

STURGEON CITY CODE

CHAPTER 3A: BOARDS

Article I: In General

Section 3A.000. [Reserved]

Article II: City Planning Commission

Section 3A.100 Definitions.

For the purposes of this code the following words and/or phrases will have the meaning indicated below.

1. **Council.** The chief legislative body of the City of Sturgeon, Missouri;
2. **Streets.** Any public ways;
3. **Subdivision.** A division of a parcel of land into two or more lots, or other division of land; it includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

(Ord. 316, Sec. 1, Approved and Effective December 27, 1971.)

Section 3A.105 City Plan Authorized.

The Board of Aldermen of the City of Sturgeon shall adopt, amend and carry out a City Plan, and appoint a Planning Commission with the powers and duties herein set forth.

(Ord. 316, Sec. 2, Approved and Effective December 27, 1971.)

Section 3A.110 Creation of Commission.

There is hereby created a City Planning Commission for the purpose of developing a City Plan, the organization, power and duties of which to be as follows.

(Ord. 316, Sec. 3, Approved and Effective December 27, 1971.)

Section 3A.115 Members, Compensation, Terms, Vacancy, Removal.

1. The Planning Commission of the City of Sturgeon shall consist of seven members, composed of the following persons:
 - a. The Mayor, if the Mayor chooses to be a member by appointing himself or herself, for as long as the Mayor remains a Commission member; and
 - b. A member of the Board of Aldermen, selected by the Board of Aldermen, if the Board of Aldermen chooses to have an alderman serve on the Commission by so selecting that alderman member, for as long as the alderman remains a Commission member; and
 - c. Five (5) citizens appointed by the Mayor and approved by the Board of Aldermen (and one additional citizen member if the Mayor chooses not to be a member, and one additional citizen member if the Board of Aldermen

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chooses not to have an alderman member, each additional citizen member being appointed for a one-year term beginning June 1st).

2. All citizen members of the Commission shall serve without compensation.

3. The term of each of the five (5) citizen members shall be for four (4) years beginning June 1st, except that the terms of the citizen members first appointed shall be for varying periods, so the succeeding terms will be staggered from one (1) year to four (4) years. Any vacancy on the Commission citizen membership shall be filled for the unexpired term by appointment as aforesaid by the Mayor and approval by the Board of Aldermen. The Board of Aldermen may remove any citizen member for cause stated in writing, and after public hearing.

(Ord. 545, Effective April 22, 1996, Repeals Ord. 316[3]; Ord. 749, Sec. 1, Approved and Effective August 22, 2011, Amended)

Section 3A.120 Officers, Officer Terms, Meetings, Meeting Quorum, Staff, Expenditures.

1. The Planning Commission shall elect a Chairman and Secretary from among the citizen members. The term of Chairman and Secretary shall be for one year, with eligibility for reelection. The Commission shall hold regular meetings and special meetings as provided by rule, and shall adopt rules for the transaction of business, and keep a record of its proceedings. These records shall be public records. There shall be a majority (more than fifty percent) of the total citizen members on the Commission in attendance at any Commission meeting to constitute a quorum for the transaction of Commission business. "Total citizen members" includes any additional citizen member appointed if either the Mayor chooses not to be a Commission member or if the Board of Aldermen chooses not to have an alderman be a Commission member, or if both possibilities take place.

2. The Commission shall appoint the employees and staff necessary for its work, and may contract with City Planners and other professional persons for the services that it requires. The expenditures of the Commission, exclusive of grants and gifts, shall be within the amounts appropriated for the purpose by the Board of Aldermen.

(Ord. 316, Sec. 4, Approved and Effective December 27, 1971; Ord. 749, Sec. 2, Approved and Effective August 22, 2011, Amended)

Section 3A.125 City Plan.

The Commission shall make and adopt a City Plan for the physical development of the City of Sturgeon. The City Plan, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the Commission's recommendations for the physical development and uses of land, and may include, among other things, the general location, character and extent of streets and other public ways, grounds, places and spaces; the general location and extent of public utilities and terminals, whether publicly or privately owned, the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment or change of use of any of the foregoing; the general character, extent and layout of the re-planning of blighted districts and slum areas. The Commission shall also prepare a Zoning Plan or the regulation of the height, area, bulk, location and use of private, nonprofit and public structures and premises, and of population density.

(Ord. 316, Sec. 5, Approved and Effective December 27, 1971.)

Section 3A.130 Preparation of City Plan.

In the preparation of the City Plan, the Commission shall make careful and comprehensive surveys and studies of the existing conditions and probable future growth of the City. The City Plan shall be made with the purpose of guiding and accomplishing a coordinated development of the City which will, in accordance with existing and future needs, best promote the general welfare as well as efficiency and economy in the process of development.

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(Ord. 316, Sec. 6, Approved and Effective December 27, 1971.)

Section 3A.135 Adoption of City Plan.

The Commission may adopt the City Plan as a whole by a single resolution, or, as the work of making the whole City Plan progresses, may from time to time adopt a part or parts thereof, any part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. Before the adoption, amendment or extension of the City Plan or portion thereof, the Commission shall hold at least one public hearing thereon. Fifteen days' notice of the time and place of such hearing shall be published in at least one newspaper having general circulation with the City of Sturgeon. The hearing may be adjourned from time to time. The adoption of the City Plan requires a majority vote of the full membership of the Planning Commission. The resolution shall refer expressly to the maps, descriptive matter and other matters intended by the Commission to form the whole or part of the plan and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the Secretary of the Commission, and filed in the office of the Commission, identified property by file number, and a

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copy of the City Plan or part thereof shall be certified to the Board of Aldermen and the Municipal Clerk, and a copy shall be recorded in the office of the Boone County Recorder of Deeds.

(Ord. 316, Sec. 7, Approved and Effective December 27, 1971.)

Section 3A.140 Commission's Rights to Information, Land Access, etc.

All public officials shall, upon request, furnish to the Commission within a reasonable time, all available information it requires for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land to make examinations and surveys. In general, the Commission shall have the power necessary to enable it to perform its functions and promote municipal planning.

(Ord. 316, Sec. 8, Approved and Effective December 27, 1971.)

Section 3A.145 Construction Subject to Commission Approval, When.

Whenever the Commission adopts the City Plan of the City of Sturgeon or any part thereof, no street or other public facilities, or no public utility, whether publicly or privately owned, and, the location, extent and character thereof, having been included in the recommendations and proposals of the plan or portions thereof, shall be constructed or authorized in the City until the location, extent and character thereof has been submitted to and approved by the Planning Commission. In case of disapproval, the Commission shall communicate its reasons to the Board of Aldermen, and the Board of Aldermen, by vote of not less than two-thirds of its entire membership, may overrule the disapproval and, upon the overruling, the Board of Aldermen or the appropriate board or officer may proceed, except that if the public facility or utility is one the authorization of financing of which does not fall within the province of the Board of Aldermen, then the submission to the Planning Commission shall be the board having jurisdiction, and the Planning Commission's disapproval may be overruled by that board 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 for, 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. The failure of the Commission to act within sixty days after the date of official submission to it shall be deemed approval.

(Ord. 316, Sec. 9, Approved and Effective December 27, 1971.)

Section 3A.150 Incorporation of State Statutes.

The Commission shall have and perform all of the functions of the Zoning Commission provided for in Chapter 89, R.S.Mo., and shall have and perform all of the functions of a Planning Commission as outlined in said chapter.

(Ord. 316, Sec. 10, Approved and Effective December 27, 1971.)

Section 3A.155 Commission to Approve Plats and Subdivisions.

After the Planning Commission of the City of Sturgeon adopts a City Plan which includes at least a major street plan or progresses in its City Planning to the making and adopting of a major street plan in the office of the Recorder of Deeds of Boone County, then no plat of a subdivision of land lying within the City shall be filed or recorded until it has been submitted to and a report and recommendation thereon made by the Commission to the Board of Aldermen, and the Board of Aldermen has approved the plat as provided by law.

(Ord. 316, Sec. 11, Approved and Effective December 27, 1971.)

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Section 3A.160 Public Hearing on Regulations.

Before adoption of any subdivision regulations, or any amendment thereof by the Board of Aldermen, a duly advertised public hearing thereof may be held by the Board of Aldermen.

(Ord. 316, Sec. 12, Approved and Effective December 27, 1971.)

Section 3A.165 Approval or Disapproval, Time Limit, Extension.

Within sixty days after submission of a subdivision plat to the Commission, the Commission shall approve or disapprove the plat; otherwise the plat is deemed approved by the Commission, except that the Commission, with the consent of the applicant for the approval, may extend the sixty day period. The ground of disapproval of any plat by the Commission shall be made a matter of record.

(Ord. 316, Sec. 13, Approved and Effective December 27, 1971.)

Section 3A.170 Effect of Commission Approval.

The approval of a plat by the Commission does not constitute or effect an acceptance by the City or public of the dedication to public use of any street or other ground shown upon the plat.

(Ord. 316, Sec. 14, Approved and Effective December 27, 1971.)

Section 3A.175 Reference to Unrecorded Plats Prohibited.

No owner or agent of the owner of any land located within the planning jurisdiction of the City of Sturgeon, knowingly or with intent to defraud, may transfer, sell, agree to sell or negotiate to sell that land by reference to or by other use of a plat of any purported subdivision of the land before the plat has been approved by the Board of Aldermen or Planning Commission, and recorded in the office of the Boone County Recorder. Any person violating the provisions of this section shall forfeit and pay to the City a penalty (For current rates see Chapter 25 - Deposits, Fees & Charges, Section 25.140) for each lot transferred or sold or agreed or negotiated to be sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from this penalty. Said penalty shall be set by the Board of Aldermen. The City of Sturgeon may enjoin or vacate the transfer or sale or agreement by legal action, and may recover the penalty in such action.

(Ord. 316, Sec. 15, Approved and Effective December 27, 1971.)

Section 3A.180 Adoption of Major Street Plan and Subdivision Regulations, Effect.

Upon adoption of a Major Street Plan and Subdivision Regulations the City of Sturgeon shall not accept, lay out, open, improve, grade, pave or light any street, lay or authorize the laying of water mains, sewers, connections or other utilities in any street within the City unless the street has received the legal status of a public street prior to the adoption of a City Plan; or unless the street corresponds in its location and lines with a street shown on a subdivision plat approved by the Board of Aldermen or the Planning Commission, or on a street plan made by and adopted by the Commission. The Board of Aldermen may locate and construct or may accept any other street if the ordinance or other measure for the location and construction or for the acceptance is first submitted to the Commission for its approval, and approved by the Commission or, if disapproved by the Commission, is passed by the affirmative vote of not less than two-thirds of the entire membership of the Board of Aldermen.

(Ord. 316, Sec. 16, Approved and Effective December 27, 1971.)

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Section 3A.185 Effect on Building Permits.

After the adoption of a Major Street Plan, no building permit shall be issued for and no building shall be erected on any lot within the territorial jurisdiction of the Commission unless the street giving access to the lot upon which the building is proposed to be placed conforms to the requirements above described.

(Ord. 316, Sec. 17, Approved and Effective December 27, 1971.)

Section 3A.190 Setback Line Recommendation.

Whenever a plan for major streets has been adopted, the Board of Aldermen upon recommendation of the Planning Commission is authorized and empowered to establish, regulate and limit and amend, by ordinance, building or setback lines on major streets, and to prohibit any new building being located within building or setback lines. When a plan for proposed major streets or other public improvements has been adopted, the Board of Aldermen may prohibit any new building being located within the proposed site or right of way when the center line of the proposed street or the limits of the proposed sites have been carefully determined and are accurately delineated on maps approved by the Planning Commission and adopted by the Board of Aldermen.

(Ord. 316, Sec. 18, Approved and Effective December 27, 1971.)

Article III: Parks and Recreation

Section 3A.200 Recreation Center Board Established

There is hereby established a Sturgeon Recreation Center Board, which shall be comprised of seven (7) members. The Mayor shall appoint each member with the consent and approval of a majority of the Board of Aldermen. No person shall be appointed to such board unless such person shall be a resident of the Sturgeon, Missouri school district at the time of his or her appointment and be at least eighteen years of age.

(Ord. 775, Sec. 1, Amended and Effective August 27, 2012; Sec. 1, Approved and Effective June 27, 2005; Ord. 565, Effective May 24, 1999, Repealed)

Section 3A.205 Terms of and Removal From Office

Each member shall hold office from the first day of June, for a term of two years. In the event a vacancy shall occur during the term of any board member due to death, resignation, removal or otherwise, a successor shall be appointed by the Mayor for the unexpired portion of the term, with the consent and approval of a majority of the Board of Aldermen. At the May Board of Aldermen meeting of each year, the Mayor shall, by and with the consent and approval of a majority of the Board of Aldermen, appoint any needed new members. The Mayor may, by and with the consent and approval of a majority of the Board of Aldermen, remove any member of the Sturgeon Recreation Center Board for misconduct, neglect of duty or when such removal shall be determined by the Mayor to be in the best interests of the City. No member of the Sturgeon Recreation Center Board shall receive compensation for serving on such board, however the Board of Aldermen may reimburse such board members for reasonable, authorized and necessary expenses incurred in the performance of their duties.

(Ord. 775, Sec. 2, Amended and Effective August 27, 2012; Sec Ord. 643, Sec. 2, Approved and Effective June 27, 2005; Ord. 565, Effective May 24, 1999, Repealed)

Section 3A.210 Offices; Rules and Powers

The Sturgeon Recreation Center Board shall meet and organize by the election of one member as President, one member as Vice-President and one member as Secretary, all for one year terms beginning June 1st.

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(Ord. 775, Sec. 3, Amended and Effective August 27, 2012; Ord. 643, Sec. 3, Approved and Effective June 27, 2005; Ord. 565, Effective May 24, 1999, Repealed)

Section 3A.215 Duties and Responsibilities

The Sturgeon Recreation Center Board shall:

(a) Act by a vote of a majority of all its seven members at meetings at which a quorum shall be present, being at least four members. A majority of the seven-member board, being at least four members, shall constitute a quorum for the transaction of business.

(b) Make plans for the development, maintenance and management of a City Recreation Center.

(c) Deposit all monies received for such City Recreation Center into the treasury of the City of Sturgeon, Missouri and keep such funds separate and apart from all other monies and accounts of the City of Sturgeon, Missouri, with such funds to be drawn upon only by authorized officers of the City of Sturgeon, Missouri.

(Ord. 775, Sec. 4, Amended and Effective August 27, 2012; Ord. 643, Sec. 4, Approved and Effective June 27, 2005; Ord. 565, Effective May 24, 1999, Repealed)

Section 3A.220 Annual Reports

An officer of the Sturgeon Recreation Center Board shall present to the Board of Aldermen an annual report of the Sturgeon Recreation Center Board. Such report shall be presented at the June Board of Aldermen meeting each year and shall consist of:

(a) What has been done from June 1st of the previous calendar year through May 31st.

(b) The various sums of money received from whatever sources, if any.

(c) The various sums of money expended by the Sturgeon Recreation Center Board, if any, and in connection with the City Recreation Center, along with the purposes of such expenditures.

(d) Such other statistics, information and suggestions as the Sturgeon Recreation Center Board may deem to be of general interest.

(e) A proposed City Recreation Center budget for the coming fiscal year, beginning July 1st .

(f) Recommendations for improving the City Recreation Center and its facilities.

(Ord. 775, Sec. 5, Amended and Effective August 27, 2012; Ord. 643, Sec. 5, Approved and Effective June 27, 2005; Ord. 565, Effective May 24, 1999, Repealed)

Section 3A.225 City Parks and Trees Board and Provisions Regarding Parks and Trees

1. Definitions.

For the purposes of this City Code section, the following words and/or phrases shall have the meaning indicated below:

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a. "City property" shall mean land in which the City has any present or future property interest in lands, tenements and hereditaments, including, but not limited to, fee simple titles, life estates, estates pur autre vie, leasehold estates, easements, rights-of-way, licenses and beneficial interests under trusts, reversions, remainders, rights of entry, possibilities of reverter and executory interests;

b. "Landmark tree" shall mean any tree determined by the City Forester or Board of Aldermen to be of special value or significance to the City due to species rarity, old age, association with an historical event or person, abnormality or scenic enhancement.

2. Creation of Parks and Trees Board. There is hereby created and established a Parks and Trees Board for the City, which shall consist of five members, citizens and residents of the City and at least eighteen years of age, who shall be appointed by the Mayor with the consent and approval of a majority of the Board of Aldermen, to serve at the pleasure of the Mayor and Board of Aldermen.

3. Compensation of Parks and Trees Board Members. Members of the Parks and Trees Board shall serve without compensation; however, the Board of Aldermen may reimburse such members for reasonable, authorized and necessary expenses incurred in the performance of their duties.

4. Term of Office and Removal from Office. The term of office of the five persons to be appointed by the Mayor to the Parks and Trees Board shall be three years each, beginning June 1st. The Mayor may, with the consent and approval of a majority of the Board of Aldermen, remove any member of the Parks and Trees Board at any time for misconduct, neglect of duty or when such removal shall be determined by the Mayor to be in the best interests of the City.

5. Vacancies. In the event a vacancy shall occur during the term of any board member due to death, resignation, removal or otherwise, a successor shall be appointed by the Mayor for the unexpired portion of the term, with the consent and approval of a majority of the Board of Aldermen.

6. Board's Duties and Authority. The Parks and Trees Board shall:

a. Choose its own officers, including a president and such other officers as the board may deem necessary, may make its own rules and regulations for its own guidance, keep minutes of its meetings, and act by a vote of a majority of all its five members at meetings at which a quorum shall be present, being at least three members. A majority of the five-member board, being at least three members, shall constitute a quorum for the transaction of business.

b. Develop readiness plans for potential invasive insect species, tree diseases and for storms, and, from time-to-time, revise existing plans for the development and maintenance of facilities and activities for a municipal park system.

c. Credit all funds received for park purposes into a separate fund dedicated solely to City parks.

d. Exercise control of the expenditures of all money collected to the credit of the Park Fund, for the supervision, improvement, care, acquisition and maintenance of City parks.

e. Exercise authority over all trees, plants and shrubs located on, or extending above City property, including such trees that harbor invasive insect species or disease.

f. Develop a management plan for the planting, care, cultivation, pruning and removal of trees, shrubs and plants located on City property. The plan may include provisions designating the species of trees, shrubs and plants to be planted, preserved, removed and/or replaced. Such plan shall be presented to the Board of Aldermen for approval, and, upon acceptance and approval by ordinance of the Board of Aldermen, such plan shall constitute the official comprehensive Tree, Shrubs and Plants Plan for the City.

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7. Designation of a City Forester. The Mayor may, with the consent and approval of a majority of the Board of Aldermen, appoint a person to serve as City Forester and to perform the duties and exercise the authority conferred upon the City Forester by the City Code.

8. Planting or Cutting Trees on City Property.

a. No person, other than a City employee, the City Forester or the City Forester's delegate, shall plant, remove, cut above the ground, repair, maintain, preserve, prune or disturb any tree on any street, park, alley, easement, right-of-way or other City property without first filing an application and obtaining an Urban Forestry permit from the City Clerk, as provided in subsection 17 of this section. The person receiving the permit shall abide by the standards set forth in this City Code.

b. The City recognizes the most recent edition of the American National Standards Institute (ANSI) A300 Standards For Tree Care Operations as the appropriate standard for tree care on City property. ANSI A300 Standards for pruning shall apply to any person or entity engaged in the performance, business or trade of planting, cutting, removing, repairing, maintaining, pruning or preserving trees on City property, including public rights-of-way. The City shall maintain the most recent edition of the ANSI A300 Standards for public review.

c. It shall be unlawful for any person to top any tree on City property unless done with written approval of the Mayor. "To top" is defined as the severe cutting back of tree limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

9. Acceptable City Property Trees - Official List. The City Clerk shall keep at the City offices an official list prepared by the City Parks and Trees Board of acceptable species of trees for planting on City property.

10. Landmark Trees. The City Forester shall have as one of the City Forester's duties, the location, selection and identification of any trees which qualify as "landmark trees."

11. Spacing of Trees on City Property. The spacing of trees on City property shall be in accordance with the City's official list of acceptable City property species of trees, and no such trees may be planted closer together than the following: small trees, 30 feet; evergreen trees, 30 feet; and large trees, 50 feet; except in special plantings designed or approved by a landscape architect approved by the Board of Aldermen.

12. Distance of Trees on City Property from Curb and Sidewalk. The distance trees on City property may be planted from curbs or curb lines or sidewalks shall be in accordance with the City's official list of acceptable City property trees, and no such trees may be planted closer to any curb or sidewalk than the following: small trees, 2 feet; evergreen trees, 4 feet; and large trees, 4 feet.

13. Distance of Street Trees from Street Corners and Fire Hydrants. No trees on City street property shall be planted closer than 35 feet from any street corner, measured from the point of nearest intersecting curbs or curb lines. No such trees shall be planted closer than 10 feet from any fire hydrant.

14. Utilities--Trees on City Property Near. No trees on City property other than those species listed as small trees in the City's official list of acceptable City property trees may be planted under or within 10 lateral feet from any overhead utility line, or over or within 5 lateral feet from any underground water line, sewer line, transmission line or other utility line.

15. Tree Planting on City Property. It shall be unlawful for any person to excavate any opening, hole or pit in any street, parkway, sidewalk space or other City property for the purpose of planting or setting a tree within such place, or to plant or set a tree on said property without first obtaining the written approval of the City Forester, Parks and Trees Board president or Mayor. Such written approval shall state the species and kinds of trees to be planted or set and the location thereof, which shall be in accordance with the City's official list of acceptable City property trees.

16. Care of Trees, Shrubs and Other Vegetation. Every owner or occupant of any land upon which grows any trees, plants, shrubs, bushes or vegetation which overhang any sidewalk, street, or alley or which grow upon any said sidewalk, street or alley in such a manner as to obstruct or impair the free and full use of the sidewalk, street or alley shall keep said trees, plants, shrubs, bushes or vegetation trimmed so as not to interfere with such use by the public. Further, every said owner or occupant shall keep the branches of any said trees trimmed so that they do not obstruct the

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light from any street lamp. Further, every said owner shall keep said trees, plants, shrubs, bushes or vegetation trimmed so as not to obstruct the view of any street intersection.

17. Urban Forestry Permit--When Required Except as provided below, it shall be unlawful for any person to commence or proceed with planting, cutting, removing, repairing, maintaining, pruning, preserving or disturbing any tree on City property without first obtaining an urban forestry permit from the City Clerk, which permit and permit application shall be without charge or cost by the City. The urban forestry written permit application shall be in the form prescribed by the City including a provision where the permit applicant identifies the nature of the work for which the application is sought and that the City consents to such tree work being performed. If the work is to be performed by a public utility company, then the applicant shall be the public utility company or its authorized agent, except that a public utility company shall not be required to obtain an urban forestry permit from the City to cut, remove, repair, maintain or preserve any tree on City property if said tree also is within or overhangs a utility right-of-way of said public utility company and the public utility company only does such tree work within its utility right-of-way. Every urban forestry permit application shall be approved or not approved within seven (7) business days after it is filed with the City. If the application for the permit is not approved, the applicant shall be notified promptly in writing of the reason the permit was not approved. An urban forestry permit shall be issued on an individual job basis except in the case of a public utility company applicant, when such permit may be obtained on an annual calendar year basis. No urban forestry permit shall be required to be obtained if the planting, cutting, removing, repairing, maintaining, pruning or preserving a tree on City property is being done by or on behalf of the City, as provided in subsection 8 of this section, by a City employee, the City Forester or the City Forester's delegate.

18. Violations. Violation of any provisions in this Article of the City Code shall be a misdemeanor punishable under the general penalty provisions of Section 1.010. If, as a result of the violation of any such City Code provision, the injury, mutilation, or death of a tree, shrub or other plant located on City owned property is caused, the cost of repair or replacement of such tree, shrub, or other plant shall be borne by the party guilty of such violation. The replacement value of trees and shrubs shall be determined in accordance with the edition of A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs, and Evergreens published by the International Society of Arboriculture, current at the time such violation shall occur.

(Ord. 760, Approved and Effective March 26, 2012, replacing Ord. 534, 351)

Section 3A.230 Annual Reports.

The President of the Parks and Trees Board shall present to the Board of Aldermen an annual report of the City Parks and Trees Board. Such report shall be presented at the May Board of Aldermen meeting each year and shall consist of:

1. The condition of their trust as of the first day of May of that year.
2. The various sums of money received from whatever source, if any.
3. The sums of money expended by the City Parks and Trees Board, if any, and for what purposes.
4. Such other statistics, information and suggestions as the City Parks and Trees Board may deem to be of general interest.
5. Make recommendations for improving the Park program and facilities.
6. Submit an annual planned program for the use of the parks, recreation facilities and areas.

(Ord. 760, Sec. 3, Approved and Effective March 26, 2012.)

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Section 3A.250 Private Donations.

The Park and Recreation Board shall be held as special trustees for all donations of money, personal property or real estate for the benefit of such park, whenever such donations are accepted according to the terms of the deed, gift, devise or bequest of such property.

(Ord. 351, Sec. 6, Approved and Effective July 28, 1975.)

Article IV: Fairgrounds Board

Section 3A.300 Establishment of Fairgrounds Board

There is hereby established a Fairgrounds Board. Said board shall be comprised of such members, as the Mayor, with the consent and approval of a majority of the members of the Board of Aldermen, shall appoint, not to exceed seven (7) in number. No person shall be appointed to such board, unless such person shall be a resident of the Sturgeon, Missouri School District at the time of his or her appointment.

(Ord. 602, Sec. 1, Approved and Effective April 22, 2002, New; Ord. 738, Sec. 1, Approved and Effective May 25, 2011, Amended)

Section 3A.305 Terms and Removal from Office

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1. Each member shall hold office from the first day of June following his or her appointment and for a term of two (2) years, except that a new member may be appointed to serve out the unexpired term of a previous member who shall have died, resigned, been removed or when there otherwise is a vacancy in such office. At the Board of Aldermen meeting in May of any year the terms of the Fairgrounds Board members expire, the Mayor shall, by and with the consent and approval of a majority of the members of the Board of Aldermen, appoint all members whose term expires at the end of May of that year.

2. The Mayor may, by and with the consent of a majority of the members of the Board of Aldermen, remove any member of the Fairgrounds Board for misconduct or neglect of duty.

3. Vacancies occasioned by removal, resignation or otherwise, shall be reported to the Board of Aldermen, and may be filled in like manner as original appointments, except that the term of office is restricted to the unexpired term of office. No member of the Fairgrounds Board shall receive compensation for serving on such board; however, the Board of Aldermen shall have the authority, by adopted motion, to reimburse such members for reasonable, authorized and necessary specified expenses incurred in the performance of their duties.

(Ord. 602, Sec. 2, Approved and Effective April 22, 2002, New; Ord. 738, Sec. 2, Approved and Effective May 25, 2011, Amended;)

Section 3A.310 Officers

The Fairgrounds Board members shall meet and organize in June each year and every two years in June shall elect the following officers for a two-year term beginning in June: one member as President, another member as Vice-President, another member as Secretary and another member as Treasurer.

(Ord. 602, Sec. 3, Approved and Effective April 22, 2002, New; Ord. 738, Sec. 3, Approved and Effective May 25, 2011, Amended)

Section 3A.315 Duties and Responsibilities and Authority

The Fairgrounds Board shall:

1. Survey and make plans for the development, maintenance and management of the City fairgrounds.
2. Exercise full power and authority, subject to the final approval of the Board of Aldermen, over all land designated as the fairgrounds. This includes the construction of any new or remodel of buildings, fences, utilities (above or below ground), work of landscaping, dirt work, roads, concrete, trees and shrubs.
3. Deposit all monies received for the fairgrounds into the treasury of the City of Sturgeon, Missouri and keep said funds separate and apart from all other monies and accounts of the City of Sturgeon, Missouri, such funds to be drawn upon only by the proper officers of the City of Sturgeon, Missouri.

(Ord. 602, Sec. 4, Approved and Effective April 22, 2002, New)

Section 3A.320 Annual Reports

The President of the Fairgrounds Board shall present to the Board of Aldermen an annual report of the Fairgrounds Board. Such report shall be presented at the Board of Aldermen meeting in either April or May of each year and shall consist of:

1. What has been done in the past year.

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2. The sums of money expended in connection with the City fairgrounds and for what purposes.

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3. Such other statistics, information and suggestions as the Fairgrounds Board may deem to be of general interest.
4. Submit a proposed fairgrounds budget for the upcoming fiscal year.
5. Make recommendations for improving the fairgrounds.

(Ord. 602, Sec. 5, Approved and Effective April 22, 2002, New; Ord. 738, Sec. 4, Approved and Effective May 25, 2011, Amended)

Article V. Historical Society Board

Section 3A.400 Establishment of Wetlands Improvement Advisory Committee; Primary Authority

There is hereby established a Wetlands Improvement Advisory Committee. Said committee shall be comprised of three members residing in the Sturgeon School District, which can include City elected officials and City employees, and which shall have no term of office. The Mayor, with the consent and approval of a majority of the members of the Board of Aldermen, shall appoint such committee members. The primary authority of the committee is to make recommendations to the Board of Aldermen about possible City Wetlands improvements.

(Ord. 798 Sec. 1, Approved and Effective October 28, 2013; Ord. 793 Sec. 1, Approved and Effective July 22, 2013, Repealed; Ord. 644, Sec. 1, Approved and Effective June 27, 2005; Ord. 629, Approved and Effective May 24, 2004, Repealed)

Section 3A.405 Terms of Committee and Removal from Board

(Ord. 793 Sec. 1, Approved and Effective July 22, 2013, Repealed; Ord. 644, Sec. 2, Approved and Effective June 27, 2005; Ord. 629, Approved and Effective May 24, 2004, Repealed)

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Section 3A.410 Vacancies, Removal from Office, Reimbursement for Expenses

1. A new committee member may be appointed by the Mayor with the consent and approval of a majority of the members of the Board of Aldermen to replace an existing committee member who shall have died, resigned, been removed or when there otherwise is a vacancy in such office.

2. The Mayor may, with the consent and approval of a majority of the members of the Board of Aldermen, remove any member of the Wetlands Improvement Advisory Committee for misconduct or neglect of duty.

3. No member of the committee shall receive compensation for serving on such committee, however, the Board of Aldermen shall have the authority, by adopted motion, to reimburse any committee member for reasonable, authorized and necessary specified expenses incurred in the performance of the committee member's duties

(Ord. 798 Sec. 1, Approved and Effective October 28, 2013; Ord. 793 Sec. 1, Approved and Effective July 22, 2013, Repealed; Ord. 644, Sec. 3, Approved and Effective June 27, 2005; Ord. 629, Approved and Effective May 24, 2004, Repealed)

Section 3A.415 Duties and Responsibilities and Authority

(Ord. 793 Sec. 1, Approved and Effective July 22, 2013, Repealed; Ord. 644, Sec. 4, Approved and Effective June 27, 2005; Ord. 629, Approved and Effective May 24, 2004, Repealed)

Section 3A.420 Reports and Recommendations

(Ord. 793 Sec. 1, Approved and Effective July 22, 2013, Repealed; Ord. 629, Approved and Effective May 24, 2004, Repealed)

Section 3A.425 Establishment of Fairs and Festivals Committee

There is hereby established a Fairs and Festivals Committee. Said committee shall be comprised of five (5) members, with the Mayor appointing said members and a majority of the members of the Board of Aldermen to consent to the approval of said members.

(Ord. 807 Sec. 1, Approved and Effective March 24, 2014)

Section 3A.430 Term, Removal from Office, Vacancies, Reimbursement for Expenses

1. Each member shall hold office from the first day of May following his or her appointment for a term of three (3) years, except that all the first committee members appointed by the Mayor may begin serving immediately upon the consent and approval of a majority of the members of the Board of Aldermen, and except that a new member may be appointed and approved, to serve out the unexpired term of a previous member who shall have died, resigned, been removed or when there otherwise is a vacancy in such office. At the Board of Aldermen meeting in April of any year the terms of the Fairs and Festivals Committee members expire, the Mayor shall, by and with the consent and approval of a majority of the members of the Board of Aldermen, appoint all committee members whose term expires at the end of April of that year.

2. The Mayor may, by and with the consent of a majority of the members of the Board of Aldermen, at any time remove any member of the Fairs and Festivals Committee for misconduct or neglect of duty.

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3. Vacancies occasioned by removal, resignation or otherwise, shall be reported to the Board of Aldermen, and may be filled in like manner as original appointments, except that the term of office is restricted to the unexpired term of office. No member of the Fairs and Festivals Committee shall receive compensation for serving on such committee; however, the Board of Aldermen shall have the authority, by adopted motion, to reimburse any of such members for reasonable, authorized and necessary specified expenses incurred in the performance of their duties.

(Ord. 807 Sec. 2, Approved and Effective March 24, 2014)

Section 3A.435 Officers

The Fairs and Festivals Committee members shall meet and organize in May of each year and every two years in May shall elect the following officers for a two-year term beginning upon their election: one member as Chairperson and another member as Secretary-Treasurer.

(Ord. 807 Sec. 3, Approved and Effective March 24, 2014)

Section 3A.440 Duties and Responsibilities of Fairs and Festivals Committee

The Fairs and Festivals Committee shall:

1. Make plans for any fairs and festivals of their choosing taking place at the City fairgrounds or other locations in and around the City.
2. Exercise full power and authority, to conduct any fairs and festivals on behalf of the City of their choosing taking place at the City fairgrounds or other locations in and around the City.
3. Deposit all monies received from any fairs and festivals in or around the City that they conduct, into the treasury of the City of Sturgeon, Missouri, and keep said funds separate and apart from all other monies and accounts of the City of Sturgeon, Missouri,

(Ord. 807 Sec. 4, Approved and Effective March 24, 2014)

Section 3A.445 Annual Report of Fairs and Festivals Committee

The Chairperson of the Fairs and Festivals Committee or his/her designate shall present to the Board of Aldermen an annual report of the Fairs and Festivals Committee. Such report shall be presented at the Board of Aldermen meeting in May of each year and shall consist of:

1. What has been done in the past year.
2. The sums of money received and expended in connection with each of the City fairs and festivals in and around the City that the committee has chosen to conduct in the previous year.
3. Such other statistics, information and recommendations that the Fairs and Festivals Committee may deem to be of general interest.

(Ord. 807 Sec. 5, Approved and Effective March 24, 2014)

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Article VI: Citizens Advisory Board

Section 3A.500 Establishment of Citizen's Advisory Board

(Ord. 793 Sec. 2, Approved and Effective July 22, 2013, Repealed; Ord. 662, Sec. 1, Approved and Effective March 26, 2007; Ord. 660, Approved and Effective January 13, 2007, Repealed)

Section 3A.505 Membership

(Ord. 793 Sec. 2, Approved and Effective July 22, 2013, Repealed; Ord. 662, Sec. 2, Approved and Effective March 26, 2007; Ord. 660, Approved and Effective January 13, 2007, Repealed)

Section 3A.510 Terms of and Removal from Office

(Ord. 793 Sec. 2, Approved and Effective July 22, 2013, Repealed; Ord. 662, Sec. 3, Approved and Effective March 26, 2007; Ord. 660, Approved and Effective January 13, 2007, Repealed)

Section 3A.515 Compensation

(Ord. 793 Sec. 2, Approved and Effective July 22, 2013, Repealed; Ord. 662, Sec. 4, Approved and Effective March 26, 2007; Ord. 660, Approved and Effective January 13, 2007, Repealed)

Section 3A.520 Meetings

(Ord. 793 Sec. 2, Approved and Effective July 22, 2013, Repealed; Ord. 662, Sec. 5, Approved and Effective March 26, 2007; Ord. 660, Approved and Effective January 13, 2007, Repealed)

Section 3A.525 Powers and Duties; Limitations.

(Ord. 793 Sec. 2, Approved and Effective July 22, 2013, Repealed; Ord. 662, Sec. 6, Approved and Effective March 26, 2007; Ord. 660, Approved and Effective January 13, 2007, Repealed)

Section 3A.530 Rules of Procedure

(Ord. 793 Sec. 2, Approved and Effective July 22, 2013, Repealed; Ord. 662, Sec. 7, Approved and Effective March 26, 2007; Ord. 660, Approved and Effective January 13, 2007, Repealed)

Article VIII: Economic Development Committee

Section 3A.700 Economic Development Committee Established

There is hereby established a committee of the Board of Aldermen to consist of five (5) persons, one (1) of whom will be a member of the Board of Aldermen and two (2) will be citizens of the City of Sturgeon and two (2) shall be residents of the Sturgeon School District (may also reside within the City). This committee shall be known as the Economic Development Committee.

(Ord. 699, Sec. 1, Approved and Effective August 24, 2009, New)

Section 3A.705 Terms of Office

The Mayor shall select the persons to serve on the Economic Development Committee, subject to the concurrence of the Board of Aldermen. One (1) Alderman and one (1) citizen member shall serve a one (1) year

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term at the beginning with the term expiring at the April Board of Aldermen meeting. The other committee member and any subsequent appointees to the Board will serve two year terms, with their terms expiring with the April meeting of the Board of Aldermen.

(Ord. 699, Sec. 2, Approved and Effective August 24, 2009, New)

Section 3A.710 Duties

The Economic Development Committee shall:

1. Maintain current information with the Missouri Department of Economic Development regarding possibilities of development in the City of Sturgeon.
2. Attempt to lure retail businesses, professional people, and potential employers to the City of Sturgeon..
3. Designate one of their members as "Chairman" who may also be known as the City's "Economic Development Director" who would be authorized to keep confidential information as to the identity of any particular prospect from both the other members of the committee and to the members of the Board of Aldermen or the public at large.
4. Encourage the listing of properties for rent or sale which would be available to prospective businesses that might wish to locate within the City of Sturgeon.
5. Attempt to develop an Industrial Park near the City of Sturgeon.
6. Assist in the formation and operation of a Chamber of Commerce for the City of Sturgeon.
7. Encourage a number of fairs, festivals, and events which may attract visitors to the City of Sturgeon and thereby increase local retail business.
8. Participate in state sponsored programs to encourage main street development and encourage persons

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to shop locally whenever possible.

9. Undertake such other activities as appears to the committee would assist in the development of a more vibrant economy for the Sturgeon area.

(Ord. 699, Sec. 3, Approved and Effective August 24, 2009, New)

Section 3A.715 Meeting Formality

The meetings of the Sturgeon Economic Development Committee will be open to the public and an agenda will be posted in advance as required by the Missouri Sunshine Law. Minutes will be kept of the meetings, and a copy of those minutes will be deposited with the City Clerk. At each regular meeting of the Board of Aldermen a portion of the agenda will be designated for a report to be received from the Economic Development Committee.

(Ord. 699, Sec. 4, Approved and Effective August 24, 2009, New)

Section 3A.720 Finances

The Economic Development Committee is not authorized to have a separate bank account or to maintain any money separate and apart from the City of Sturgeon Treasury. The Economic Development Committee is encouraged however to offer its advise as to the City Budget and to what resources should be allocated to the various economic development functions.

(Ord. 699, Sec. 5, Approved and Effective August 24, 2009, New)

Section 3A.725 Referral from the Mayor

The Mayor is authorized to refer to the Economic Development Committee additional matters beyond those provided for above relating to duties. Specifically the Mayor may refer citizen questions and suggestions about economic development activities to this committee.

(Ord. 699, Sec. 6, Approved and Effective August 24, 2009, New)

Article IX: Mount Horeb Cemetery Committee

Section 3A.800 Designation of a Cemetery Committee

1. The Mount Horeb Cemetery and the Sturgeon City Cemetery shall be managed by a Cemetery Committee, consisting of not less than three (3) persons, nor more than five (5) persons, to be appointed by the Mayor with the approval of the Board of Aldermen. The Mayor may remove any or all members with the approval of the Board of Aldermen.

2. Terms of the committee shall be for three (3) years, staggered such that no more than two (2) members' terms come due in any one year. Members may be re-appointed. There shall be no limit to the number of terms a member may serve.

3. The Cemetery Committee shall meet from time to time, consider policy and make recommendations to the Board of Aldermen.

(Ord. 708, Sec. 1 - 3, Approved and Effective January 25, 2010)

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Article X. Fair Housing Committee

Section 3A.900 Fair Housing Committee Established.

1. There is hereby created a Fair Housing Committee, whose membership shall consist of five members who shall be appointed by the Mayor of the City with the approval of the Board of Aldermen.

2. Every complaint of a violation of this ordinance shall be referred to the Fair Housing Committee. The Fair Housing Committee shall forthwith notify the person against whom the complaint is made. The identity of the aggrieved person shall be made known to the person against whom the complaint is made at that time. If the Fair Housing Committee, after investigation, finds there is no merit to the complaint, the same shall be dismissed. If the Fair Housing Committee finds that there is merit in the complaint, in their opinion, then, and in the event, the Fair Housing Committee will endeavor to eliminate the alleged discriminatory practice by conference and conciliation.

3. If the Fair Housing Committee is unable to eliminate the alleged discriminatory practice by a conference and conciliation, then, and in that event, the Fair Housing Committee shall forward said complaint to the City Attorney for handling. The final determination of whether or not to prosecute on said complaint shall be left to the City Attorney.

(Ord. 475, Approved and Effective September 25, 1989.)

Section 3A.910 Declaration of Policy.

The Board of Aldermen of the City of Sturgeon hereby declares it to be the public policy of the City to eliminate discrimination and safeguard the right of any person to sell, purchase, lease, rent, or obtain real property without regard to race, sex, color, national origin, ancestry, religion, physical handicap, and without regard to whether a family has children. This ordinance shall be deemed an exercise of the police powers of the City of Sturgeon, Missouri for the protection of the public welfare, prosperity, health and peace of the people of Sturgeon.

(Ord. 475, Approved and Effective September 25, 1989.)

Section 3A.920 Definitions.

For the purposes of this code the following words and/or phrases will have the meaning indicated below..

1. **Person.** Shall mean any individual, firm, partnership, or corporation.
2. **Aggrieved Person.** Shall mean any person who is attempting to provide housing for himself and/or his family in the City of Sturgeon, Missouri.
3. **Discriminate.** Shall mean distinctions in treatment because of race, sex, color, religion, or national origin of any person.

(Ord. 475, Approved and Effective September 25, 1989.)

Section 3A.930 Discriminatory Practices.

It shall be a discriminatory practice and a violation of this ordinance for any person to:

1. Refused to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, sex, color, religion or national origin of any person.

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2. Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, sex, color, religion, or national origin.

3. Make, print, or publish or cause to be made, printed or published any notice, Statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, sex, color, religion or national origin, or an intention to make any such preference, limitation or discrimination.

4. Represent to any person because of race, sex, color, religion or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is, in fact, so available.

5. For profit, to induce or attempt to induce, any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, sex, color, religion or national origin.

6. Bars discrimination in the sale or rental of housing on the basis of a handicap, and requires the design and construction of new multi-family dwelling with four or more units to meet certain adaptability and accessibility requirements.

7. Bars discrimination in the sale or rental of housing because a family has children, but exempts certain types of buildings that house older persons, e.g. Section 202 housing.

(Ord. 475, Approved and Effective September 25, 1989.)

Section 3A.940 Discrimination in the Financing of a House.

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan to a person applying therefore, for the purpose of purchasing, constructing, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount or condition of such loan, because of the race, sex, color, religion or national origin of such person or of any person associated with him in connection with such financing.

(Ord. 475, Approved and Effective September 25, 1989_)

Section 3A.950 Exemptions.

The provisions of this ordinance, and particularly, Section 3.820 hereof, shall not apply to the following:

1. A rental or leasing of a dwelling unit in a building which contains housing, accommodations for not more than two families, living independently of each other, if the owner or members of his family reside in such dwelling unit.

2. A rental or leasing to less than five persons living in a dwelling unit by the owner, if the owner or members of his family reside therein.

3. Any single family house sold or rented by an owner provided that such house is sold or rented:

a. Without the use of sales or rental facilities or services of real estate brokers, agents, salesmen, or person in the business of selling or renting dwellings, and

b. Without the publication, posting or mailing of any advertisement in violation of Section 3.820(c)

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of this article, provided, however, that

(1) Nothing in this provision shall prohibit the use of Attorneys, escrow agents, abstractors, title companies, and other such professional assistants as necessary to perfect or transfer the title, and

(2) That any such private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time.

4. For the purposes of this section a person shall be in the business of selling or renting dwellings if:
 - a. He has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
 - b. He has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or
 - c. He is the owner of any dwelling designed or intended for occupancy, by or occupied by five or more families.

(Ord. 475, Approved and Effective September 25, 1989.)