
Sponsored by: Mayor Hennessy

AN ORDINANCE AMENDING CHAPTER 605 OF THE O'FALLON, MISSOURI, CITY CODE RELATING TO BUSINESS LICENSES.

WHEREAS, the City Council strives to maintain diverse channels of revenue to insulate O'Fallon from compromising its ability to deliver critical public services if there is disruption in one sector of the economy such that City resources are severely diminished; and

WHEREAS; revenue derived from the City's business license tax has not kept pace with other sources of City revenue, with the result that the business community's share of the public tax burden is inappropriately low, thereby putting the surety of City services at risk; and

WHEREAS, examination of the business license tax structures of other communities shows that business elsewhere shoulder a greater share of the public tax burden and defray a more reasonable proportion of the costs of the services they receive without diminishing their ability to thrive; and

WHEREAS, at the April 2023 municipal election the voters of O'Fallon authorized changes to the manner and amount of assessing fees for business licenses in the City; and

WHEREAS, the City Council now wishes to implement at least part of the authority authorized by the voters and revise O'Fallon's business license fee structure and rates as hereinafter provided;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF O'FALLON, MISSOURI, AS FOLLOWS:

SECTION 1. Section 605.010, 605.015, 605.020, 605.030, 605.040, 605.050, 605.060, 605.070 and 605.080 of Chapter 605 of the Code of Ordinances of the City of O'Fallon, Missouri, are hereby repealed and nine new Sections, initially to be designated as Sections 605.010, 605.015, 605.020, 605.030, 605.040, 605.050, 605.060, 605.070 and 605.080, are hereby enacted in lieu thereof, to read as follows:

Chapter 605. Licensing and Regulation of Occupations

Section 605.010. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

LICENSE YEAR – Unless otherwise provided, shall mean the period beginning July 1 and ending on the following June 30. In the case of businesses newly established, the license year will start at the beginning of doing business and ending on the June 30 following the year of establishment.

MANUFACTURER – Any person engaged in the production of some article, thing or object by skill or labor out of raw materials or from matter that has already been subject to artificial forces or to which something has been added to change its natural condition.

MERCHANT - A person, business or other legal entity doing business within the City of O'Fallon, except those exempted in Section 605.015, below.

WAREHOUSE – A structure used to temporarily store goods, materials or merchandise for sale or distribution.

Section 605.015. Persons Not To Be Charged For Business License.

- A. No person following for a livelihood the profession or calling of minister of the gospel, duly accredited Christian Science practitioner, teacher, professor in a college, priest, lawyer, certified public accountant, dentist, chiropractor, optometrist, chiropodist, or physician or surgeon in this City shall be taxed or made liable to pay any municipal or other corporation tax or license fee of any description whatever for the privilege of following or carrying on such profession or calling, and after December 31, 2003, no investment funds service corporation as defined in Section 143.451, RSMo., may be required to pay any such license fee in excess of twenty-five thousand dollars (\$25,000.00) annually, any law, ordinance or Charter to the contrary notwithstanding.
- B. No person following for a livelihood the profession of insurance agent or broker, veterinarian, architect, professional engineer, land surveyor, auctioneer, or real estate broker or salesman in this City shall be taxed or made liable to pay any municipal or other corporation tax or license fee for the privilege of following or carrying on his/her profession unless that person maintains a business office within the City of O'Fallon.

Section 605.020. Business License Required.

All merchants doing business within the City of O'Fallon shall be required to

purchase and keep on display at their usual place of business a City of O'Fallon business license.

Section 605.030. License Fees; Procedure.

- A. The following fee schedule shall apply to all merchants, businesses and occupations, manufacturers and warehouses except those exempted in Section 605.015, above, and any organization which has been designated as a 501(c)(3) organization by the Internal Revenue Service:
1. Merchants (excluding warehouse and manufacturing).
 - a. For the license year 2024-2025, the annual license fee per location for businesses defined as merchants in Section 605.010, above, shall be fifty dollars (\$50) for businesses occupying up to ten thousand (10,000) square feet at the location to be licensed and an additional three cents (\$.03) per square foot for each additional square foot occupied by the licensee at the licensed location; provided, however that no license fee shall exceed five hundred dollars (\$500) per year per licensed location.
 - b. For the license year 2025-2026 and subsequent license years, the annual license fee per location for businesses defined as merchants in Section 605.010, above, shall be fifty dollars (\$50) for businesses occupying up to five thousand (5,000) square feet at the location to be licensed and an additional three cents (\$.03) per square foot for each additional square foot occupied by the licensee at the licensed location; provided, however that no license fee shall exceed one thousand dollars (\$1,000.00) per year per licensed location.
 2. Manufacturer / Warehouse.
 - a. For the license year 2024-2025, the annual license fee per location for merchants engaged in manufacturing and/or warehousing as defined in Section 605.010, above, shall be fifty dollars (\$50.00) for businesses occupying up to ten thousand (10,000) square feet at the location to be licensed and an additional two cents (\$.02) per square foot for each additional square foot occupied by the licensee at the licensed location; provided, however, that no license fee shall exceed five hundred dollars (\$500) per year per licensed location.
 - b. For the license year 2025-2026 and subsequent license years, the annual license fee per location for merchants engaged in

manufacturing and/or warehousing as defined in Section 605.010, above, shall be fifty dollars (\$50.00) for businesses occupying up to five thousand (5,000) square feet at the location to be licensed and an additional two cents (\$.02) per square foot for each additional square foot occupied by the licensee at the licensed location; provided, however, that no license fee shall exceed one thousand dollars (\$1,000.00) per year per licensed location.

- B. All licenses will be calculated based on a single use. The category assignment will be made based on the use with the largest percentage of space.
- C. For purposes of the license fee, the square footage computation will include all square footage that is used in whole or in part to the benefit of the business operation, including, but not limited to, all levels of buildings, outdoor structures, outdoor storage of materials, goods, or equipment and areas used for parking of business vehicles, but excluding areas used for customer or employee vehicle parking.
- D. Whenever an applicant is engaged in more than one business at a single location, the applicant may at his/her option, in lieu of making application and paying for a separate license for each such occupation or business, make application and pay for the occupation or business license for the primary or principal business of the applicant at such address. The applicant shall report the description of each business use to the city and the square footage of each business separately if requested.
- E. License information must be supplemented and updated if ownership or location of the business within the City of O'Fallon is changed. No additional fee will be charged to transfer a license to a new owner. If a license is transferred to a new location in the City of O'Fallon and the business occupies more space than at the previous location the license fee will be recalculated and assessed based on the additional square footage at the new location. No license fees will be refunded, prorated or reduced if the licensee reduces the licensed area or ceases to engage in business at the licensed premises during the licensed period. No merchant shall engage in business at a new location until the notice of such change has been provided to the City and a new business license indicating the new location has been approved.
- F. The following fee schedule will apply for late penalties if a merchant engaged in business has not obtained or renewed their business license

in a timely manner.

1. July 1 to July 31: Zero dollars (\$0.00) license fees grace period.
 2. August 1 to August 31: Fifteen dollars (\$15.00) or five percent (5%) of annual fee, whichever is higher.
 3. September 1 to September 30: Twenty dollars (\$20.00) or ten percent (10%) of annual fee, whichever is higher.
 4. October 1 to October 31: Twenty-five dollars (\$25.00) or fifteen percent (15%) of annual fee, whichever is higher.
- G. The benefits of a business license are as follows:
1. Review prospective businesses for proper zoning.
 2. Ensure businesses obtain sales tax I.D. and workers' compensation insurance, if necessary.
 3. Ensure emergency contact information is on file with Police Department.
 4. Allow measure of recourse if businesses are out of compliance with ordinances.
 5. Provide complete database listing of all businesses operating within City limits.

Section 605.040. Taxes To Be Paid.

- A. No license or permit provided for or required under any ordinance of the City of O'Fallon, Missouri, shall hereafter be issued by the City to any person, firm or corporation until the current municipal taxes of the applicant for such license or permit shall have first been paid.
- B. Each applicant for a business license under this Chapter shall submit a statement from the Missouri Department of Revenue pursuant to Section 144.083.4, RSMo., stating no tax is due, which statement is a prerequisite for the issuance or renewal of a City business license. The statement required by this Section shall be dated within ninety (90) days of submission of the business license application or renewal application.

Section 605.050. Director Of Finance To Provide Method Of Checking Unpaid Taxes.

It shall be the duty of the Director of Finance to establish and promulgate rules and regulations relative to an orderly method of checking whether all municipal taxes are paid by such applicant.

Section 605.060. Suspension, Revocation And Other Discipline Of Licenses.

- A. Any license issued by the City under this Chapter may be suspended, revoked or otherwise disciplined or sanctioned for good cause. Suspension, revocation or other form of discipline or sanction shall be in addition to any other penalty or penalties prescribed in this Chapter or available to the City by law. Good cause shall include, but not be limited to, any of the following reasons:
1. Any failure to comply or any violation of any provision of this Chapter or the regulations promulgated under the authority of this Chapter by the licensee;
 2. Violation of the terms and conditions upon which the license was issued;
 3. Violation of any ordinance of the City regulating the licensee;
 4. Violation of any other Federal, State or local law or regulation pertaining to the licensee or the activities associated with the business subject to the license or occurring upon the property where the establishment is located or the business is conducted;
 5. Failure of the licensee to pay any tax, fee, fine or other governmental charge required by law, including the payment of municipal taxes and the remission of sales taxes;
 6. Illegal or improper issuance of the license;
 7. Any misrepresentation, misleading statement of fact, or false statement in the application for such license;
 8. Causing, maintaining, or failing to address any condition constituting a nuisance, whether public or private;
 9. Failure to obtain or maintain any license from the State or other regulatory authority which is required for the operation of the business subject to the license.
- B. Procedure.
1. In any case in which there is reason to believe a license issued pursuant to this Chapter may be subject to suspension, revocation or other discipline, the notice of violation shall be issued to the business or establishment of the violations or other grounds warranting suspension, revocation or other discipline. The notice shall order the licensee or owner or operator of the business (if different than the licensee) to appear before the Director of Finance, or his or her designee, at such time and place as determined by the Director of Finance, to show cause, if any, why the business license or other permit should not be suspended, revoked or otherwise disciplined or sanctioned. Every person required to appear shall have at least ten (10) days' notice thereof.
 2. Such notice shall be signed by the Director of Finance, or his or

her designee. The notice shall be served upon that person by delivering a copy thereof to the person, or by leaving a copy at his/her residence with some member of the family or household over fifteen (15) years of age, or upon any corporation by delivering the copy thereof to the registered agent or to any other officer at any business office of the corporation within the City. If the notice cannot be given for the reason that the person named in the notice or his/her agent cannot be found in the City, of which fact the return upon such notice of the officer serving the same shall be conclusive evidence, such notice shall be mailed to such person and posted at the property which is the site of the business or mailed to such person and published in a newspaper within the City once at least seven (7) days before the time fixed for the parties to appear. The cost of the mailing and publication shall be assessed against the licensee.

3. During the period the hearing is pending before the Director of Finance, the licensee shall be permitted to continue the operation of the business; provided, however, that the pending nature of such hearing shall not preclude prosecution for violation of the ordinances of the City occurring during such period.
4. If, after hearing all the evidence, it is determined that there are grounds for suspension, revocation or other discipline of the business license, the Director of Finance, or his or her designee, shall make such order as he or she deems reasonable. The order shall be served in the manner provided in this Section for service of the notice of violation.
5. The decision of the Director of Finance may be appealed by filing an appeal, on such forms as prescribed by the City, with the City Administrator within seven (7) days from the Director's decision. The appeal form shall set forth, at a minimum, the detailed grounds for such appeal and such further information as requested on the appeal form. The filing of a request for review by the City Administrator shall not stay the outcome of the Director's determination unless the Administrator shall suspend the effect of the determination upon request of the aggrieved party.
6. The City Administrator shall review the decision of the Director of Finance either, within the Administrator's sole discretion, upon the record previously made or upon a new hearing and shall issue a written decision to all parties.
7. The Administrator's decision may be subject to judicial review in the Circuit Court of St. Charles County if an aggrieved party files an appropriate petition for judicial review within fifteen (15) days of the Administrator's decision.

8. Upon suspension or revocation of a business license, the owner and/or operator of the business shall immediately cease operation of the business at the location set forth in the order.
9. In the event that a licensee whose license has been revoked pursuant to this Section, or a related entity of a licensee whose license has been revoked pursuant to this Section, shall thereafter apply for a substantially similar license, the licensing official may take into account the act(s) and circumstances which led to the revocation in considering the new application.

Section 605.070. Failure To Obtain Or Display License — Penalty.

Any merchant doing business in the City of O'Fallon who does not obtain and/or display an O'Fallon business license shall be liable in the Municipal Court of the City of O'Fallon for a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) plus the cost of the license and Court costs. Each day such violation continues shall be a separate offense and the violator shall be liable for separate fines therefor.

Section 605.080. Peddlers, Solicitors And Canvassers.

- A. Definitions. As used in this Section, the following words have the meaning indicated:

CANVASSER — A person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident for the primary purpose of:

1. Attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause; or
2. Distributing a handbill or flyer advertising a non-commercial event or service.

ISSUING OFFICER — The Finance Officer for the City of O'Fallon, Missouri, or his/her designee.

PEDDLER — A person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident for the primary purpose of attempting to sell a good or service. A "peddler" does not include a person who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good or service that is offered to the resident for purchase at a location away from the residence or at a time different

from the time of visit. Such a person is a "solicitor."

SOLICITOR — A person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident for the primary purpose of:

1. Attempting to obtain a donation to a particular patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political or religious purpose, even if incidental to such purpose there is the sale of some good or service; or
 2. Distributing a handbill or flyer advertising a commercial event or service.
- B. Exception. Section 605.080 shall not apply to a Federal, State or local government employee or a public utility employee in the performance of his/her duty for his/her employer.
- C. Identification Card Required For Peddlers And Solicitors, Available For Canvassers. No person shall act as a peddler or as a solicitor within the City without first obtaining an identification card in accordance with Section 605.080. A canvasser is not required to have an identification card but any canvasser wanting an identification card for the purpose of reassuring City residents of the canvasser's good faith shall be issued one upon request.
- D. Fee. The fee for the issuance of each identification card shall be:
1. For a peddler or solicitor: \$10.00 per day per person.
 2. For an organization or business on whose behalf the peddler(s) or solicitor(s) are acting: two hundred (\$200) for all or any part of a license year (as defined in Section 605.010, above).
 3. For a canvasser requesting an identification card: No fee.

Provided, however, that any merchant as defined in Section 605.010 above:

- a. Having a place of business in the City of O'Fallon; and
- b. Paying property, sales or gross receipts taxes to the City of O'Fallon; and
- c. Having a current, valid business license in accord with Section 605.020 above, or exempt from the obligation to have a City license by reason of Section 605.015 above,

shall be entitled to the issuance of peddler or solicitor identification cards valid for up to twenty (20) solicitation days (i.e., the combined total of the number of cards and the number of days for which they are valid) per calendar year without paying the per-day fee set forth above,

if all other requirements for the issuance of such cards are satisfied. The partial waiver of per-day fees provided herein shall not be applicable to licensees operating under Chapters 607, 610, 615, 625, 630, or 635, below.

- E. Application For Identification Card. Any person or organization (formal or informal) may apply for one (1) or more identification cards by completing an application form at the office of the issuing officer during regular office hours.
- F. Contents Of Application. The applicant (person or organization) shall provide the following information:
1. Name of applicant.
 2. Number of identification cards required.
 3. The name, physical description and photograph of each person for whom a card is requested. In lieu of this information, a driver's license, State identification card, passport, or other government-issued identification card (issued by a government within the United States) containing this information may be provided, and a photocopy taken. If a photograph is not supplied, the City will take a photograph of each person for which a card is requested at the application site. The actual cost of the photograph will be paid by the applicant.
 4. The permanent and (if any) local address of the applicant.
 5. The permanent and (if any) local address of each person for whom a card is requested.
 6. A brief description of the proposed activity related to this identification card. (Copies of literature to be distributed may be substituted for this description at the option of the applicant.)
 7. Date and place of birth for each person for whom a card is requested and (if available) the Social Security number of such person.
 8. A list of all infraction, offense, misdemeanor and felony convictions of each person for whom a card is requested for the seven (7) years immediately prior to the application, the application shall also be accompanied by a "criminal history records" name search report from the Missouri Highway Patrol issued not more than one (1) year prior to the date of application, and, if the applicant has not been a Missouri resident throughout the preceding seven (7) years, documentation showing that the Missouri Highway Patrol report encompassed criminal history record data for each State in which the applicant was a resident during that period, or by a substantially similar report from each State in which the applicant was a resident within the preceding

- seven (7) years.
9. The motor vehicle make, model, year, color and State license plate number of any vehicle which will be used by each person for whom a card is requested.
 10. If a card is requested for a peddler:
 - a. The name and permanent address of the business offering the event, activity, good or service (i.e., the peddler's principal).
 - b. A copy of the principal's current and valid sales tax license as issued by the State of Missouri, provided that no copy of a license shall be required of any business which appears on the City's annual report of sales tax payees as provided by the Missouri Department of Revenue. The principal must also be current in any obligations to the City, including, but not limited to, any necessary business license or other fees or permits, if the principal has any such obligations.
 - c. The location where books and records are kept of sales which occur within the City and which are available for City inspection to determine that all City sales taxes have been paid.
 11. If a card is requested for a solicitor:
 - a. The name and permanent address of the organization, person, or group for whom donations (or proceeds) are accepted.
 - b. The web address for this organization, person or group (or other address) where residents having subsequent questions can go for more information.
 12. Any other information the applicant wishes to provide, perhaps including copies of literature to be distributed, references to other municipalities where similar activities have occurred, etc.
- G. Issuance Of Identification Card. The identification card(s) shall be issued promptly after application but in all cases within sixteen (16) business hours of completion of an application, unless it is determined within that time that:
1. The applicant has been convicted of a felony or a misdemeanor involving moral turpitude within the past seven (7) years; or
 2. With respect to a particular card, the individual for whom a card is requested has been convicted of any felony or a misdemeanor involving moral turpitude within the past seven (7) years; or
 3. Any statement upon the application is false, unless the applicant can demonstrate that the falsehood was the result of excusable neglect.

- H. Investigation.
1. During the period of time following the application for one (1) or more identification cards and its issuance, the City shall investigate as to the truth and accuracy of the information contained in the application. If the City has not completed this investigation within the sixteen (16) business hours provided in Section 605.080(G), the identification card will nonetheless be issued, subject, however, to administrative revocation upon completion of the investigation.
 2. If a canvasser requests an identification card, the investigation will proceed as described above, but if the City refuses to issue the identification card (or revokes it after issuance), the canvasser will be advised that the failure to procure an identification card does not prevent him/her from canvassing the residents of the City.
- I. Denial—Administrative Revocation. If the issuing officer denies (or upon completion of an investigation revokes) the identification card to one (1) or more persons, he/she shall immediately convey the decision to the applicant orally and shall within sixteen (16) working hours after the denial prepare a written report of the reason for the denial which shall be immediately made available to the applicant. Upon receipt of the oral notification, and even before the preparation of the written report, the applicant shall have at his/her option an appeal of the denial of his/her application before the City Administrator.
- J. Hearing On Appeal. If the applicant requests a hearing under Section 605.080(I), review from the decision (on the record of the hearing) shall be had to the Circuit Court of St. Charles County if the applicant files a petition for judicial review pursuant to Chapter 536, RSMo. within five (5) days of the City Administrator's decision.
- K. Display Of Identification Card. Each identification card shall (when the individual for whom it was issued is acting as a peddler or solicitor) be worn on the outer clothing of the individual, as so to be reasonably visible to any person who might be approached by said person.
- L. Validity Of Identification Card. An identification card shall be valid within the meaning of Section 605.080 for the length of the license period requested, up to a maximum period of two (2) months, from its date of issuance.
- M. Revocation Of Card. In addition to the administrative revocation of an

identification card, a card may be revoked for any of the following reasons:

1. Any violation of this Section 605.080 by the applicant or by the person for whom the particular card was issued.
2. Fraud, misrepresentation or incorrect statement made in the course of carrying on the activity.
3. Conviction of any felony or a misdemeanor involving moral turpitude within the last seven (7) years.
4. Conducting the activity in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

The revocation procedure shall be initiated by the filing of a complaint by the issuing officer and a hearing before the City Administrator in accord with Section 605.080(I) above.

- N. Distribution Of Handbills And Commercial Flyers. In addition to the other regulations contained in Section 605.080 and this Code of Ordinances, a solicitor or canvasser leaving handbills or commercial flyers about the community shall observe the following regulations:
1. No handbill or flyer shall be left at, or attached to any sign, utility pole, transit shelter or other structure within the public right-of-way. The Police are authorized to remove any handbill or flyer found within the right-of-way.
 2. No handbill or flyer shall be left at, or attached to any privately owned property in a manner that causes damage to such privately owned property.
 3. No handbill or flyer shall be left at, or attached, to any of the property having a "no solicitor" sign of the type described in Section 605.080(O)(1) or (2).
 4. No person shall throw, deposit or distribute any handbill or flyer upon private premises which are inhabited except by handing or transmitting same directly to some person then present upon such private premises. Provided, however, that in the case of inhabited private premises which are not posted against solicitors or solicitors and canvassers, a solicitor or canvasser, unless requested not to do so by someone on such premises, may place or deposit any such handbill or flyer in or upon such premises if such handbill or flyer is so placed or deposited as to secure or prevent such handbill or flyer from being blown away or drifting about such premises or sidewalks, streets or other public places; and further provided that mailboxes may not be used for

handbills or flyers unless specifically allowed by Federal law.

5. Any person observed distributing handbills or flyers shall be required to identify himself/herself to the Police (either by producing an identification card or other form of identification). This is for the purpose of knowing the likely identity of the perpetrator if the City receives a complaint of damage caused to private property during the distribution of handbills or flyers.
- O. General Prohibitions. No peddler, solicitor or canvasser shall:
1. Enter upon any private property where the property has clearly posted in the front yard a sign visible from the right-of-way (public or private) indicating a prohibition against peddling, soliciting and/or canvassing as the case may be. Such sign need not exceed one (1) square foot in size and may contain words "no soliciting" or "no solicitors," "no peddling" or "no peddlers," or "no canvassing" or "no canvassers," or any combination thereof, in letters of at least two (2) inches in height.
 2. Remain upon any private property where a notice in the form of a sign or sticker is placed upon any door or entrance way leading into the residence or dwelling at which guests would normally enter, which sign contains the words similar to that specified in Subsection (O)(1) above, and which is clearly visible to the peddler, solicitor or canvasser.
 3. Use or attempt to use any entrance other than the front or main entrance to the dwelling or step from the sidewalk or indicated walkway (where one exists) leading from the right-of-way to the front or main entrance, except by express invitation of the resident or occupant of the property.
 4. Remove any yard sign, door or entrance sign that gives notice to such person that the resident or occupant does not invite visitors.
 5. Use or attempt to use any entrance other than the front or main entrance to the dwelling or step from the sidewalk or indicated walkway (where one exists) leading from the right-of-way to the front or main entrance, except by express invitation of the resident or occupant of the property.
 6. Enter upon the property of another except between the hours of 9:00 A.M. and 8:00 P.M. in the hours of Central Standard Time and 9:00 A.M. and 9:00 P.M. in the hours of Central Daylight Time.

Except that the above prohibitions shall not apply when the peddler, solicitor or canvasser has an express invitation from the resident or occupant of a dwelling allowing him/her to enter upon any posted property.

P. Penalty. Any person violating any part of this Section shall be prosecuted under the general penalty Section of the City of O'Fallon, as set forth at Section 100.010 of the Code of the City of O'Fallon.

SECTION 2. It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. If any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

SECTION 3. The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered in the process of recodifying or servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

SECTION 4: This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

First Reading: April 11, 2024

Second Reading: April 25, 2024

**PASSED BY THE CITY COUNCIL FOR THE CITY OF O'FALLON,
MISSOURI THIS 25TH DAY OF APRIL 2024.**



Bill Henney

Presiding Officer

Attest:

Bess Bacher
Bess Bacher, City Clerk

**APPROVED BY THE MAYOR FOR THE CITY OF O'FALLON, MISSOURI,
THIS 25TH DAY OF APRIL 2024.**

Bill Hennessy

Bill Hennessy, Mayor

Attest:

Bess Bacher

Bess Bacher, City Clerk



Approved as to Form:

Kevin M. O'Keefe

Kevin M. O'Keefe, City Attorney