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**CHAPTER 2. ADMINISTRATION: COUNCIL AND MAYOR;
CITY MANAGER; MUNICIPAL COURT; CITY CLERK**

Article I. City Council and Mayor

Section 2.010. Meetings of the Council.

The Council shall meet regularly on the first and third Tuesdays of each month at 7:30 p.m. in the Council Chamber of the City Hall. When the day of meeting falls on a legal holiday, the meeting shall be held on the day following, unless the Council shall decide otherwise. Special meetings may be called by the Mayor or Mayor Pro tempore, or by any two members of the Council by written request filed with the City Clerk. Notice of special meetings shall be given in writing to each member at least one day in advance of the meeting, stating the purpose of the special meeting. By consent of the council or for reason of lack of a quorum, a meeting may be adjourned to another date, no later than the next regular meeting date. (Ord. No. 8450, § 1, 4-5-05)

Section 2.020. Quorum to Do Business.

A majority of the members shall constitute a quorum, but a smaller number may adjourn from day to day. The Council shall have the right to compel the attendance of absent members by attachment and under such penalties as they may determine. No member of the Council shall leave the meeting without requesting permission from the presiding officer. Each member present shall vote upon every question or announce "present but not voting," and such vote or announcement shall be recorded by the City Clerk.

Section 2.030. Council Officers.

- a. The Mayor shall serve as Chairman of the Council. The Council shall designate a member to serve as "Mayor Pro tempore" who shall act during the absence of the Mayor. If both are absent, the Council shall select from their number a temporary presiding officer.
- b. The City Clerk shall be ex-officio Clerk of the Council and shall perform such duties as may be provided by the Charter or by these ordinances, and shall perform such other and further duties as may be ordered by the Council. The Clerk shall furnish each Councilman with a copy of the minutes of the preceding meeting.

Section 2.040. Order of Business; Conduct of Meetings.

- a. Before proceeding with the business of the Council, the City Clerk shall call the roll of members. The names of those present and absent shall be entered in the minutes. Unless the reading of the minutes of the Council meeting is requested by a member, such minutes may be approved without reading if the Clerk has previously furnished each member with a copy thereof. At all meetings of the Council, the usual order of business will be as follows:
 1. Roll Call

2. Approval of Minutes
3. Public Hearings
4. Remarks of Visitors
5. New Business and Reports of Mayor, Council Members, City Manager and City Attorney
6. Unfinished Business
7. New Business
8. Appointments to Boards and Commissions
9. Closed Sessions as Permitted by the Open Meetings Act
10. Adjournment

(Ord. No. 7932, § 1, 6-25-96)

- b. All meetings of the Council shall be open to the public, but the Presiding Officer may call the Council together for conferences, preliminary discussions, or executive sessions.
- c. The Mayor or other Presiding Officer shall be entitled to debate all questions presented for the Council's consideration, and shall be entitled to vote the same as other members of the Council.
- d. Depositions may be taken under and governed by the provisions and rules of law relating to depositions in courts of law and may be read on behalf of the City, or of any interested party in any matter pending before the Council, in the same manner as in courts of law.
- e. The City Council may compel the attendance of witnesses and the production of papers and records relating to any subject under investigation in which the interest of the City is involved, by issuing subpoenas over the signature of the City Clerk, which subpoenas shall be served in the manner provided by law for process issuing from the Municipal Court.
- f. Roberts Rules of Order shall govern the proceedings of the Council except where inconsistent with the Charter or Ordinances.

Section 2.041. Form of Agenda; Time Limits.

- a. Each agenda for each regular meeting of the Council shall contain an introduction in substantially the following format:

Welcome to the regular meeting of the City Council. We welcome questions, ideas, and comments from persons in attendance. Members of the audience may, however, comment only when recognized by the Mayor or Mayor Pro

tempore if the Mayor is absent. We ask that comments be limited to three (3) minutes in order to complete the agenda within a reasonable time. Comments concerning items not on the agenda should be made during the Remarks of Visitors Section of the agenda, near the beginning of the meeting.

- b. The Council may, by motion or resolution, change the time limits on comments of visitors where necessary to accommodate the schedule of the Council or to facilitate discussion of items of special interest to the Council.
- c. The City Manager, or his designee, shall provide an estimate on the face of the agenda of the amount of time that each item on the agenda should require.
- d. Each agenda should include a list of upcoming meetings for the month immediately following the meeting for which the agenda was prepared.

(Ord. No. 7932, § 2, 6-25-96)

Section 2.050. Consideration and Enactment of Ordinances.

In the transaction of legislative business the Council shall act by ordinance and the following procedure shall be used:

- a. Every ordinance shall be by bill, which shall be in written or printed form, and the enacting clause shall be "BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WEBSTER GROVES."
- b. No bill, except those making appropriations and those codifying or rearranging existing ordinances, shall relate to more than one subject, which subject shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject matter of the appropriation.
- c. All bills shall be read by title at least twice, and at least one (1) week shall elapse between the time a bill is introduced and its final passage; however a bill may be passed on the day the bill is introduced if there is a compelling reason to do so as determined by the unanimous vote of all members of the City Council present and voting. Notwithstanding the foregoing, no ordinance granting, enlarging or affecting any franchise shall be passed on the day it is introduced.
- d. Every bill introduced shall be filed with the City Clerk and shall be posted at City Hall and at the public library for public inspection at least twenty-four (24) hours in advance of its consideration by the City Council, unless otherwise permitted by Chapter 610 of the Revised Statutes of Missouri, and whenever reasonably possible posted on the City's internet website in advance of its introduction. No less than ten (10) copies of a bill shall be available for inspection by the public at the location of the Council meeting at which the bill is to be read.
- e. A bill shall remain on file in the office of the City Clerk for public inspection until it is finally adopted or fails passage. Prior to the final passage of any 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.

- f. After compliance with the provisions herein, the Council may finally pass a bill with or without amendment; except that if the Council shall make an amendment which, in the opinion of at least three (3) members of the Council, constitutes a change in substance, the bill as amended shall be filed in the office of the City Clerk and posted for public inspection in the manner stated above for at least one additional week, and an opportunity afforded interested persons to be heard, as provided above, after which final action may be taken thereon.
- g. An ordinance, when passed by the Council, shall be signed by the presiding officer and attested by the City Clerk and shall be immediately filed and thereafter preserved in the office of the City Clerk.
- h. Legislative ordinances shall be subject to the permissive referendum as provided in Section 14.2 of this Charter.
- i. Unless otherwise specified, every ordinance shall become effective upon final passage. Any legislative ordinance submitted at a referendum election shall become effective upon the certification of the favorable vote of a majority of those voting thereon. (Ord. No. 8199, § 1, 5-15-01)

Section 2.051. Consideration and Enactment of Resolutions.

In the transaction of administrative business the Council shall act by resolution and the following procedure shall be used:

- a. Every resolution shall be in written or printed form and the enacting clause shall be "BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WEBSTER GROVES."
- b. No resolution shall relate to more than one subject, which subject shall be clearly expressed in the title.
- c. Each resolution shall be read by title at least once, except resolutions that have been placed on a Consent Agenda as defined in and provided for in subsection (d) below, and may be passed on the day of its introduction.
- d. Resolutions authorizing contracts, purchases, and other routine matters may be placed on a Consent Agenda if copies of such resolutions have been distributed to each member of the Council before the meeting at which such resolutions are considered. Resolutions on a Consent Agenda may be enacted by one motion and vote without separate consideration of each such resolution; provided, however, that any one Council member may remove any such resolution from the Consent Agenda by an oral or written request made before a vote is taken on such resolution. (Ord. No. 8291, § 1, 08-06-02)

Section 2.060. Mayor.

The Mayor shall serve as Chairman of the Council. The Council shall designate a member to serve as Mayor Pro tempore, all as required by the amendment to the

Charter of April 6, 1965, who shall act during the absence of the Mayor. If both are absent, the Council shall select from their number a presiding officer.

Section 2.070. Conflict of Interest.

- a. **Definitions.** The following terms shall have the meanings indicated:
1. **"Business Entity"** means any corporation, profit or non-profit, firm, partnership, sole proprietorship, joint venture, or commercial business of any kind or character.
 2. **"Employee"** or **"Officer"** means a person performing services for, or holding a position, appointment or employment with the City on a full, regular, part-time, intermittent or consultant basis, whether compensated or uncompensated, elected or appointed.
 3. **"Immediate Family"** means the employee and his or her spouse and their parents, children, brothers, sisters, and spouses thereof.
 4. **"Substantial Interest"** means ownership by the individual or any member of his immediate family, directly or indirectly, of one percent (1%) or more of any business entity.
 5. **"Directly Benefit"** means to derive special private advantages as opposed to a general advantage derived as a member of a large class or of the public at large.
- b. **Conflicts of Interest Prohibited.** It shall be unlawful for any officer or employee to engage in any private business or professional activity which would place him in a position of conflict between his private interest and the public interest of the City, or to engage in any private activity which involves the improper use of his official position for his personal benefit or on behalf of any member of his immediate family, or to accept any fee, compensation, gift, payment of expenses or any other thing of monetary value, either directly or indirectly under circumstances in which acceptance may result in any conflict of interest or to do business with any business entity so that his vote or decision may be influenced by his obligation or interest in said business entity. If any officer or employee of the City shall violate any provision of this section, the City shall be entitled to recover from said officer or employee in a Court of proper jurisdiction an amount equal to any considerations received by said officer or employee in the transaction involving the violation of this section, and this remedy shall be in addition to any other remedy or penalty provided by the Charter, any ordinance or law.
- c. **Disqualification of Former Officer or Employee.** It shall be unlawful for any person, having been an officer or employee of the City, within one (1) year after the termination of his service or employment, knowingly to act as agent or attorney for anyone in connection with any judicial or other proceeding, application, claim, controversy, or other particular matter in which the City is a

party or has a direct and substantial interest and in which he participated personally as an officer or employee while so employed.

- d. **Penalties.** Any person or corporation who knowingly violates any provision of this section, shall, upon conviction, be punished by fine of not more than Three Hundred Dollars (\$300.00) or by imprisonment for not more than three (3) months, or by both such fine and imprisonment.

Section 2.080. Compliance with State Conflict of Interest Law.

- a. **State Conflict of Interest Law.** All elected and appointed officials as well as employees of the City must comply with Section 105.454 of Missouri Revised Statutes on conflicts of interest as well as any other state law governing official conduct.
- b. **Disclosure to City Clerk of Conflict of Interest.** Any member of the governing body of the City who has a “substantial or private interest” in any measure, bill, order or ordinance proposed or pending before such governing body must disclose that interest to the City Clerk and such disclosure shall be recorded in the appropriate journal of the City. For the purposes of this section, substantial or private interest is defined as ownership by the individual, his spouse, or his dependent children, whether singularly or collectively, directly or indirectly of: (1) ten percent (10%) or more of any business entity; or (2) an interest having a value of Ten Thousand Dollars (\$10,000.00) or more; or (3) the receipt of a salary, gratuity, or other compensation or remuneration of Five Thousand Dollars (\$5,000.00) or more, per year from any individual, partnership, organization, or association within any calendar year.
- c. **Disclosure Reports.** Each elected official, the City Manager, the chief purchasing officer as identified in Section 105.4833(11) of the Missouri Revised Statutes, and the full-time general counsel, if any, shall disclose the following information by 1st day of May if any such transactions occurred during the previous calendar year:
1. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of Five Hundred Dollars (\$500.00), if any, that such person had with the City, other than compensation received as an employee or payment of any tax, fee or penalty due to the City, and other than transfers for no consideration to the City.
 2. The date and the identities of the parties to each transaction known to the person with a total value in excess of Five Hundred Dollars (\$500.00), if any, that any business entity in which such person had a substantial interest, had with the City, other than payment of any tax, fee or penalty due to the City or transactions involving payment for providing utility service to the City, and other than transfers for no consideration to the City.

3. The City Manager and the chief purchasing officer also shall disclose by 1st day of May for the previous calendar year the following information:
 - A. The name and address of each of the employers of such person from whom income of One Thousand Dollars (\$1,000.00) or more was received during the year covered by the statement;
 - B. The name and address of each sole proprietorship that he owned, the name, address and the general nature of the business conducted of each general partnership and name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent (10%) or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned stock, limited partnership units or other equity interests;
 - C. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.
- d. **Filing of Reports.** The financial interest statements shall be filed at the following times, but no person is required to file more than one (1) financial interest statement in any calendar year;
 1. Every person required to file a financial interest statement shall file the statement annually not later than 1st day of May and the statement shall cover the calendar year ending the immediately preceding 31st day of December; provided that any member of the City Council may supplement the financial interest statement to report additional interests acquired after 31st day of December of the covered year until the date of filing of the financial interest statement.
 2. Each person appointed to office shall file the statement within thirty (30) days of such appointment or employment.

Financial disclosure reports giving the financial information required in subsection (c) shall be filed with the City Clerk and with the Secretary of State prior to January 1, 1993. After January 1, 1993, reports shall be filed with the City Clerk and the Missouri ethics commission. The reports shall be available for public inspection and copying during normal business hours. (Ord. No. 7669, § 1, 9-3-91).

Article II. City Manager

Section 2.110. City Manager; Duties and Powers.

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 affairs of the City. To that end, he shall have the power and shall be required to:

- a. Appoint and, when necessary for the good of the service, remove any officer or employee of the City, except as otherwise provided by the Charter. He also may authorize the director of a department or an office head to appoint subordinates in such department or office.
- b. Prepare the budget annually, submit it to the Council, and be responsible for its administration after adoption.
- c. Prepare and submit to the Council, as of the end of each fiscal year, a complete report on the finances and administrative activities of the City for the preceding year.
- d. Keep the Council advised of the financial condition and future needs of the City, and make such recommendations as may seem desirable.
- e. Serve as the director of one department and, with the consent of the Council, serve as the director of two or more departments.
- f. 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 vote.
- g. See that all laws and ordinances are enforced, and that all contracts and franchises are faithfully performed.
- h. Perform such other duties as may be prescribed by the Charter, or required of him by the Council, not inconsistent with the Charter.

The City Manager may assign particular officers and employees to one or more departments as may be necessary or proper for the efficient and economical administration of the City.

Section 2.150. City Manager; Additional Powers.

The City Manager may appoint an Assistant City Manager, whose duties shall be as directed by the City Manager.

Article III. Municipal Court**Section 2.210. Court Established.**

There is hereby established in the City of Webster Groves a Municipal Court to be known as the Webster Groves Municipal Court, a Division of the 21st Judicial Circuit Court of the State of Missouri. This Court is a continuation of the Municipal Court of the City of Webster Groves previously established, and is hereby termed "**The Municipal Court.**"

Section 2.215. Municipal Judge.

The Municipal Judge in the City of Webster Groves shall be at least twenty-one (21) years of age and his term of office shall terminate on his seventy-fifth (75th) birthday. The Municipal Judge shall be licensed to practice law in the State of Missouri. The Municipal Judge shall be a resident of the State of Missouri and a resident and elector of the City of Webster Groves. The Municipal Judge shall be appointed by the City Council for a term of four (4) years from the date the appointment is effective. The compensation of the Municipal Judge shall be fixed by ordinance. The Municipal Judge shall have all powers as provided in the Court Reform and Revision Act of 1978.

Section 2.220. Procedure.

The procedure of the Municipal Court of the City of Webster Groves shall be in accordance with the Court Reform and Revision Act of 1978, and the rules of the Supreme Court of the State of Missouri.

Section 2.225. Provisional Judge.

If the Municipal Judge is absent, sick, or disqualified from acting, the Mayor shall appoint a person, who would otherwise be qualified to serve as Municipal Judge, except for the requirement that such Provisional Judge be a resident of the City of Webster Groves, until such absence or disqualification shall cease.

Section 2.230. Appeals.

Appeals from decisions of the Municipal Court shall be processed in the manner prescribed by the Court Reform and Revision Act of 1978 and the rules of the Supreme Court of the State of Missouri.

Section 2.235. Costs of Court.

The costs of court of all matters placed upon the docket and handled before the Municipal Court of the City of Webster Groves shall be Twelve Dollars (\$12.00) plus the following:

- a. Two Dollars (\$2.00) designated for the training costs of the police officers of the City of Webster Groves as provided for in Missouri State Statutes.

- b. Two Dollars (\$2.00), upon a plea of guilty or a finding of guilt for violation of any municipal ordinance, designated for transmission to the County Treasurer for deposit in a fund for the provision of operating expenses for shelters for battered persons pursuant to Section 479.261 R.S.Mo. The judge may waive assessment of this portion of the cost in cases whether the defendant is found by the Judge to be indigent and unable to pay costs.
- c. One Dollar (\$1.00), upon a plea of guilty or a finding of guilt for violation of any municipal ordinance, designated for transmission to the Missouri Department of Public Safety for deposit in the "**Peace Officer Standards and Training Commission Fund**" created pursuant to Section 590.178 R.S.Mo.
- d. Seven Dollars and Fifty Cents (\$7.50), upon a plea of guilty or a finding of guilt for violation of any municipal ordinance, designated for transmission to the Director of Revenue to fund the "**Crime Victim's Compensation Fund**" pursuant to Section 595.045 R.S.Mo.
- e. Two Dollars (\$2.00), upon a plea of guilty or a finding of guilt for violation of any municipal ordinance, to be deposited in the Inmate Security Fund which shall be maintained by the Treasurer of the City. Funds deposited shall be utilized to develop biometric verification systems to ensure that inmates can be properly identified and tracked within the local jail system. Funds in the Inmate Security Fund may be used for the maintenance of the biometric verification system, and to pay for any expenses related to custody and housing and other expenses for prisoners.
- f. Notwithstanding any provision of this section, the Court may require, in addition to the fines set forth above, reimbursement of expenses associated with a violation as set forth elsewhere in this code.

Section 2.236. Additional Costs.

In addition to any other penalties and costs provided by law or ordinance, the court may order any person who has been convicted of an alcohol or drug related traffic offense or amended alcohol or drug related traffic offense, to reimburse the City for the costs associated with the arrest of such person. Such costs shall include the reasonable cost of making the arrest, including the cost of any chemical test made to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking and holding such person in custody. A schedule of such costs shall be established by the City of Webster Groves Police Department and filed with the Clerk of the Municipal Court, and the Court may impose costs in accordance with the schedule; notwithstanding the foregoing, the Court may order the costs reduced in a case if the Court determines the costs are excessive.

In addition to any other penalties, fines or costs provided by law or ordinance the Court may order a defendant to reimburse all costs for their incarceration pursuant to the arrest. Furthermore, if the defendant is required to receive hospital treatment for any reason in connection with the arrest and there are costs connected therewith, said defendant shall be responsible and pay such costs as ordered by the Court.

The Municipal Judge is further authorized and empowered to place any person who has been convicted and sentenced by the Court for violation of a City Ordinance in a work program, to work or perform labor in the public streets, highways and alleys or other public works or buildings for such purposes as the City may deem necessary.

If the fine set by the Court is not paid and the defendant is placed in a work program by the Court, then the Court may determine an appropriate hourly wage for the defendant to reimburse the City based upon the actual amount of hours worked for public works.

These additional costs shall be assessed, as appropriate, both by the Municipal Court and the Violations Bureau. (Ord. No. 7973, §§ 1-3, 5-6-97)

Section 2.237. Jailing of Defendants.

If, in the opinion of the Municipal Judge, the City has no suitable and safe place of confinement, the Municipal Judge may commit a defendant to the St. Louis County Justice Center, and it shall be the duty of St. Louis County, if space for the prisoner is available in the Justice Center, upon receipt of an order of commitment from the Judge, to receive and safely keep such prisoner until discharged by due process of law. The Municipality shall pay the board of such prisoner at the same rate as may now or hereafter be allowed for the keeping of such prisoners in the Justice Center. The same shall be taxed as costs. (Ord. No. 8055, § 1, 10-6-98)

Section 2.240. Traffic Violations Bureau.

The Municipal Judge shall establish a Traffic Violations Bureau as provided by the Supreme Court Rules and Statutes of the State of Missouri. Any references in this code or in the documents of the Municipal Court referencing the "**Traffic Violations Bureau**" shall be deemed references to the "**Violations Bureau**." (Ord. No. 8132, § 1, 1-4-00)

Section 2.245. Fines and Payment Thereof.

- a. If a person convicted of violating a provision of the Code of Webster Groves against whom a fine has been imposed shall fail to pay any such fine, the Municipal Judge shall forthwith inquire as to the ability of such person to pay the fine. If a defendant shall not be indigent, and shall have funds or appear to have funds available for the payment of the fine, but shall refuse to pay the fine, for whatever reason (excepting the defendant's right of appeal), then the Court shall forthwith order the defendant taken into custody and imprisoned as provided in paragraph (b) of this section. If the Court finds that the defendant is indigent and wholly without the means or ability to pay the fine, then the Court shall proceed as provided in paragraph (c) of this section.
- b. If the defendant is able to pay the fine but does not have the money on his person at the time the fine is levied, then the Court may extend to a date certain the payment of any such fine or may provide in the Court's initial order that the fine may be paid in installments and provide the amount of each installment and the date by which it is to be paid. If a defendant shall fail to make the installment payments, or shall fail to make the payment on the date certain then the Court may, in its discretion, continue the date for payment to a future date, or if the

defendant wholly fails to appear to pay the fine or is not granted an extension, then the Court shall order the defendant committed to jail, provided, however, that no defendant shall be committed to jail if the original offense for which he was convicted does not provide for a jail term. The defendant shall serve a term in jail at the rate of one (1) day for each Ten Dollars (\$10.00) of the unpaid fine, and the term of imprisonment shall commence with the actual incarceration of the defendant and each day shall expire at 7:00 a.m. provided, further, that the defendant shall not serve a longer imprisonment for non-payment of fine than the maximum imprisonment authorized for the offense.

- c. In the case of an indigent defendant, the Court may establish an installment schedule of payments commensurate with the ability of the defendant to make such payments and shall require the defendant to be present not less often than once a month to report to the Court on a date certain set by the Court as to his ability to pay the fine. The installment payments may be suspended from time to time, based on the ability of the defendant to pay, as determined by the Municipal Judge. If it shall appear that the defendant is wholly unable to pay the fine or any installment thereof, the Court may order the defendant, as an alternative to imprisonment, to work for the City of Webster Groves in a program established for such defendants or in the normal employment of the City of Webster Groves as shall be determined by the City Manager and to work at a rate of pay commensurate with the services to be rendered, which sum shall be credited to the defendant in payment of his fine. If the defendant shall not appear at a date certain as provided by the Court in this paragraph or if it shall appear to the Court that the defendant is no longer indigent but is able to pay the installment and does not pay the fine after all reasonable efforts to secure payment, then the defendant shall be imprisoned in the same manner and for the same length of time as provided in paragraph (b) above.
- d. Any defendant may apply to the Court for imprisonment at the rate and in the manner provided in paragraph (b) above in payment of any fine imposed upon a defendant and any such request for imprisonment shall be examined by the Judge in open Court and, if it shall appear to the Court that the defendant voluntarily wishes to be imprisoned in lieu of payment of the fine, the Court shall so order such imprisonment.
- e. Nothing herein shall be considered as in conflict with a defendant's right of appeal and the provisions hereof relating to the payment of fines shall be stayed, pending any such appeal, provided that the defendant shall have perfected his appeal as provided in this Code.

Section 2.246. Prohibiting the Failure to Appear in the Municipal Court.

Any person who has promised to appear, either orally or in writing or who has been:

- a. Ordered, either orally or in writing, or who has received written notice of an order by the Judge or Court Clerk of the Municipal Court to appear in said Court on a date certain; or

- b. Personally served with a summons duly issued by the Municipal Court directing such person to appear in said Court on a date certain; or
- c. Served with a uniform complaint and summons by a police officer of the City directing such person to appear in the Municipal Court on a date certain and who shall fail to appear in person in the Municipal Court on the date certain as referred to hereinabove shall be guilty of failure to appear and subject to a fine of not more than One Thousand Dollars (\$1,000.00) and a term of imprisonment not to exceed ninety (90) days, regardless of the disposition of the charge for which said person was originally required to appear. Nothing in this section shall prevent the Judge from exercising the power to lawfully punish for contempt of court.

(Ord. No. 7533, § 1, 1-4-89; Ord. No. 7538, § 1, 5-16-89; Ord. No. 7985, § 1, 6-10-97).

Section 2.250. Reports.

The Municipal Court Clerk shall follow such procedure for reporting as established by the Supreme Court of the State of Missouri. Until such rules are provided the Municipal Judge shall cause the Clerk within the first ten (10) days of every month to make out a list of all cases heard or tried before the Judge during the proceeding month giving in each case the name of the defendant, the fine imposed, if any, and the amount of costs, the names of all defendants committed, and the cases in which there was an application for trial de novo. The Court Clerk or the Municipal Judge shall verify such lists and statements by affidavit and file the same with the City Clerk who shall lay the same before the City Council of the City of Webster Groves at its first meeting thereafter. The Municipal Court Clerk shall in all events, within the aforesaid ten (10) days pay into the Municipal Treasury the full amount of all fines and costs collected by him during the proceeding month, if not previously paid to the City Treasurer.

Section 2.255. Prosecuting Attorney.

The City Manager shall appoint a Prosecuting Attorney who shall be a resident of the State of Missouri and licensed to practice law in the State of Missouri.

Section 2.260. Public Defender.

There is hereby established the Office of Public Defender of the Municipal Court of the City of Webster Groves. The Public Defender shall be a lawyer licensed to practice by the State of Missouri, a resident of the City of Webster Groves, and shall be appointed by the City Manager with the consent of the Council. His compensation for his duties shall be set by the City Manager and approved by the Council. The duties of the Public Defender shall be to serve as counsel when appointed by the Municipal Judge of the City of Webster Groves, or the Special Judge of the City of Webster Groves, to represent persons appearing before the Municipal Court of the City of Webster Groves and accused of a violation of the Code of Webster Groves which subjects them to the possibility of imprisonment, and which parties demonstrate to the satisfaction of the Municipal Judge, or the Special Judge, that they are unable to employ counsel on their own behalf and desire to have counsel appointed to represent them.

Section 2.265. Warrants; Clerk.

The Clerk of the Municipal Court or the Deputy Clerk is authorized to issue warrants and perform all other duties as are lawful for such Clerks to perform pursuant to the rules promulgated by the Supreme Court of Missouri.

Section 2.270. Administrative Search Warrant.

The City Manager, or his designee, may make application for the issuance of an administrative search warrant with respect to any property, building, structure, house, dwelling, apartment, condominium, business, mobile home, trailer, or other place of commerce, industry, or abode within the City of Webster Groves (hereinafter referred to collectively as "**Premises**"), to the Municipal Judge of the County Circuit Court for the City of Webster Groves, who shall have authority to issue administrative search warrants for searches or inspections of the Premises to determine the existence of violations of Chapters 20, 21, 22, 23, 30, 31, 32, 35, 40, 41, 42, and 70 of this code. Warrants and searches are inspections made pursuant thereto and shall conform to and be governed by the following provisions:

- a. The application shall:
 1. Be in writing;
 2. State that consent to enter without a warrant has been requested and refused;
 3. State the time and date of the making of the application;
 4. Identify the property or places to be searched in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
 5. State facts sufficient to show probable cause for the issuance of a search warrant to search for violations of Chapters 20, 21, 22, 23, 30, 31, 32, 35, 40, 41, 42, or 70 of this code;
 6. Be verified by the oath or affirmation of the applicant; and
 7. Be filed in the Webster Groves Municipal Division of the St. Louis County Circuit Court.
- b. The application shall be supplemented by written affidavits verified by oath or affirmation. Each affidavit shall be considered in determining whether there is probable cause for the issuance of an administrative search warrant and in filling out any deficiencies in the description of the property or places to be searched. Oral testimony shall not be considered.
- c. The Judge shall hold a non-adversary hearing to determine whether sufficient facts have been stated to justify the issuance of a search warrant. If it appears from the application and any supporting affidavits that there is probable cause to inspect or search for violations of any of Chapters 20, 21, 22, 23, 30, 31, 32, 35,

40, 41, 42, or 70 of this code, a search warrant shall immediately be issued to search for such a violation or violations. The warrant shall be issued in the form of an original and two (2) copies.

- d. The application, each supporting affidavit and a copy of the warrant shall be retained in the records of the Municipal Court.
- e. Search warrants issued under this section shall:
 - 1. Be in writing and in the name of the issuing authority;
 - 2. Be directed to any police officer or deputy in the City;
 - 3. State the time and date the warrant is issued;
 - 4. Identify the property or places to be searched in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
 - 5. Be limited to a search or inspection for violations of Chapters 20, 21, 22, 23, 30, 31, 32, 35, 40, 41, 42, or 70 of this code;
 - 6. Command that the prescribed property or places be searched and that any photographs of violations found thereof will therein be brought, within ten (10) days after filing of the application, to the Judge who issued the warrant, to be dealt with according to law; and
 - 7. Be signed by a Webster Groves Municipal Judge, with his title of office indicated.
- f. A search warrant issued under this section may be executed only by a police officer or deputy of the City. The warrant shall be executed by conducting the search authorized. Duly authorized officials from the St. Louis County Department of Public Health or the Building Commissioner's Office may accompany such police officer or deputy.
- g. A search warrant shall be executed as soon as practicable and between the hours of 8:00 a.m. and 8:00 p.m., unless another time is specifically authorized by the Municipal Judge for good cause shown, and shall expire if it is not executed and the return made within ten (10) days after the date the warrant is issued.
- h. After execution of the search warrant, the warrant, with a return on it signed by the officer making the search, shall be delivered to the Judge who issued the warrant. The return shall show the date and manner of execution and the name of the possessor and of the owner, if known, of the property or places searched, when not the same person.
- i. A search warrant shall be deemed invalid:

1. If it was not issued by a Judge of the Webster Groves Municipal Division of the St. Louis County, Missouri, Circuit Court;
2. If it was issued without a written application having been filed and verified;
3. If it was issued without probable cause;
4. If it was not issued with respect to property or places within the City;
5. If it does not describe the property or places to be searched with sufficient certainty;
6. If it is not signed by the Judge who issued it; or
7. If it was not executed within the time prescribed by subsection (7) of this section.

(Ord. No. 7942, § 1, 8-27-96)

Section 2.275. Unlawful to Refuse Entry.

It shall be unlawful for any person to refuse entry or access to any building, structure, house, dwelling, apartment, condominium, business, mobile home, trailer or other place of commerce, industry or abode to any person to whom a search warrant has been issued authorizing inspection of any Premises pursuant to the provisions of Section 2.270 of this code.

(Ord. No. 7942, § 1, 8-27-96)

Article IV. City Clerk

Section 2.310. Appointment.

The City Clerk will be appointed from time to time by the Council. He shall hold office at the pleasure of the Council, and shall perform all duties required by law, by the City Charter, or by the Council.

Section 2.320. Deputy Clerk.

Whenever, for any reason, the City Clerk is unable to perform the duties of his office, the City Council may designate by motion some person to perform the duties of the City Clerk, who shall have all the powers and perform all the duties of the regular City Clerk.

Section 2.330. Duties and Responsibilities.

a. Proceedings of the Council.

1. The City Clerk shall keep the journal of the proceedings of the City Council, authenticate by his signature every ordinance and resolution, and file and preserve them in his office. He shall notify all members of the Council and the City Manager of all special meetings of the Council.

2. The City Clerk shall make a written index of the subject of each ordinance, the number, and the date it was passed or otherwise became a law. He shall keep a copy of every ordinance in an appropriate file in his office.
3. He shall furnish to the City Manager copies of all general ordinances and all ordinances amendatory of this code or other ordinances which are in such form as to indicate the intention of the City Council that they be incorporated in this code, certified by the Clerk to be a true copy of such ordinance.

b. Custody of Public Records, Documents, and Miscellaneous Papers.

1. The City Clerk shall have custody of the City Seal, the original rolls of ordinances and resolutions passed by the Council, the public records of the City, and all such other papers, records and documents as may be entrusted to his care. He shall prepare, affix the City Seal to, and countersign, all such public instruments, documents and papers, including all commissions, as are required to be attested with the Seal of the City. He shall record the substance of all such documents in an appropriate register. He shall record the official bonds of all City officers, and all other bonds executed to the City and filed in his office. He shall keep available for public inspection all other public records, including the budget, the budget message, and all supporting schedules. He shall, whenever required, furnish to the City Manager, City Council or any Committee of the Council, copies or abstracts of any books, accounts, records, vouchers or documents in his office, or any information relating to the business of the City or his office.
2. The City Clerk shall certify under his hand and the Seal of the City all such documents, copies and papers in his office as may be required for the use of any City officer or private citizen.
3. The City Clerk shall furnish to the City Attorney or City Council any record, document or paper in his office which either may call for to be used in any Court.

c. Checks and Vouchers.

The City Clerk shall countersign any checks or vouchers properly drawn by the Director of Finance, and such checks or vouchers shall be valid only when so countersigned.

d. Elections.

The City Clerk shall conduct all municipal elections. He shall perform all the duties specified in the general election laws of the State to be performed by the County Clerk, not inconsistent with the City Charter or ordinances.