

Introduced by: City Manager Nathan Mai-Lombardo

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE CITY OF BERKELEY; ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HERE IN EXPRESSLY PROVIDED; PROVIDING FOR THE PENALTY FOR THE VIOLATION THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BERKELEY, MISSOURI, AS FOLLOWS:

- Section 1.** That pursuant to Section 71.943 of the Revised Statutes of Missouri, the codification of ordinances, as set out in Titles I through VI, each inclusive, of the "Code of Ordinances of the City of Berkeley" is hereby adopted and enacted as the "Code of Ordinances of the City of Berkeley"; which shall supersede all other general and permanent ordinances of the City passed on or before April 15, 2024, to the extent provided in Section 3 hereof.
- Section 2.** That all provisions of such Code shall be in full force and effect from and after the effective date of this ordinance as set forth herein.
- Section 3.** That all ordinances of a general and permanent nature of the City adopted on final passage on or before April 15, 2024, and not included in such Code or recognized and continued in force by reference therein, are hereby repealed from and after the effective date of this ordinance, except those which may be specifically excepted by separate ordinance, and except the following which are hereby continued in full force and effect, unless specifically repealed by separate ordinance:
- a. Ordinances promising or guaranteeing the payment of money for the City, or authorizing the issuance of any bonds or notes of the City or any other evidence of the City's indebtedness, or authorizing any contract or obligation assumed by the City;
 - b. Ordinances levying taxes or making special assessments;
 - c. Ordinances appropriating funds or establishing salaries and compensation, and providing for expenses;
 - d. Ordinances granting franchises or rights to any person, firm or corporation;
 - e. Ordinances relating to the dedication, opening, closing, naming, establishment of grades, improvement, altering, paving, widening or vacating of streets, alleys, sidewalks or public places;

- f. Ordinances authorizing or relating to particular public improvements;
- g. Ordinances respecting the conveyances or acceptance of real property or easements in real property;
- h. Ordinances dedicating, accepting or vacating any plat or subdivision in the City or any part thereof, or providing regulations for the same;
- i. Ordinances annexing property to the City;
- j. All zoning and subdivision ordinances not specifically repealed and not included herein;
- k. Ordinances establishing TIF districts or redevelopment districts;
- l. Ordinances relating to traffic schedules (i.e., stop signs, parking limits, etc.);
- m. All ordinances relating to personnel regulations (i.e., pensions, retirement, job descriptions and insurance, etc.);
- n. Ordinances authorizing the establishment of industrial development corporations;
- o. Ordinances establishing tax rates for the City.

That the repeal provided for in this Section shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance, which is repealed by this ordinance.

That the repeal provided for in this Section shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to such date.

Section 4. That any and all additions and amendments to such Code when passed in such form as to indicate the intention of the City Council to make the same a part thereof shall be deemed to be incorporated in such Code so that reference to the "Code of Ordinances of the City of Berkeley" shall be understood and intended to include such additions and amendments.

Section 5.

- a. **Standard Penalty.** Any person violating any provision of this Code, or any rule or regulation adopted or issued in pursuance thereof, or any provision of any Code adopted herein by reference is guilty of a misdemeanor or ordinance violation; and upon conviction, unless another penalty is specifically provided, shall be subject to a fine as set by the Municipal Judge.

- b. Each Day A Violation. Each act of violation and every day upon which a violation occurs or continues constitutes a separate offense.
- c. Applicability. The penalty provided by this Section applies to the amendment of any Section of this Code or any Code adopted herein by reference whether or not such penalty is re-enacted in the amendatory ordinance.
- d. Reference To Sections. Reference to any Section of this Code shall be understood to also refer to and include the penalty Section relating thereto, unless otherwise expressly provided.
- e. Failure of Officers to Perform Duties. The failure of any officer or employee of the City to perform any official duty imposed by this Code shall not subject such officer or employee to the penalty imposed for violation of this Code, unless a penalty is specifically provided, or such act is declared to be unlawful.
- f. All persons convicted and sentenced by the Municipal Judge for violation of any ordinance or part thereof, whether the punishment be by fine or imprisonment or both, may be put to work and perform labor on the said public streets, highways and alleys or other public works or buildings of the City.

Section 6. That in case of the amendment by the City Council of any Section of such Code for which a penalty is not provided, the general penalty as provided in Section 5 of this ordinance shall apply to the Section as amended; or in case such amendment contains provisions for which a penalty other than the aforementioned general penalty is provided in another Section in the same Chapter, the penalty so provided in such other Section shall be held to relate to the Section so amended, unless such penalty is specifically repealed therein.

Section 7. That a copy of such Code shall be kept on file in the office of the City Clerk, preserved in loose-leaf form or in such other form as the City Clerk may consider most expedient. It shall be the express duty of the City Clerk, or someone authorized by said officer, to insert in their designated places all amendments and all ordinances or resolutions which indicate the intention of the City Council to make the same part of such Code when the same have been printed or reprinted in page form and to extract from such Code all provisions which from time to time may be repealed by the City Council. This copy of such Code shall be available for all persons desiring to examine the same.

Section 8. That it shall be unlawful for any person to change or alter by additions or deletions any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Berkeley to be misrepresented thereby. Any person violating this Section shall be punished as provided in Section 5 of this ordinance.

Section 9. It is hereby declared to be the intention of the City Council that the Sections, paragraphs, sentences, clauses and phrases of this ordinance and the Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph or Section of this ordinance or the Code hereby adopted shall be declared unconstitutional or

otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and Sections of this ordinance or the Code hereby adopted.

Section 10. This Ordinance shall be in full force and effective from and after the date of its passage.

1st Reading this _____ day of _____ 2024

2nd Reading this _____ day of _____ 2024

3rd Reading, PASSED and APPROVED, this _____ day of _____ 2024

Babatunde Deinbo, Mayor

ATTEST:

Deanna L. Jones, City Clerk

Approved as to Form:
Donnell Smith, City Attorney

Final Roll Call:

Councilwoman Verges	Aye ____	Nay ____	Absent ____	Abstain ____
Councilwoman Williams	Aye ____	Nay ____	Absent ____	Abstain ____
Councilman Hoskins	Aye ____	Nay ____	Absent ____	Abstain ____
Councilwoman Anthony	Aye ____	Nay ____	Absent ____	Abstain ____
Councilman Hindeleh	Aye ____	Nay ____	Absent ____	Abstain ____
Councilwoman-at-Large Crawford-Graham	Aye ____	Nay ____	Absent ____	Abstain ____
Mayor Deinbo	Aye ____	Nay ____	Absent ____	Abstain ____

City of Berkeley
2023 Statutory Updates Incorporated During Supplement # 29

The Sections of the Code noted in the table below have been updated with the 2023 statutory material. The City’s attorney may want to review these changes to confirm these revisions are necessary. All revised Sections will be in effect following the City’s adoption of the Code.

Section/Subsection of the Code	Description of the Revision	Pursuant to RSMo. Section
127.020	A new Subsection (A)(16) regarding certain law enforcement and/or public safety agency information was added and subsequent Subsections were renumbered. In former Subsection (A)(16) [now (A)(17)], we deleted “which is or appears to be terrorist in nature and.”	610.021
210.840	Additional provisions were added to Subsection (G) of this Section setting out an exception to certain weapons regulations for certain school officers and school protection officers.	571.030
210.1230	Subsection (A) of this Section was revised to read in part, “...or utility regulated under Chapter 386 or 393, RSMo., including <u>twisted pair copper telecommunications wiring of pair or greater existing in 19, 22, 24, or 26 gauge burnt wire, bleachers, guardrails...</u> ”	407.302
210.1865	We added this Section regarding “drug masking products.”	579.041