

# ADOPTING ORDINANCE

**BILL NO. 1229**

**ORDINANCE NO. 1152**

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE CITY OF BRECKENRIDGE HILLS; ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE OF ORDINANCES; PROVIDING PENALTY FOR THE VIOLATION THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRECKENRIDGE HILLS AS FOLLOWS:

**Section 1.** That pursuant to Section 71.943 of the Revised Statutes of Missouri, the codification of ordinances, as set out in Titles I through VI, each inclusive, of the "Code of Ordinances of the City of Breckenridge Hills" is hereby adopted and enacted as the "Code of Ordinances of the City of Breckenridge Hills"; which shall supersede all other general and permanent ordinances of the City passed on or before October 19, 2009, to the extent provided in Section 3 hereof.

**Section 2.** That all provisions of such Code shall be in full force and effect from and after the effective date of this ordinance as set forth herein.

**Section 3.** That all ordinances of a general and permanent nature of the City adopted on final passage on or before October 19, 2009, and not included in such Code or recognized and continued in force by reference therein, are hereby repealed from and after the effective date of this ordinance, except those which may be specifically excepted by separate ordinance, and except the following which are hereby continued in full force and effect, unless specifically repealed by separate ordinance:

- a. Ordinances promising or guaranteeing the payment of money for the City, or authorizing the issuance of any bonds or notes of the City or any other evidence of the City's indebtedness, or authorizing any contract or obligation assumed by the City;
- b. Ordinances levying taxes or making special assessments;
- c. Ordinances appropriating funds or establishing salaries and compensation, and providing for expenses;
- d. Ordinances granting franchises or rights to any person, firm or corporation;
- e. Ordinances relating to the dedication, opening, closing, naming, establishment of

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

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

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

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

**Section 5.** That it shall be unlawful for any person to change or alter by additions or deletions any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the

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City of Breckenridge Hills to be misrepresented thereby. Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited. Anyone charged and found guilty of violating this Section shall be subject to the general penalty provided in Section 100.090 of the City of Breckenridge Hills Municipal Code. [Ord. No. 1202 §§2 — 4, 3-24-2014]

**Section 6.** (Reserved).<sup>1</sup>

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

**Section 8.** (Reserved)<sup>2</sup>

**Section 9.** It is hereby declared to be the intention of the City Council that the Sections, paragraphs, sentences, clauses and phrases of this ordinance and the Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph or Section of this ordinance or the Code hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and Sections of this ordinance or the Code hereby adopted.

**Section 10.** This ordinance and the Code adopted hereby shall become effective July 19, 2010.

PASSED BY THE CITY COUNCIL OF THE CITY OF BRECKENRIDGE HILLS THIS  
19TH DAY OF JULY, 2010.

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<sup>1</sup> Editor's Note: Former Section 6, regarding the appropriate penalty for any Section amended by the City Council, was repealed 3-24-2014 by Ord. No. 1202 §§5 — 6.

<sup>2</sup> Editor's Note: Former Section 8, which provided that it would be unlawful for any person to alter or tamper with the Code in any way which would cause the law of the City of Breckenridge Hills to be misrepresented thereby, was repealed 3-24-2014 by Ord. No. 1202 §§7 — 9. See now Section 5.

BRECKENRIDGE HILLS CITY CODE

APPROVED BY THE MAYOR OF THE CITY OF BRECKENRIDGE HILLS THIS 19TH  
DAY OF JULY, 2010.

Anita M. Mason  
Mayor of the City of Breckenridge Hills

ATTEST:

Pamela S. Price  
City Clerk