

SECOND REGULAR SESSION

# SENATE BILL NO. 967

97TH GENERAL ASSEMBLY

---

---

INTRODUCED BY SENATOR LAGER.

Read 1st time February 27, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

6288S.011

---

---

## AN ACT

To repeal sections 77.080, 79.130, 80.110, and 80.120, RSMo, and to enact in lieu thereof fourteen new sections relating to the passage of municipal ordinances.

---

---

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 77.080, 79.130, 80.110, and 80.120, RSMo, are  
2 repealed and fourteen new sections enacted in lieu thereof, to be known as  
3 sections 77.080, 77.085, 77.087, 79.130, 79.135, 79.145, 80.110, 80.115, 80.117,  
4 80.120, 81.015, 81.017, 82.033, and 82.035, to read as follows:

77.080. 1. The style of the ordinances of the city shall be: "Be it ordained  
2 by the council of the city of ....., as follows: "No ordinance shall be passed except  
3 by bill, and no bill shall become an ordinance unless on its final passage a  
4 majority of the members elected to the council shall vote therefor, and the ayes  
5 and nays shall be entered on the journal. Every proposed ordinance shall be  
6 introduced to the council in writing and shall be read by title or in full two times  
7 prior to passage, both readings may occur at a single meeting of the council. If  
8 the proposed ordinance is read by title only, copies of the proposed ordinance  
9 shall be made available for public inspection prior to the time the bill is under  
10 consideration by the council. No bill shall become an ordinance until it shall have  
11 been signed by the officer presiding at the meeting of the council at which it shall  
12 have been passed. When so signed, it shall be delivered to the mayor for his  
13 approval and signature, or his veto.

14 **2. The provisions of this section shall not apply to ordinances**  
15 **proposed or passed under section 77.085.**

**77.085. 1. Any proposed ordinance may be submitted to the**  
2 **council by petition signed by at least ten percent of the registered**  
3 **voters voting for mayor at the last municipal election. The petition**  
4 **shall contain, in addition to the requisite number of valid signatures,**

5 the full text of the ordinance sought to be passed and a request that the  
6 ordinance be submitted to a vote of the people if not passed by the  
7 council.

8       2. The signatures to the petition need not all be appended to one  
9 paper, but each signer shall add to his or her signature his or her place  
10 of residence, giving the street and number. One of the signers of each  
11 such paper shall make oath before an officer competent to administer  
12 oaths that the statements therein made are true as he or she believes  
13 and that each signature to the paper appended is the genuine signature  
14 of the person whose name it purports to be.

15       3. Within ten days from the date of filing such petition, the city  
16 clerk shall examine and ascertain whether the petition is signed by the  
17 requisite number of voters, and, if necessary, the council shall allow the  
18 clerk extra help for such purpose. The clerk shall attach a certificate  
19 of examination to the petition. If by the clerk's certificate the petition  
20 is shown to be insufficient, the petition may be amended within ten  
21 days from the date of the issuance of the clerk's certificate. The clerk  
22 shall, within ten days after such amendment, make like examination of  
23 the amended petition. If the second certificate shows the petition to be  
24 insufficient, the petition shall be returned to the person filing it,  
25 without prejudice to the filing of a new petition to the same effect. If  
26 the petition is deemed to be sufficient, the clerk shall submit it to the  
27 council without delay.

28       4. Upon receipt of the petition and certificate from the clerk, the  
29 council shall either:

30       (1) Pass said ordinance without alteration within twenty days  
31 after attachment of the clerk's certificate to the accompanying petition;  
32 or

33       (2) Submit the question without alteration to the voters at the  
34 next municipal election, or, if the petition has been signed by twenty-  
35 five percent or more of the registered voters voting for mayor at the  
36 last municipal election, the council shall immediately submit the  
37 question without alteration to the voters of the city.

38       5. The question shall be submitted in substantially the following  
39 form:

40       Shall the following ordinance be (adopted) (repealed)? (Set  
41       out ordinance)

42           **6. If a majority of the voters vote in favor thereof, such**  
43 **ordinance shall thereupon become a valid and binding ordinance of the**  
44 **city.**

45           **7. Any number of proposed ordinances may be voted upon at the**  
46 **same election, in accordance with the provisions of this section.**

47           **8. Any ordinance in effect that was proposed by petition cannot**  
48 **be repealed or amended except by a vote of the people. The council**  
49 **may submit a proposition for the repeal of any such ordinance or for**  
50 **amendments thereto, to be voted upon at any municipal election; and**  
51 **should such proposition receive a majority of the votes cast thereon,**  
52 **such ordinance shall thereby be repealed or amended accordingly.**

**77.087. 1. No ordinance passed by the council, except when**  
2 **otherwise required by the laws of the state or an ordinance for the**  
3 **immediate preservation of the public peace, health, or safety that**  
4 **contains a statement of its urgency and is passed by a two-thirds vote**  
5 **of the council, shall go into effect before ten days from the time of its**  
6 **final passage.**

7           **2. If during the ten-day period required under subsection 1 of**  
8 **this section, a petition signed by at least twenty-five percent of the**  
9 **registered voters of the city voting for mayor at the last municipal**  
10 **election is presented to the council in protest against the passage of an**  
11 **ordinance, the ordinance shall be suspended from going into**  
12 **operation. Upon the receipt of such petition, it shall be the duty of the**  
13 **council to reconsider the ordinance. If the ordinance is not entirely**  
14 **repealed, the council shall submit the ordinance to a vote in the same**  
15 **manner as required under section 77.085 for ordinances proposed by**  
16 **petition. Such ordinance shall not go into effect or become operative**  
17 **unless it receives approval from a majority of the voters voting**  
18 **thereon. The signatures, verification, authentication, inspection,**  
19 **certification, amendment, and submission of such petition shall be the**  
20 **same as provided for petitions under section 77.085.**

**79.130. 1. The style of the ordinances of the city shall be: "Be it ordained**  
2 **by the board of aldermen of the city of ....., as follows:" No ordinance shall be**  
3 **passed except by bill, and no bill shall become an ordinance unless on its final**  
4 **passage a majority of the members elected to the board of aldermen shall vote for**  
5 **it, and the ayes and nays be entered on the journal. Every proposed ordinance**  
6 **shall be introduced to the board of aldermen in writing and shall be read by title**

7 or in full two times prior to passage, both readings may occur at a single meeting  
8 of the board of aldermen. If the proposed ordinance is read by title only, copies  
9 of the proposed ordinance shall be made available for public inspection prior to  
10 the time the bill is under consideration by the board of aldermen. No bill shall  
11 become an ordinance until it shall have been signed by the mayor or person  
12 exercising the duties of the mayor's office, or shall have been passed over the  
13 mayor's veto, as herein provided.

14 **2. The provisions of this section shall not apply to ordinances**  
15 **proposed or passed under section 79.135.**

16 **79.135. 1. Any proposed ordinance may be submitted to the**  
17 **board of aldermen by petition signed by at least ten percent of the**  
18 **registered voters voting for mayor at the last municipal election. The**  
19 **petition shall contain, in addition to the requisite number of valid**  
20 **signatures, the full text of the ordinance sought to be passed and a**  
21 **request that the ordinance be submitted to a vote of the people if not**  
22 **passed by the board of aldermen.**

23 **2. The signatures to the petition need not all be appended to one**  
24 **paper, but each signer shall add to his or her signature his or her place**  
25 **of residence, giving the street and number. One of the signers of each**  
26 **such paper shall make oath before an officer competent to administer**  
27 **oaths that the statements therein made are true as he or she believes**  
28 **and that each signature to the paper appended is the genuine signature**  
**of the person whose name it purports to be.**

**3. Within ten days from the date of filing such petition, the city**  
**clerk shall examine and ascertain whether the petition is signed by the**  
**requisite number of voters, and, if necessary, the board of aldermen**  
**shall allow the clerk extra help for such purpose. The clerk shall**  
**attach a certificate of examination to the petition. If by the clerk's**  
**certificate the petition is shown to be insufficient, the petition may be**  
**amended within ten days from the date of the issuance of the clerk's**  
**certificate. The clerk shall, within ten days after such amendment,**  
**make like examination of the amended petition. If the second**  
**certificate shows the petition to be insufficient, the petition shall be**  
**returned to the person filing it, without prejudice to the filing of a new**  
**petition to the same effect. If the petition is deemed to be sufficient,**  
**the clerk shall submit it to the board of aldermen without delay.**

**4. Upon receipt of the petition and certificate from the clerk, the**

29 board of aldermen shall either:

30 (1) Pass said ordinance without alteration within twenty days  
31 after attachment of the clerk's certificate to the accompanying petition;  
32 or

33 (2) Submit the question without alteration to the voters at the  
34 next municipal election, or, if the petition has been signed by twenty-  
35 five percent or more of the registered voters voting for mayor at the  
36 last municipal election, the board of aldermen shall immediately submit  
37 the question without alteration to the voters of the city.

38 5. The question shall be submitted in substantially the following  
39 form:

40 Shall the following ordinance be (adopted) (repealed)? (Set  
41 out ordinance)

42 6. If a majority of the voters vote in favor thereof, such  
43 ordinance shall thereupon become a valid and binding ordinance of the  
44 city.

45 7. Any number of proposed ordinances may be voted upon at the  
46 same election, in accordance with the provisions of this section.

47 8. Any ordinance in effect that was proposed by petition cannot  
48 be repealed or amended except by a vote of the people. The board of  
49 aldermen may submit a proposition for the repeal of any such  
50 ordinance or for amendments thereto, to be voted upon at any  
51 municipal election; and should such proposition receive a majority of  
52 the votes cast thereon, such ordinance shall thereby be repealed or  
53 amended accordingly.

79.145. 1. No ordinance passed by the board of aldermen, except  
2 when otherwise required by the laws of the state or an ordinance for  
3 the immediate preservation of the public peace, health, or safety that  
4 contains a statement of its urgency and is passed by a two-thirds vote  
5 of the board of aldermen, shall go into effect before ten days from the  
6 time of its final passage.

7 2. If during the ten-day period required under subsection 1 of  
8 this section, a petition signed by at least twenty-five percent of the  
9 registered voters of the city voting for mayor at the last municipal  
10 election is presented to the board of aldermen in protest against the  
11 passage of an ordinance, the ordinance shall be suspended from going  
12 into operation. Upon the receipt of such petition, it shall be the duty

13 **of the board of aldermen to reconsider the ordinance. If the ordinance**  
14 **is not entirely repealed, the board of aldermen shall submit the**  
15 **ordinance to a vote in the same manner as required under section**  
16 **79.135 for ordinances proposed by petition. Such ordinance shall not**  
17 **go into effect or become operative unless it receives approval from a**  
18 **majority of the voters voting thereon. The signatures, verification,**  
19 **authentication, inspection, certification, amendment, and submission**  
20 **of such petition shall be the same as provided for petitions under**  
21 **section 79.135.**

80.110. 1. No ordinance shall be passed except by bill, and no bill shall  
2 become an ordinance unless on its passage a majority of all the members of the  
3 board of trustees vote therefor, and the yeas and nays be entered upon the  
4 journal; every proposed ordinance shall be introduced to the board of trustees in  
5 writing and shall be read by title or in full two times prior to passage, both  
6 readings may occur at a single meeting of the board of trustees. If the proposed  
7 ordinance is read by title only, copies of the proposed ordinance shall be made  
8 available for public inspection prior to the time the bill is under consideration by  
9 the board of trustees. All ordinances shall be in full force and effect from and  
10 after their passage after being duly signed by the chairman of the board of  
11 trustees and attested by the village clerk.

12 **2. The provisions of this section shall not apply to ordinances**  
13 **proposed or passed under section 80.115.**

80.115. 1. Any proposed ordinance may be submitted to the  
2 board of trustees by petition signed by at least ten percent of the  
3 registered voters in the town or village voting at the last municipal  
4 election. The petition shall contain, in addition to the requisite number  
5 of valid signatures, the full text of the ordinance sought to be passed  
6 and a request that the ordinance be submitted to a vote of the people  
7 if not passed by the board of trustees.

8 **2. The signatures to the petition need not all be appended to one**  
9 **paper, but each signer shall add to his or her signature his or her place**  
10 **of residence, giving the street and number. One of the signers of each**  
11 **such paper shall make oath before an officer competent to administer**  
12 **oaths that the statements therein made are true as he or she believes**  
13 **and that each signature to the paper appended is the genuine signature**  
14 **of the person whose name it purports to be.**

15 **3. Within ten days from the date of filing such petition, the town**

16 or village clerk shall examine and ascertain whether the petition is  
17 signed by the requisite number of voters, and, if necessary, the board  
18 of trustees shall allow the clerk extra help for such purpose. The clerk  
19 shall attach a certificate of examination to the petition. If by the  
20 clerk's certificate the petition is shown to be insufficient, the petition  
21 may be amended within ten days from the date of the issuance of the  
22 clerk's certificate. The clerk shall, within ten days after such  
23 amendment, make like examination of the amended petition. If the  
24 second certificate shows the petition to be insufficient, the petition  
25 shall be returned to the person filing it, without prejudice to the filing  
26 of a new petition to the same effect. If the petition is deemed to be  
27 sufficient, the clerk shall submit it to the board of trustees without  
28 delay.

29 4. Upon receipt of the petition and certificate from the clerk, the  
30 board of trustees shall either:

31 (1) Pass said ordinance without alteration within twenty days  
32 after attachment of the clerk's certificate to the accompanying petition;  
33 or

34 (2) Submit the question without alteration to the voters at the  
35 next municipal election, or, if the petition has been signed by twenty-  
36 five percent or more of the registered voters voting at the last  
37 municipal election, the board of trustees shall immediately submit the  
38 question without alteration to the voters of the town or village.

39 5. The question shall be submitted in substantially the following  
40 form:

41 Shall the following ordinance be (adopted) (repealed)? (Set  
42 out ordinance)

43 6. If a majority of the voters vote in favor thereof, such  
44 ordinance shall thereupon become a valid and binding ordinance of the  
45 town or village.

46 7. Any number of proposed ordinances may be voted upon at the  
47 same election, in accordance with the provisions of this section.

48 8. Any ordinance in effect that was proposed by petition cannot  
49 be repealed or amended except by a vote of the people. The board of  
50 trustees may submit a proposition for the repeal of any such ordinance  
51 or for amendments thereto, to be voted upon at any municipal election;  
52 and should such proposition receive a majority of the votes cast

53 thereon, such ordinance shall thereby be repealed or amended  
54 accordingly.

80.117. 1. No ordinance passed by the board of trustees, except  
2 when otherwise required by the laws of the state or an ordinance for  
3 the immediate preservation of the public peace, health, or safety that  
4 contains a statement of its urgency and is passed by a two-thirds vote  
5 of the board of trustees, shall go into effect before ten days from the  
6 time of its final passage.

7 2. If during the ten-day period required under subsection 1 of  
8 this section, a petition signed by at least twenty-five percent of the  
9 registered voters of the town or village voting at the last municipal  
10 election is presented to the board of trustees in protest against the  
11 passage of an ordinance, the ordinance shall be suspended from going  
12 into operation. Upon the receipt of such petition, it shall be the duty  
13 of the board of trustees to reconsider the ordinance. If the ordinance  
14 is not entirely repealed, the board of trustees shall submit the  
15 ordinance to a vote in the same manner as required under section  
16 80.115 for ordinances proposed by petition. Such ordinance shall not  
17 go into effect or become operative unless it receives approval from a  
18 majority of the voters voting thereon. The signatures, verification,  
19 authentication, inspection, certification, amendment, and submission  
20 of such petition shall be the same as provided for petitions under  
21 section 80.115.

80.120. Unless an ordinance is repealed as provided under section  
2 80.117, the chairman of the board shall cause to be printed and published the  
3 bylaws and ordinances of the board and ordinances passed by initiative  
4 petition, for the information of the inhabitants, and cause the same to be carried  
5 into effect. He shall remain in office for the term for which he is appointed or  
6 elected as a trustee; but in case of his absence at any meeting of the board, the  
7 board may appoint a chairman pro tempore, and in case he shall die, resign, be  
8 removed from office or remove from the town, the board of trustees shall appoint  
9 one of their number chairman, who shall hold the office for the unexpired term.

81.015. 1. Any proposed ordinance may be submitted to the  
2 governing body of the city or town under special charter by petition  
3 signed by at least ten percent of the registered voters voting in the city  
4 or town at the last municipal election. The petition shall contain, in  
5 addition to the requisite number of valid signatures, the full text of the



6 ordinance sought to be passed and a request that the ordinance be  
7 submitted to a vote of the people if not passed by the governing body.

8       2. The signatures to the petition need not all be appended to one  
9 paper, but each signer shall add to his or her signature his or her place  
10 of residence, giving the street and number. One of the signers of each  
11 such paper shall make oath before an officer competent to administer  
12 oaths that the statements therein made are true as he or she believes  
13 and that each signature to the paper appended is the genuine signature  
14 of the person whose name it purports to be.

15       3. Within ten days from the date of filing such petition, the  
16 appropriate officer of the city or town shall examine and ascertain  
17 whether the petition is signed by the requisite number of voters, and,  
18 if necessary, the governing body of the city or town shall allow the  
19 officer extra help for such purpose. The officer shall attach a  
20 certificate of examination to the petition. If by the officer's certificate  
21 the petition is shown to be insufficient, the petition may be amended  
22 within ten days from the date of the issuance of the officer's  
23 certificate. The officer shall, within ten days after such amendment,  
24 make like examination of the amended petition. If the second  
25 certificate shows the petition to be insufficient, the petition shall be  
26 returned to the person filing it, without prejudice to the filing of a new  
27 petition to the same effect. If the petition is deemed to be sufficient,  
28 the officer shall submit it to the governing body of the city or town  
29 without delay.

30       4. Upon receipt of the petition and certificate from the officer,  
31 the governing body shall either:

32       (1) Pass said ordinance without alteration within twenty days  
33 after attachment of the officer's certificate to the accompanying  
34 petition; or

35       (2) Submit the question without alteration to the voters at the  
36 next municipal election, or, if the petition has been signed by twenty-  
37 five percent or more of the registered voters in the city or town voting  
38 at the last municipal election, the governing body shall immediately  
39 submit the question without alteration to the voters of the city or town.

40       5. The question shall be submitted in substantially the following  
41 form:

42       Shall the following ordinance be (adopted) (repealed)? (Set

43 out ordinance)

44 6. If a majority of the voters vote in favor thereof, such  
45 ordinance shall thereupon become a valid and binding ordinance of the  
46 city or town.

47 7. Any number of proposed ordinances may be voted upon at the  
48 same election, in accordance with the provisions of this section.

49 8. Any ordinance in effect that was proposed by petition cannot  
50 be repealed or amended except by a vote of the people. The governing  
51 body of the city or town may submit a proposition for the repeal of any  
52 such ordinance or for amendments thereto, to be voted upon at any  
53 municipal election; and should such proposition receive a majority of  
54 the votes cast thereon, such ordinance shall thereby be repealed or  
55 amended accordingly.

81.017. 1. No ordinance passed by the governing body of a city  
2 or town under special charter, except when otherwise required by the  
3 laws of the state or an ordinance for the immediate preservation of the  
4 public peace, health, or safety that contains a statement of its urgency  
5 and is passed by a two-thirds vote of the governing body, shall go into  
6 effect before ten days from the time of its final passage.

7 2. If during the ten-day period required under subsection 1 of  
8 this section, a petition signed by at least twenty-five percent of the  
9 registered voters of the city or town voting at the last municipal  
10 election is presented to the governing body of the city or town in  
11 protest against the passage of an ordinance, the ordinance shall be  
12 suspended from going into operation. Upon the receipt of such  
13 petition, it shall be the duty of the governing body to reconsider the  
14 ordinance. If the ordinance is not entirely repealed, the governing  
15 body shall submit the ordinance to a vote in the same manner as  
16 required under section 81.015 for ordinances proposed by  
17 petition. Such ordinance shall not go into effect or become operative  
18 unless it receives approval from a majority of the voters voting  
19 thereon. The signatures, verification, authentication, inspection,  
20 certification, amendment, and submission of such petition shall be the  
21 same as provided for petitions under section 81.015.

82.033. 1. Any proposed ordinance may be submitted to the  
2 governing body of a constitutional charter city by petition signed by at  
3 least ten percent of the registered voters voting in the city at the last

4 municipal election. The petition shall contain, in addition to the  
5 requisite number of valid signatures, the full text of the ordinance  
6 sought to be passed and a request that the ordinance be submitted to  
7 a vote of the people if not passed by the governing body.

8       2. The signatures to the petition need not all be appended to one  
9 paper, but each signer shall add to his or her signature his or her place  
10 of residence, giving the street and number. One of the signers of each  
11 such paper shall make oath before an officer competent to administer  
12 oaths that the statements therein made are true as he or she believes  
13 and that each signature to the paper appended is the genuine signature  
14 of the person whose name it purports to be.

15       3. Within ten days from the date of filing such petition, the  
16 appropriate officer of the city shall examine and ascertain whether the  
17 petition is signed by the requisite number of voters, and, if necessary,  
18 the governing body of the city shall allow the officer extra help for such  
19 purpose. The officer shall attach a certificate of examination to the  
20 petition. If by the officer's certificate the petition is shown to be  
21 insufficient, the petition may be amended within ten days from the date  
22 of the issuance of the officer's certificate. The officer shall, within ten  
23 days after such amendment, make like examination of the amended  
24 petition. If the second certificate shows the petition to be insufficient,  
25 the petition shall be returned to the person filing it, without prejudice  
26 to the filing of a new petition to the same effect. If the petition is  
27 deemed to be sufficient, the officer shall submit it to the governing  
28 body of the city without delay.

29       4. Upon receipt of the petition and certificate from the officer,  
30 the governing body shall either:

31       (1) Pass said ordinance without alteration within twenty days  
32 after attachment of the officer's certificate to the accompanying  
33 petition; or

34       (2) Submit the question without alteration to the voters at the  
35 next municipal election, or, if the petition has been signed by twenty  
36 five percent or more of the registered voters in the city voting at the  
37 last municipal election, the governing body shall immediately submit  
38 the question without alteration to the voters of the city.

39       5. The question shall be submitted in substantially the following  
40 form:

41           **Shall the following ordinance be (adopted) (repealed)? (Set**  
42           **out ordinance)**

43           **6. If a majority of the voters vote in favor thereof, such**  
44           **ordinance shall thereupon become a valid and binding ordinance of the**  
45           **city.**

46           **7. Any number of proposed ordinances may be voted upon at the**  
47           **same election, in accordance with the provisions of this section.**

48           **8. Any ordinance in effect that was proposed by petition cannot**  
49           **be repealed or amended except by a vote of the people. The governing**  
50           **body of the city may submit a proposition for the repeal of any such**  
51           **ordinance or for amendments thereto, to be voted upon at any**  
52           **municipal election; and should such proposition receive a majority of**  
53           **the votes cast thereon, such ordinance shall thereby be repealed or**  
54           **amended accordingly.**

**82.035. 1. No ordinance passed by the governing body of a**  
2           **constitutional charter city, except when otherwise required by the laws**  
3           **of the state or an ordinance for the immediate preservation of the**  
4           **public peace, health, or safety that contains a statement of its urgency**  
5           **and is passed by a two-thirds vote of the governing body, shall go into**  
6           **effect before ten days from the time of its final passage.**

7           **2. If during the ten-day period required under subsection 1 of**  
8           **this section, a petition signed by at least twenty-five percent of the**  
9           **registered voters of the city voting at the last municipal election is**  
10           **presented to the governing body of the city in protest against the**  
11           **passage of an ordinance, the ordinance shall be suspended from going**  
12           **into operation. Upon the receipt of such petition, it shall be the duty**  
13           **of the governing body to reconsider the ordinance. If the ordinance is**  
14           **not entirely repealed, the governing body shall submit the ordinance**  
15           **to a vote in the same manner as required under section 82.033 for**  
16           **ordinances proposed by petition. Such ordinance shall not go into**  
17           **effect or become operative unless it receives approval from a majority**  
18           **of the voters voting thereon. The signatures, verification,**  
19           **authentication, inspection, certification, amendment, and submission**  
20           **of such petition shall be the same as provided for petitions under**  
21           **section 82.033.**

✓