

1st Reading 6/25/2024  
2nd Reading 7/23/2024

BILL NO. 24-11

ORDINANCE NO. 5469

AN ORDINANCE REPEALING THE “CODE OF ORDINANCES OF THE CITY OF CRESTWOOD, MISSOURI, COUNTY OF ST. LOUIS, STATE OF MISSOURI;” ADOPTING AND ENACTING THE “CODE OF ORDINANCES OF THE CITY OF CRESTWOOD;” AND ESTABLISHING AN EFFECTIVE DATE, as amended.

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WHEREAS, pursuant to Section 71.943 of the Missouri Revised Statutes, the governing body of any municipality may from time to time provide for the compilation or revision and codification of the general ordinances of the municipality; and

WHEREAS, the City of Crestwood (the “City”) Staff recommended the review of the Municipal Code of the City of Crestwood, Missouri (“City Code”) to enhance user’s understanding of the City’s ordinances and ensure compliance with Missouri law; and

WHEREAS, the City’s consultant, General Code, has reviewed the City Code with City officials, and proposed recodification and revisions; and

WHEREAS, the Board of Aldermen finds that it would be in the best interests of the City to repeal the current Code of Ordinances and enact a new Code of Ordinances as proposed by General Code.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CRESTWOOD, MISSOURI, AS FOLLOWS:

SECTION 1: The Code Of Ordinances of the City Of Crestwood, Missouri, County of St. Louis, State of Missouri is hereby repealed, and the Code of Ordinances of the City of Crestwood is adopted and enacted as attached hereto as Exhibit A.

SECTION 2: All ordinances adopted on final passage on or before February 27, 2024, and not included in the Code of Ordinances of the City of Crestwood, or recognized and continued

in force by reference therein, are hereby repealed, except those which may be specifically excepted by separate ordinance, including ordinances that:

1. Promise or guarantee the payment of money for the City, or authorize the issuance of any bonds or notes of the City or any other evidence of the City 's indebtedness, or authorize any contract or obligation assumed by the City;
2. Levy taxes or make special assessments;
3. Appropriate funds or establish salaries and compensation, and provide for expenses;
4. Grant franchises or rights to any person, firm or corporation;
5. Relate to the dedication, opening, closing, naming, establishment of grades, improvement, altering, paving, widening or vacating of streets, alleys, sidewalks or public places;
6. Authorize or relate to particular public improvements;
7. Respect the conveyances or acceptance of real property or easements in real property;
8. Dedicate, accept or vacate any plat or subdivision in the City or any part thereof, or provide regulations for the same;
9. Annex property to the City;
10. Are zoning or subdivision ordinances not specifically repealed and not included herein;
11. Establish TIF districts or redevelopment districts;
12. Relate to traffic schedules;
13. Relate to personnel regulations;
14. Authorize the establishment of industrial development corporations; or
15. Establish tax rates for the City.

SECTION 3: Any and all additions and amendments to such Code when passed in such form as to indicate the intention of the Board of Aldermen 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 Crestwood" shall be understood and intended to include such additions and amendments.

SECTION 4: The violations of the Code of Ordinances of the City of Crestwood will be as follows:

1. Standard penalties. Unless another penalty is expressly provided by this Code for any particular provision, Section or Chapter, any person violating any provision of this Code, or any rule, regulation or order adopted or issued in pursuance thereof, or any provision of any code adopted herein by reference, shall, upon conviction, be subject to a fine of not more than one thousand dollars (\$1,000) or a jail sentence not to exceed ninety (90) days or both, unless a lesser penalty be required by law, in which event the punishment shall not exceed such lesser penalty required by law, any provision of this Code or other ordinance to the contrary notwithstanding costs of prosecution may also be imposed.
2. Each day a violation. Where notice has been given to cease a violation or abate a nuisance, or where a person has been convicted for any violation of this Code, each act of violation and every day upon which a violation occurs or continues thereafter constitutes a separate offense
3. Offense. When, in this Code, the doing of any act or the omission to perform any required act or duty is declared to be unlawful, prohibited, forbidden, an offense, a misdemeanor or an ordinance violation, any person who performs such act, or fails to perform any required act or duty shall be deemed to have violated this Code and shall be guilty of an offense, and shall be subject to the penalties provided in this Section.
4. Applicability. The penalties provided by the Section apply 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.
5. Aiding/abetting. When in this Code, or any amendments thereto, the doing of an act or the omission to perform any required act or duty constitutes an offense, such offense shall extend to and include the causing, securing, aiding or abetting of another person to commit said offense. Likewise, any attempt to commit an offense constitutes an offense for purposes of this Section.
6. Reference to Sections. Reference to any Section of this Code shall be understood also to refer to and include the penalty Section relating thereto, unless otherwise expressly provided.
7. 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 be an offense and shall not subject such officer or employee to the penalty imposed for a violation of this Code, unless a penalty is specifically provided.

In case of the amendment by the Board of Aldermen of any Section of such Code for which a penalty is not provided, the general penalty as provided above shall apply; 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 5: 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 Crestwood to be misrepresented thereby. Any person violating this Section shall be punished as provided in Section 4 of this ordinance.

SECTION 6: It is hereby declared to be the intention of the Board of Aldermen 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 7: A copy of the Code of Ordinances of the City of Crestwood shall be kept on file in the Office of the City Clerk. 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 Board of Aldermen 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 Board of Aldermen. This copy of such Code shall be available for all persons desiring to examine the same.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and its approval by the Mayor.

SECTION 9: Notwithstanding any other provision of this Ordinance to the contrary, Ordinances adopted after Ordinance number 5417 that amended the Code of Ordinances of the City of Crestwood and prior to the adoption of this Ordinance are not repealed by this Ordinance, shall remain in full force and effect, and shall be deemed incorporated into the Code of Ordinances of the City of Crestwood adopted by this Ordinance. To the extent that the Ordinances amending the Code of Ordinances of the City of Crestwood adopted after Ordinance 5417 and prior to the adoption of this Ordinance may conflict with the language in the Code of Ordinances of the City of Crestwood adopted by this Ordinance, the Ordinances amending the Code of Ordinances of the City of Crestwood adopted after Ordinance 5417 and prior to the adoption of this Ordinance shall prevail.

PASSED AND SIGNED this 23<sup>rd</sup> day of July, 2024.

ATTEST:

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City Clerk




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Mayor



APPROVED this 23<sup>rd</sup> day of July, 2024.

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Mayor



**EXHIBIT A**

*[Final Draft of New Municipal Code]*