.

The city may do the following:

(1) Acquire, construct, repair, and maintain sanitary or storm sewers, drains and all appurtenances thereto.

(2) Improve watercourses and the banks thereof and divert and change the channels of the same.

(3) Acquire, construct, repair, and maintain all other public improvements, which said public improvements may be paid for in whole or in part out of the general funds, or out of the public improvement fund herein authorized, or out of the proceeds of bonds, or in whole or in part out of special assessments on benefit property, or by special tax bills evidencing such assessments. The council shall have the power to establish special benefit districts for the purpose of making such improvements. When not otherwise limited by law, the powers enumerated herein may be exercised by the city, within or outside of the city limits, for the benefit of the city and its inhabitants.

Approved by vote of the people November 8, 1955.

Section 10.2. Property subject to special assessment

All property located within any benefit district established by the council, whether publicly or privately owned, shall be liable for special assessment made or special tax bill issued against such property, which said special assessment or special tax bill constitutes a lien against said property.

Approved by vote of the people November 8, 1955.

Section 10.3. Method of payment

Ordinances and contracts for public improvements shall specify the manner in which payment is to be made. Payment may be in whole or in part in cash from the general funds of the city; in cash from the public improvement fund as hereinafter provided; in cash from the proceeds of general obligation bonds, public improvement bonds, special assessment bonds, or temporary improvement notes; in special tax bills to be delivered to the contractor performing the work; or in whole or in part from any other source. In case payment is to be made to the contractor in whole or in part in special tax bills or other evidence of special assessments, the city in no event shall be liable for payment of that portion in cash. The city shall have the right to purchase or sell any special tax bills issued by it.

Approved by vote of the people November 8, 1955.

Section 10.4. Letting of contracts

All public improvements constructed or made at the expense of the city costing more than five hundred dollars, and all work to be done for which payment is to be obtained by special tax bills or special assessments, shall be let by contract to the lowest responsible bidder in conformity with Section 5.4 of this Charter; but the council may provide that any work may be done by the city's own departments and employees when no satisfactory bid is

received or when it is deemed advisable by the city manager. Provided, however, nothing herein or otherwise in this Charter shall prohibit the city from directly contributing to or reimbursing a part of the cost of public improvements constructed under subdivision regulations of the city provided that reimbursement or contribution is made in accordance with a schedule expressly providing therefor previously adopted by general law of the city for all cases.

Section 10.5. Proceedings relative to improvements

The council shall by general ordinance provide the procedure for initiating improvements, letting of contracts therefor, the method of levying assessments to pay for the same and the issuance and enforcement of special tax bills to pay for the same for any public improvements which are to be paid for in whole or in part by special tax bills upon real property, or by use of the public improvement fund, as in this Charter provided, reimbursed by the collection of said tax bills, which said tax bills shall be a lien against the property subject to such special assessment.

Approved by vote of the people November 8, 1955.

Section 10.6. Notice of public improvement and remonstrances

Such general ordinance shall provide that notice of the necessity of any such improvement as determined by the council and of the proposed method of payment and reference to any plans and specifications and an estimate of cost thereof shall be published in some daily newspaper printed in the city for five consecutive issues, and at the same time the city shall cause not less than three copies of the issue to be posted in conspicuous places within the limits of the proposed improvements.

If a majority of the resident owners of the property liable to taxation therefor, at the date of the initiation of such improvement, who shall also own a majority of the front feet owned by the residents of the city abutting on the highway or sidewalk or parts thereof proposed to be improved, do not within ten (10) days after the completion of

said publication, file with the City Clerk their protest against such improvements, the Council may proceed in accordance with the terms of the ordinances herein provided with such improvements; provided, however, if the Director of the Department of Public Health and Welfare files with the City Clerk a written recommendation that sanitary sewers are necessary for sanitary, health or environmental reasons, there shall be no legally recognizable right to protest the sewers and the city shall have the right to proceed as if no protest was filed.

Approved by vote of the people April 3, 2001

Section 10.7. Finding of council to be conclusive

When the Council shall by ordinance find and declare that a majority of the resident owners of the property liable to taxation therefor, who shall also own a majority of the front feet owned by residents of the City abutting on the improvements or part thereof proposed to be made, have not filed with the city clerk a valid protest against such improvement, such finding and declaration shall be conclusive, after the execution of the contract for said improvement, and thereafter no special tax bill or special assessment shall be held invalid for the reason that a protest sufficiently signed was filed with the city clerk. All county or other public property and all cemeteries and tax exempt properties and railroad rights of way shall, for the proportionate frontage, be subject to the liens of the special tax bills authorized by this Charter.

Approved by vote of the people November 8, 1955.

Section 10.8. Intervening street connections

Whenever the council determines it to be necessary and proposes to pave, macadamize, curb, gutter, grade, or construct sidewalks thereon or otherwise improve the roadway or street or avenue for a distance of not more than twelve hundred feet in length, so as to connect at both ends with paving, macadamizing, guttering, curbing, grading, or other improvements, either on the same street or avenue or on other streets or avenues or on the

same street or avenue and another street or avenue, the council shall cause the same proceedings to be followed as in other improvements.

In the event a remonstrance is filed against such proposed improvement which would be valid and a good and sufficient remonstrance in the case of all other improvements, the council may set the matter down for public hearing and hold such hearing and at the conclusion thereof the council may, by a vote of two-thirds of its total membership or by the unanimous vote of all the members present, whichever is the least, overrule such remonstrance. Thereafter, the like proceedings shall be followed as if no remonstrance had been filed.

Approved by vote of the people November 8, 1955.

Section 10.9. Sidewalk repair

Whenever it shall become necessary to reconstruct or repair any sidewalk which has been theretofore constructed and which is not a part of a street paving project, the council may by general ordinance provide for the repair or reconstruction of said sidewalk and the cost thereof shall be paid by the owner of the abutting property in the same manner and the cost of said repair or reconstruction shall be a lien upon the land abutting upon said sidewalk and the council shall by general ordinance provide for the method of payment therefor and the release of such lien.

Approved by vote of the people November 8, 1955.

Section 10.9.5. Assessment of water main extensions

The city shall have the power to extend water mains for the purpose of providing water service to properties and to pay all or part of the cost of the extension thereof by special assessments issued against benefited properties. The city shall by the enactment of a general ordinance establish such procedures as it deems necessary to provide for extensions of water mains by special assessment, which procedures shall include the following:

(1) Any such extension to be paid for in whole or in part by special assessment shall be initiated by a petition signed by at least one owner of property benefited by the proposed extension, which petition shall be filed with the city clerk and a copy thereof shall be filed with the Board of Public Utilities.

(2) The petition, together with a report to the Board of Public Utilities, or such officer or officers of the public utilities as the board shall designate, on the feasibility of the proposed extension and payment of all or part of the cost of the extension thereof by special assessment shall be submitted to the city council.

(3) Provisions establishing the method of levying assessments to pay for the water mains may provide that assessments may be on the basis of the extent benefited properties abut upon the water main; upon the square footage of properties served by said mains; or upon any other method of benefit assessment determined by the city council to fairly reflect benefits received. Such provisions may establish a uniform method of assessment for benefits or may provide for the determination of assessment methods upon a project by project basis.

Approved by vote of the people April 4, 1978.

Section 10.10. Sewers

There shall be four classes of sewers, either sanitary or storm: public, district, joint district, and private, as hereinafter defined, without regard to the area drained, the size, character, or purpose thereof.

Public sewers are those which have been or may be constructed or acquired and paid for wholly out of any public funds available for that purpose.

District sewers are those which have been or may be constructed or acquired, under authority of ordinance, within the limits of an established sewer district, and paid for in whole or in part by special tax bills or special assessments upon the property in the district.

Joint district sewers are those which have been or may be constructed or acquired under the authority of ordinances uniting one or more districts and unorganized territory, or uniting districts or unorganized territory, into a joint sewer district, for the purpose of providing mains, outlets, or intercepting sewers, for the benefit of such joint sewer district, and paid for in whole or in part by special tax bills or special assessments upon the property in such joint sewer district.

Private sewers are those paid for by private parties concerning the same.

All public, district, and joint district sewers shall be constructed along streets, alleys, and other public ways wherever practicable; and no such sewer shall be built or acquired by the city except it be on a public way or right of way owned by the city. Such sewers may be connected with any other sewer of any class or with a natural course of drainage

Approved by vote of the people November 8, 1955.

Section 10.11. Acquiring private sewers

The city may by ordinance recommended by the city manager acquire any private sewer by gift, condemnation, or purchase and provide for reimbursement thereof in cash or by special tax bills or special assessment, in the manner hereinbefore provided, to be levied against the property in the district or joint district for which such private sewer is acquired. Approved by vote by the people on November 8, 1955.

Section 10.12. Method of levying assessments

Whenever all or any part of the cost of establishing or improving public highways, except curbing, guttering and sidewalks, is to be paid for by special assessments or special tax bills, the entire amount of such assessment shall be levied ratably on all lots and tracts of land fronting, or abutting on, the improvement along the distance improved in proportion to the front feet thereof, and the

cost of so improving the areas formed by intersecting streets and highways, or other spaces fronting on other streets and highways shall be included as a part of the cost of the work done on the street or part thereof the improvement of which is provided for.

Whenever all or any part of the cost of curbing, guttering, and sidewalks is to be paid for by special assessments or special tax bills, the entire amount of such assessment shall be levied ratably on all lots or tracts of land fronting, or abutting on, the improvement, in proportion to the front feet thereof, but the corner lots shall be liable for the cost of the extension of curbs, gutters, and sidewalks and the grading of the sidewalk portion of the street, to the curb line each way.

Whenever all or any part of the cost of construction, reconstruction, or acquiring district or joint districts sewers is to be paid for by special assessments or special tax bills, the entire amount of such assessment shall be levied ratably against the lots and pieces of ground exclusive of streets and alleys in the district in proportion to the square feet of area therein.

Ordinances creating joint sewer districts may provide for the construction of the sewer or sewers therein in one or more sections and for the levy and assessment of the cost of any section upon the completion thereof, as a special tax in the manner provided by ordinance. If any district or joint district sewer shall drain territory lying outside the city and not included in the district or joint district, the council shall determine and the city shall pay that part of the cost of the sewer as would have been assessed ratably against such territory if it were included in the district or joint district, and the council's determination of the amount of costs and the area affected thereby shall be conclusive.

Approved by vote of the people November 8, 1955.

Section 10.13. Levy of assessment

When any public work or improvement to be paid for in whole or in part by special tax bills or special assessment is completed, the

city manager shall cause to be computed the entire cost and expense thereof, including any cost or expense incurred by the City, and the council shall levy and assess such cost and expense or the part to be paid by special tax bills or special assessments in accordance with the requirements of this Article.

Section 10.14. Erroneous or invalid assessments

The Council shall have power to cause to be issued new special tax bills in lieu of others erroneously issued, to be delivered upon surrender and cancellation of the old tax bills. New tax bills issued in lieu of others erroneously issued shall be only for the principal sum for which the old tax bills should have been issued, and such new tax bills shall bear interest as of their own date, and the lien of such new tax bills shall expire at the time when the lien of the old tax bill would have expired. The council shall have power to issue new special tax bills in lieu of others that have been lost or destroyed, when satisfied as to the fact of the loss or destruction of same. Such new tax bills shall be, as far as practicable, duplicates of those lost or destroyed.

If any such special tax bill or special assessment shall fail to be valid in whole or in part, or for any cause, mistake, or inadvertence the amount assessed shall not be sufficient to pay the cost of such improvements, the council shall be and is hereby authorized to cause such assessment to be reassessed and to enforce or authorize the enforcement of its collection.

Approved by vote of the people November 8, 1955.

Section 10.15. Passage of ordinances

Every ordinance introduced in connection with improvement projects for which special tax bills are to be issued, including amendatory or corrective ordinances, may be passed at the meeting of the council at which introduced or later, at the pleasure of the council. The ordinance shall not be subject to the referendum and, unless otherwise provided therein, shall go into force and effect from and after passage. All special tax bills issued

in connection with such improvements shall be dated with the date of passage of the ordinance authorizing the same, and shall draw interest from such date.

Approved by vote of the people November 8, 1955.

Section 10.16. Additional provisions

Upon recommendation of the city manager, the council may, from time to time, by general ordinance, make further provisions, not inconsistent herewith, for special assessments, the issuance of special tax bills, the collection thereof, and all matters incidental thereto.

Approved by vote of the people November 8, 1955.

Section 10.17. Public improvement fund

There is hereby created a fund to be known as the "Public Improvement Fund." Said fund may be established and maintained from any or all of the following sources:

- (1) Appropriations from the general funds.
- (2) The proceeds from bond issues as provided in this Charter.
- (3) Collections of special assessments or special tax bills, and interest thereon, levied or issued for public work or condemnation of land theretofore paid for out of said public improvement fund.
- (4) The proceeds from the sale of special tax bills.
- (5) Any other source permitted by law or provided by ordinance.

Whenever the council shall authorize the cost of any public improvement or the purchase of any tax bills issued for any public improvement to be paid out of the public improvement fund, any special assessment, and interest thereon, that may be levied and collected on account of such improvements, or the proceeds from

the collection of any such tax bills and interest thereon shall be credited to and paid into said funds.

Approved by vote of the people November 8, 1955.

Section 10.18. Special assessment bonds and temporary notes

The council may pay for any public improvement, or any part thereof, in cash from the public improvement fund; and when it deems it necessary or desirable, it may provide for the levy of assessments and the issuance of special tax bills against specific property chargeable therefor, the tax bills and the proceeds thereof to be held by and for the benefit of said fund, and for the issuance of temporary improvement notes and special assessment bonds against the sole security of said special tax bills, without in any manner imposing liability on the general funds of the city, in the following manner:

(1) Whenever the council shall deem it necessary or desirable to issue special assessment bonds to obtain revenue for the payment of the cost of any improvement or series of improvements, the cost of which is chargeable against specific property, provision shall be made for payment of special tax bills to be issued therefor in installments, which may, at the council's discretion, be payable at the same time, and in the same manner, as general city taxes are payable on said property. Thereupon, the director of finance shall certify annually a full list of the properties liable for the cost of such improvements, except such property upon which the special tax bills or assessments have been paid in full, together with the respective amounts due on each of said lots or pieces of ground, including the annual installments and interest on all unpaid balances for one year at the rate at which the special tax bills were issued, and such amount is certified shall be collected as other taxes are collected. The ordinance levying the special tax for the improvement may provide for the collection of two installments with interest not to exceed two years, or one installment and interest for one year, or more, in the first year in which assessment is to be collected, if the bond for such improvement or improvements and

interest on the same mature in such manner as to require such levy.

(2) Where special assessment bonds are to be issued by the city, payable from special assessments against specific property, the owner of any lot or piece of land liable to any special assessment may redeem his property from such liability by paying the entire amount chargeable against his property at any time before the issuance of the bonds, or after the issuance of the bonds, by paying all of the installments and interest of the assessments which have been levied, and also the amount of the unlevied installments with interest on the latter at the rate of interest provided in said bonds from the date of the bonds to the time of maturity of the last installment. In all cases where installments of special assessments not yet levied are paid, as above provided, whether before or after the issuance of the bonds, the director of finance shall receipt therefor, and all sums so paid shall be applied solely to the payment of such improvements or the redemption of the bonds or notes issued therefor. Where any piece of property has been redeemed from liability for the cost of any improvement as herein provided, such property shall not thereafter be liable to further special assessment for the cost of such improvement.

(3) Where special assessment bonds are to be issued by the city as above provided, the council may issue temporary notes, bearing interest at a rate not exceeding six per cent per annum, maturing not later than the due date of the first installment of such bonds, and in no event not later than two years from the date of said notes, not exceeding in the aggregate the amount of bonds which are to be issued and are then unissued, as shown by estimates on file in the office of the director of public works. Temporary notes may be issued for any or all of the improvements to be covered by such bonds, and may be issued from time to time, as required during the progress of work on the improvement or improvements to be included under such bonds. They shall be negotiable, but shall be issued against the sole security of the special tax bills or special assessment issued or to be issued in connection with the improvements, or any other special tax bills owned by the city which the council may desire to subject to the

security thereof, and shall not constitute general obligations of the city. The temporary notes may be sold in the manner provided for the sale of bonds, or may be sold at private sale at not less than par and accrued interest. The notes shall be in the form usual for such bonds, except that coupons evidencing the interest need not be attached, shall be executed as are such bonds, and shall be redeemed and canceled before or at the time permanent bonds are issued in lieu thereof, so that the amount of temporary notes and bonds issued and outstanding shall not at any time exceed the estimated cost and expense of the improvement or improvements covered thereby.

(4) Where special assessment bonds are to be issued by the city as above provided, proceedings for construction of the work and issuance of special tax bills or special assessments shall be as required generally by this Charter, except that the resolutions declaring necessary the various improvements to be included therein shall recite the fact that payment from the public improvement fund shall be made in cash, to be obtained in whole or in part from the proceeds of sale of temporary notes or special assessment bonds; the estimate of cost of each improvement shall be made under oath by the director of public works or some other competent person designated by the city manager, and the estimate shall be submitted to the council for its approval. Performance of the work called for by the various improvement projects may be done only by contract, and before any work or improvements shall be commenced the money to pay for the same must be set aside in the public improvement fund or provision shall be made for the issuance of temporary improvement notes preliminary to issuance special assessment bonds to pay for such improvement. The bonds shall be issued to mature in not more than ten installments of approximately equal amounts each year, the first installment to mature in not more than two years after the date of issuance and the last installment to mature in not more than eleven years after date of issuance. In lieu of issuance of single installment bonds, the series issued may be divided into ten substantially equal groups, each group maturing each year on substantially the same schedule as though an individual bond was payable in installments. No series of bonds shall be issued in

payment for any public improvement or improvements in excess of the actual cost and expense of all the improvements included therein, but the installment coupons shall include the interest on such installment to the maturity thereof. Bonds issued by the city shall be signed by the mayor and attested by the city clerk under the seal of the city. Interest or installment coupons shall be so signed, but may be signed with a facsimile of the signature of any such officer. The bonds shall be validated by the proper court as authorized by law and shall be sold or offered for sale in the same manner as other bonds of the city are sold. None of the said bonds shall constitute general obligations of the city, but shall be issued against the sole security of the special tax bills or special assessments issued or to be issued in connection with the various improvements covered thereby, or of any other special tax bills owned by the city which the council may desire to subject to the security thereof. Provision may be made by the council for calling or retiring any bond on installment thereof prior to maturity. The bonds shall recite the authority under which they are issued, and that they are issued in conformity with the provisions, restrictions and limitations thereof, and they, with the interest thereon, are to be paid by the city in accordance with this Charter. Such recitals, when the bonds have been duly validated as herein provided, shall impart absolute verity and shall be conclusive in favor of all persons purchasing said bonds, that all proceedings and conditions precedent have been had and performed to authorize the issuance of such bonds.

(5) The provisions of Section 5.21 of this Charter shall not be applicable to temporary improvement notes or special assessment bonds issued under this Article.

Approved by vote of the people November 8, 1955.

Section 10.19. Completion of existing public improvements

Public improvements for which proceedings have been initiated under prior Charter provisions may be carried to completion as

nearly as practicable in accordance with the provisions existing at the time of commencement of the proceedings.

Approved by vote of the people November 8, 1955.

ARTICLE XI. PLANNING AND ZONING

Section 11.1. Planning and zoning commission - Organization

There shall be a city planning and zoning commission which shall consist of nine members, who shall be appointed by the council, none of whom shall hold any other public office or position in the city.

The city manager and mayor shall serve as ex-officio members of the commission. The commission shall elect its chairman from among the appointive members.

Section 11.2. Planning and zoning commission - Powers and duties

The city planning and zoning commission shall have the power and shall be required to:

(1) Prepare and recommend to the city council a master plan, and amendments thereto, for the physical development of the City, as defined in this Article.

(2) Prepare and recommend regulations pertaining to subdivision and development of land to the city council.

(3) Review and approve subdivisions and development of land in accordance with the authority and procedures established by the city council.

(4) Prepare for the city council an official map of the City and make recommendations with respect to proposed changes in such map.

(5) Review and make recommendations with respect to proposed changes in the zoning ordinance and zoning map.

(6) Hold public hearings on requests for rezoning, amendments to the zoning ordinance, amendments to the comprehensive plan, and such other planning and zoning matters as may be required by law or the provisions of this Charter. Rules with respect to the conduct of public hearings shall be adopted by the commission.

(7) Review and recommend proposed capital improvements which in the opinion of the commission are necessary or desirable to be constructed.

(8) Promote public interest in and understanding of the comprehensive plan and of zoning and planning.

(9) Perform such other investigations and studies as may be referred to it by the city council or the city manager and make recommendations thereto.

(10) Meet not less than once each month and keep a public record of its resolutions, findings and determinations.

The planning and zoning commission shall have the power to:

(1) Secure information and assistance from the director of planning and the department of planning in relation to its work.

(2) Request additional assistance from the city manager, who may at his discretion assign members of the staff of any administrative department or direct any such department to make special studies requested by the commission.

(3) Recommend appropriations to the city council in order to carry out the duties of the commission as set forth in this Article.

(4) Prepare and recommend plans for the replanning, improvement and redevelopment of neighborhoods.

(5) Prepare and recommend plans for the replanning, reconstruction or redevelopment of any area or district which may

be destroyed in whole or in part or seriously damaged by fire, earthquake, flood or other disaster.

(6) In the performance of its functions, enter upon any land at reasonable times, after giving reasonable notice to the owner or occupant thereof, and make, or cause to be made, examinations and surveys of such land.

(7) Make reports and recommendations relating to the master plan to public officials and agencies, public and private utility companies, civic, educational, professional and other organizations and citizens.

(8) Exercise authority pertaining to planning and zoning as set forth in Sections 89.300 through 89.480 RSMo. or as amended when authorized by city council or this Charter.

(9) Require all public officials, upon request, to furnish to the commission within a reasonable time all available information it requires for its work.

Approved by vote of the people April 1, 1980.

Section 11.3. Director of planning

There shall be a Department of Planning, the director of which shall be known as the Director of Planning. He shall be appointed by the city manager. He shall have such educational and experience qualifications as will enable him to understand and deal with the broad range of urban development issues and processes in the City and to organize and administer the work of a professional planning staff.

Powers and Duties:

The Director of Planning shall have the following powers and duties:

(1) Make recommendations with respect to city planning, zoning, land use and development to the planning and zoning commission, the mayor and council, the city manager and other departments and agencies of the City.

(2) Direct and supervise a planning staff in the Department of Planning.

(3) Provide technical and expert assistance to the planning and zoning commission and the board of adjustment.

(4) Solicit recommendations and secure data from other City departments and agencies relative to urban development issues and problems.

(5) Direct the preparation and updating of a comprehensive or master plan for the orderly development and redevelopment of the City.

(6) Discuss with, and explain to the public, principles, policies and procedures of urban development and redevelopment and provide the city council and the planning and zoning commission, from time to time, with reports on new or current planning ideas and practices and land use control techniques.

(7) Keep the records of the planning and zoning commission and the board of zoning adjustment.

(8) In the performance of his functions, the director, or his representative, may enter upon any land at reasonable times and after giving reasonable notice to make examinations or surveys.

(9) Perform such other duties as may be assigned by the city manager.

(10) Perform those functions delegated to the director by ordinance.

(11) Maintain liaison and cooperate with local, state, and federal government concerning development of the City.

Approved by vote of the people April 1, 1980.

Section 11.4. Board of adjustment

There shall be a board of adjustment, the appointment of which shall be provided for by the council as required by state law, which board shall have such powers and duties as are provided by law or ordinance. Members of the planning and zoning commission shall be disqualified from serving as members of the board of adjustment.

Section 11.5 Master plan; generally

The master plan with the accompanying maps, plats, charts, descriptive and explanatory matter, shall generally guide the physical development or redevelopment of the City and may include, among other things, goals, objectives, policies, standards and recommendations for the following:

- (a) The general location, character, and extent of streets, bridges, parks, waterways, and other public ways, grounds and spaces;
- (b) The general location of public buildings and other public property;
- (c) The general location and extent of public utilities, whether publicly or privately owned;
- (d) The removal, relocation, widening, extension, narrowing, vacation, abandonment, or change of use in such existing or future public ways, grounds, spaces, buildings, property or utilities;
- (e) The general location, character, and extent of residential, commercial, industrial, and other uses of land.

The enumeration of the above is not intended in any way to limit the commission and the city council from adopting other elements to the Master Plan.

Approved by vote of the people April 1, 1980.

Section 11.6. Adoption of master plan

The commission may adopt the master plan as a whole by a single resolution, or may by successive resolutions adopt successive parts of the plan, said parts corresponding to major geographical sections of the city or to functional divisions of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto. The adoption of the plan, or any such part, amendment, extension or addition shall be by resolution carried by the affirmative vote of not less than a majority of the commission, but before the adoption of the plan or any such part or any modification, extension or addition, the commission shall hold at least one public hearing on the proposed action. An attested copy of the plan or part thereof shall be certified to the council. Neither the master plan, nor any element of the plan, shall have the legal effect set out in Section 11.7 of this chapter unless the plan, or the element of the plan in question, shall have been approved by the city council.

Approved by vote of the people April 1, 1980.

Section 11.7. Legal status of master plan

(1) Master plan to provide general guidelines

The master plan shall be prepared and maintained as a general guide for the orderly and efficient development and redevelopment of the City of Springfield. The master plan shall be kept current through review not less than every five years. When required by this Charter or otherwise deemed necessary, such review shall include proposed revisions or alterations in the master plan and public hearings thereon.

(2) Regulations to generally conform to master plan

All rezoning of land, subdivision plats, development proposals, and the zoning ordinance, subdivision ordinance and the zoning map should generally conform with the guidelines set forth in the master plan and should be reviewed for consistency with the master plan; provided, however, inconsistencies with the master plan shall not constitute cause to invalidate any such matter. The master plan shall not have the effect of a regulatory ordinance.

(3) Master plan to guide public improvements

The master plan shall provide guidelines for the location of public streets, parks and other public ways, grounds and spaces, public buildings and structures, facilities of public or private utilities, and the acquisition of real property by the city for public use. To that end the planning and zoning commission shall review the following:

- (a) All proposals to construct or extend public streets.
- (b) All proposals to improve land as a park.
- (c) All proposals to lay out or improve other public ways, grounds or spaces.
- (d) All proposals to construct public buildings and structures.
- (e) All proposals to lay out and construct facilities of public utilities, whether publicly or privately owned.
- (f) All proposals to acquire real property for public purposes.

In reviewing and approving all such proposals, the function of the planning and zoning commission shall be to determine whether they are generally consistent with the master plan of the city. No such proposals shall be constructed or authorized until the location,

extent and character thereof has been submitted and approved by the planning and zoning commission.

In case of disapproval, the commission shall communicate its reasons to the city council, and the city council, by vote of not less than two-thirds of its entire membership, may overrule the disapproval and, upon the overruling, the city council or the appropriate board or officer may proceed, except that if the proposal is by an agency other than an agency of the city and the authorization or financing does not fall within the province of the city council, then the submission to the planning commission shall be by the agency having jurisdiction, and the planning commission's disapproval may be overruled by that agency by a vote of not less than two-thirds of its entire membership. The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land, sale or lease of any street or other public facility is subject to similar submission and approval, and the failure to approve may be similarly overruled.

In the event the commission shall fail to act within thirty days after the date of official submission of a proposal (which date shall be the date that the matter is placed upon the agenda of the commission) to the commission, then the proposal shall be deemed to have been approved by the commission, unless a longer period for review by the commission shall have been authorized by the council or by the public officials submitting the proposal. In any case in which the commission finds that it is not reasonably able to complete its review of a proposal within thirty days, it may extend the time for such review for not more than thirty days.

Approved by vote of the people April 1, 1980.

Section 11.8. Regulations governing subdivisions and development of land

In exercising the powers granted to it by this Article, the planning and zoning commission shall prepare and make recommendations to the city council with respect to regulations governing the

subdivision and development of land within its jurisdiction. Such regulations may provide for the harmonious development of the city and its environs, for the coordination of streets and other ways within the subdivided land with other existing or planned streets and ways or for conformity to the master plan or official map, for adequate recreation, light and air, and for the avoidance of congestion of population. Such regulations may include requirements as to the extent to which and the manner in which streets and other ways shall be graded and improved and water, sewer, and other utility mains, piping, connections or other facilities shall be installed as a condition precedent to the approval of the subdivision or the development of land.

Approved by vote of the people April 1, 1980.

Section 11.9. Tentative approval of plats

The regulations or practice of the commission may provide for a tentative approval of the plat previous to such improvements and installation, but any such tentative approval shall not be entered on the plat. In lieu of the completion of such work previous to the final approval of a plat, the commission may accept a bond, in an amount and with surety satisfactory to the city manager, providing and securing to the city the actual construction and installation of such improvements and utilities within a period specified by the city manager and expressed in the bond.

Section 11.10. Lines of mapped streets

After the city council shall have adopted a major thoroughfare plan of the territory of the City or of any section thereof, the planning and zoning commission shall have the power to make or cause to be made, from time to time, surveys for the exact location of the lines of new, extended, or widened streets in any portion of such planned territory, and to make and certify to the council plats of the areas thus surveyed, on which are indicated the location of the lines recommended by the commission as the planned or mapped lines of future streets, street extensions, or street widenings, together with the commission's estimate of the time

period within which the land shown on the plat or street locations should be acquired for street purposes. The council may by ordinance adopt any such plat, in accordance with the procedure prescribed in Section 2.12 of this Charter; provided, that notice of the time and place when and where it will be considered for final passage shall be sent by mail to the record owners of land on or abutting which the future street lines designated on the plat are located. Any modification of such plat shall before passage be submitted to the planning and zoning commission and either approved by it or, if disapproved, be approved by a favorable vote of the council. The adoption of a plat shall not, in and of itself, constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for street purposes.

Approved by vote of the people April 1, 1980.

Section 11.11. Official map

The council may by ordinance establish an official map of the City, on which shall be shown and indicated:

(1) All public streets existing and established by law at the time of the establishment of the official map.

(2) All planned streets or street lines as located on plats adopted by council in accordance with the provisions of Section 11.11 of this Charter at the time of the establishment of the map.

(3) All streets or street lines as located on final or recorded plats of subdivisions approved by the planning and zoning commission at the time of the establishment of the map. The placing of any street or street lines upon the official map shall not, in and of itself, constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for street purposes. The council may in the same manner place upon the official map the location of existing or planned parks or other public open spaces.

Section 11.12. Modification of official map

Thereafter, all street locations on final or recorded plats of subdivisions approved in accordance with the provisions of this Charter or plats adopted by council under the provisions of Section 11.11 shall be deemed additions to or modifications of the official map and shall be placed thereon. The council may by ordinance make, from time to time, other additions to or modifications of the official map by placing thereon the location of proposed streets, street extensions, widenings, narrowings or vacations, in accordance with the procedure prescribed in Section 2.12 of the Charter; provided, that notice of the time and place, when and where such additions or modifications will be considered for final passage, shall be given as provided by ordinance to the record owners of the lands on or abutting mapped streets, street lines or street vacations. Any such proposed additions to or modifications of the official map shall be referred to the planning and zoning commission for its approval; but if the planning and zoning commission disapproves or fails to act within thirty days, the council, by a majority vote of its members, may overrule such disapproval or adopt such amendments.

Approved by vote of the people April 1, 1980.

Section 11.13. Buildings in mapped streets

The council may provide by general ordinance that no permit shall be issued for any buildings or structures or any part thereof on any land located between the mapped lines of a street as shown on the official map. Any such ordinance shall provide that the board of adjustment or, if the council so provides, a special board of appeals created for the purpose by the council, shall have the power, upon an appeal filed with it by the owner of such land, to grant a permit for a building or structure or part thereof in any such mapped street location in any case in which such board finds, upon the evidence and arguments presented to it upon such appeal, (a) that the entire property of the appellant, of which such mapped street location forms a part, cannot yield a reasonable return to the owner unless such permit be granted and (b) that, balancing the interest of the

municipality in preserving the integrity of the official map and the interest of the owner of the property in the use and benefits of his property, the grant of such permit is required by considerations of reasonable justice and equity.

Section 11.14. Hearings on building in mapped streets

Before taking any action, the board of adjustment or special board of appeals shall hold a hearing at which the parties in interest shall have an opportunity to be heard. At least ten days' notice of the time and place of such hearing shall be given to the appellant by mail at the address specified by the appellant in his appeal petition. In the event that the board of adjustment grants a building permit in any such appeal, it shall have the power to specify the exact location, extent, ground, area, height, duration and other details and conditions to govern the building, structure or part thereof for which the permit is granted.

Section 11.15. Legal effect of official map

After the establishment of the official map, the council may provide by ordinance that no public water or sewer connection or other public utility or improvement shall be constructed in or any water, drainage, light or other public service rendered to or along any street, until and unless such street shall have been duly placed on the official map in accordance with the authority and procedure set forth in Sections 11.12 and 11.13 of this Charter. The council may also provide by general ordinance that no permit for the erection of any building shall be issued unless a street giving access to such proposed structure is shown on the official map; provided, however, that such ordinance shall contain provision whereby the applicant for such a building permit may appeal to the board of adjustment or to the special board of appeals referred to in Section 11.14 of this Charter, the hearing upon which appeal and notice of which hearing shall be held and given as provided in Section 11.15 and such board may be granted the authority to issue a permit, subject to such conditions as the board may impose, where the circumstances of the case do not require the proposed building to be related to existing mapped or planned streets and

where the permit would not tend to dislocate or increase the difficulty of carrying out the official map or master plan. The word "street" or "streets" in this Article shall be deemed to include streets, boulevards, avenues, alleys, lanes and other ways.

Section 11.16. Zoning

The city planning and zoning commission shall exercise the authority vested in a zoning commission by the State Zoning Enabling Acts. It shall prepare and recommend to the council a comprehensive zoning ordinance, or propose amendments or revisions thereof, with such provisions as the commission shall deem necessary or desirable for the promotion of the health, safety, morals, and general welfare of the inhabitants of the city. Such provisions may include regulations as to the location, width, height, and bulk of buildings and other structures; the size of the yards, courts, and other open spaces surrounding buildings and structures; the use of buildings and structures and land. The commission shall hear applications for amendments, modifications or revisions of the zoning ordinance and shall forward such applications to the council with its recommendations thereon. The recommendations of the commission shall not be binding on the council, which may approve or disapprove the commission's findings; however, no general city plan, or zoning ordinance, or any modification, amendment or revisions thereof, shall be considered by the council unless the same shall have been first submitted to the commission for its examination and recommendation.

Section 11.17. Powers of council in replanning and redevelopment of neighborhoods and disaster areas

The council shall have power to adopt, modify and carry out plans proposed by the planning and zoning commission for the replanning, improvement and redevelopment of neighborhoods and for the replanning, reconstruction, or redevelopment of any area or district which may have been destroyed in whole or in part by disaster.

[Notwithstanding any other law to the contrary, whenever a valid protest petition is filed in opposition to the rezoning of land, the zoning change shall not become effective except by the favorable vote of three-fourths of all the members of the city council. In order for a protest petition to be valid against the change, it shall be duly signed and acknowledged by the owners of ten percent or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed change, or within an area determined by lines drawn parallel to and one hundred and eighty-five feet distant from the boundaries of the land proposed to be changed.] In the event it is determined that this provision is invalid, then the city council shall have the authority to determine the percentage for a protest petition and to require more than a simple majority of the full council to rezone property when a valid protest petition is filed in opposition to the rezoning.

Approved by vote of the people April 4, 1989.

Editor's Note: The bracketed portion in the above paragraph was held in *City of Springfield v. Goff*, 918 S.W.2d 786 (Mo. banc 1996) to be in conflict with a State statute and, therefore, invalid.

Section 11.18. Procedure for adoption of plans by council

Upon receipt by the council of any plan for neighborhood replanning and redevelopment or disaster planning, the council may adopt such plan, in accordance with the procedure prescribed in Section 2.12 of this Charter, provided, that notice of the time and place, when and where the plan will be considered for final passage shall be given as provided by ordinance to the record owners of the lands and buildings included within such planned district. Any modification of such plan shall before passage be submitted to the planning and zoning commission, but if disapproved, the council may overrule such disapproval by a majority vote of its members.

Approved by vote of the people April 4, 1978.

ARTICLE XII. THE MUNICIPAL COURT

Section 12.1. Jurisdiction and powers

There shall be a municipal court which shall have jurisdiction to hear and determine all cases involving violations of the provisions of this Charter or of the ordinances of the city, subject to appeal by either party to the circuit court in like manner as provided by law for appeals from magistrate court in Greene County in criminal cases. Such court may punish contempts of court in like manner and to the same extent as is authorized by law for courts of record; may enforce its process, orders and judgments in the same manner as a court of record; may issue search warrants as authorized by law upon application of the city attorney, assistant city attorneys or chief of police; may summon and compel the attendance of witnesses; may administer oaths; may summon and compel the attendance of jurors, when a jury is allowed; may pass upon the competency of evidence; and may render final judgment on any forfeited bond or recognizance returnable to such court, subject to appeal, as in other cases.

Section 12.2. Judge of the municipal court

The municipal court shall be presided over by a judge or judges, who shall be a resident of this city, a licensed member of the bar of this state, and who shall have practiced law for not less than five years, elected by the city council on nomination by the city manager for a term of four years, but who shall be removable by the city council on complaint of the city manager at any time or cause by a two-thirds vote of the council after a hearing before the council. Substitute judges may be appointed in like manner to act during absence or disability of a municipal judge.

Approved by vote of the people April 6, 1971.

Section 12.3. Place of holding court

The city shall provide a suitable place for holding court, adequately heated and lighted, together with such offices and chambers as may be necessary. Such places provided for holding court shall not be any building primarily used by the police

department and shall have no physical connection with any quarters or buildings used for the police department.

Section 12.4. Compensation of municipal judge; disposition of costs and fines

The council shall prescribe by ordinance the salary and other compensation for a municipal judge; however, the salary shall not be reduced during the term of office of any municipal judge. The council shall likewise prescribe the salary and other compensation for a substitute municipal judge. All costs, fines and forfeitures imposed by the municipal court, or collected under the 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.

Approved by vote of the people April 2, 1995.

Section 12.5. Marshal

The chief of police, his subordinates, and other conservators of the peace may serve as marshal and deputy marshals of the municipal court and shall enforce its orders, judgments and decrees.

Approved by vote of the people April 7, 1981.

Section 12.6. Proceedings

The forms of complaints and the conduct of all proceedings in the municipal court, including the time of holding court, shall be as prescribed by law or by ordinance not inconsistent with this Charter.

Section 12.7. Jury trial and costs

Any defendant shall have the right to a fair and impartial trial by jury and the costs of jury service shall be paid by the losing party,

irrespective of the nature of the verdict. If the jury fails to return a verdict, the cost of the jury shall be paid by the City.

ARTICLE XIII. NOMINATIONS AND ELECTIONS

Section 13.1. Time of elections

A regular election for the choice of elective municipal officials shall be held biennially on the first Tuesday in April in odd-numbered years following a non-partisan primary election to be held the first Tuesday after the first Monday in February. A person shall become a candidate for such office upon filing a statement of candidacy for the city council position and upon the city clerk's determining that the person meets the qualifications for the position. A statement of candidacy shall be filed with the city clerk not more than fifty (50) days prior to the deadline for notification to the county election authority before the primary election, and not later than seven (7) days prior to such deadline. For each position of zone councilmember or mayor, in the event the mayor is to be directly elected by the popular vote of the qualified voters, the city clerk shall certify as eligible for the general election the two candidates who have received the greatest number of votes. The city clerk shall certify a number of candidates for general councilmembers equal to twice the number of positions and shall certify as eligible for the general election those candidates who have received the greatest number of votes. In the event candidates are tied then the clerk shall certify both candidates. In the event there is a number of candidates equal to or less than the number required to be certified by the city clerk for the position of zone councilmember, general councilmember, or mayor, then the City shall not be required to have a primary election for that position or positions and the city clerk shall thereafter certify the names of candidates filing as eligible for the municipal election to be held in April. The city council may establish by ordinance provisions for holding municipal elections as well as special elections consistent with the Charter and state law.

A regular election for the choice of elective municipal officials shall be held biennially on the first Tuesday in April in

odd-numbered years unless otherwise provided for by law. The council may by resolution order special elections, fix the time and provide for holding the same.

Approved by vote of the people April 3, 1984.

Section 13.2. Regulations 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 unless otherwise provided by law.

Approved by vote of the people August 8, 1978.

Section 13.3. When magistrate may conduct election

If, at any time, by reason of nonacceptance, resignation, refusal to qualify, or for any other cause, there shall be no officers of the city to order and conduct an election, the senior judge of the *Greene County Circuit Court having jurisdiction in the City of Springfield* is empowered to order and conduct an election for city officers, declare the results thereof, and install the newly elected officials.

Approved by vote of the people August 8, 1978.

Section 13.4. Vacancies created by recall - Election

A vacancy in the office of the mayor, general councilmember or zone councilmember following the filing of a sufficient petition for recall of such office holder as provided for in Sections 14.11 and 14.13 shall be filled for the unexpired term of such officer by the qualified voters of the City at large for general councilmember and the mayor or by the qualified voters of the zone for a zone councilmember. When such vacancy occurs, the council shall immediately fix a date for holding an election to fill such vacancy.

The election to fill such vacancy shall be held at the earliest possible date or on any other election date established by state law provided such date falls within thirty (30) days of the earliest possible date permitted by law. The nomination of a qualified candidate to fill such vacancy shall be by petition for the unexpired term of a specific office. The petition for a zone councilmember shall be signed by not less than one hundred registered voters who are entitled to vote for the candidate so nominated. The petition for an official elected by the entire City shall be signed by not less than two hundred registered voters of the City. The city council shall establish the form for the nominating petition, procedures pertaining to the filing and verification of the same including the date for the filing of nominating petitions, provided the city council shall allow at least thirty (30) days for such nominations. A primary election shall not be held. The candidate receiving the highest number of votes for the office shall be declared elected and inducted into office at that time.

Section 13.4.1. Nomination by petition

Nominations of candidates for all elective offices shall be by petition. Petitions for zone councilmembers shall be signed by not less than one hundred (100) registered voters who are entitled to vote for the candidate so nominated. Petitions for officials elected by the entire city shall be signed by not less than two hundred (200) registered voters of the city.

No voter shall sign more than one nominating petition for the same office, and should a voter do so, his signature shall be void except as to the petition first filed. This provision shall not be construed as preventing a voter from signing both a petition for a councilmember from his own zone and also for as many general councilmembers as are to be elected. Each signer of a petition shall designate his residence by street and number, or by other description sufficient to identify his place of residence.

The signatures on the nominating petition need not all be appended to one paper, but each separate paper shall bear the statement setting forth the election date, the office to be filled, and

the name 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 shall be filed with the city clerk with the statement of candidacy, and shall be in substantially the following form:

We, the undersigned registered voters of the City of Springfield, Missouri, respectfully petition and request the name of _____ residing at _____, 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 _____, 19____, 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	Street and Number	Date of
_____	_____	_____
_____	_____	_____
_____	_____	_____

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)