

# CHARTER OF THE CITY OF CARTHAGE, MISSOURI

In order to provide for the government of the City of Carthage, and secure the benefits and advantages of constitutional home rule under the Constitution of the State of Missouri, the people of Carthage adopt the following Charter:

## ARTICLE I

### INCORPORATION, NAME AND BOUNDARIES

#### Section 1.1. Incorporation, Name and Boundaries.

The inhabitants of the City of Carthage, within the corporate limits as now established or as hereafter established in the manner then provided by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the City of Carthage.

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## ARTICLE II

### Section 2.1. Powers.

The City shall have all powers which the General Assembly of the State of Missouri has authority to confer upon any City, provided such powers are consistent with the Constitution of this State and are not limited or denied either by this Charter or by Statute. The City shall, in addition to its home rule powers, have all powers conferred by law.

### Section 2.2. Construction.

The powers of the City shall be liberally construed. The specific mention of a particular power in this Charter shall not be construed as limiting the powers of the City.

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**ARTICLE III**  
**THE COUNCIL**

**Section 3.1. Where Powers Vested.**

The Mayor and Council shall have the care, management and control of the City and its finances.

**Section 3.2. Composition, Eligibility, Election and Terms.**

(a) Composition.

There shall be a City Council of ten members nominated and elected by the qualified voters, as provided in Article VIII.

(b) Eligibility.

No person shall be a Councilman unless he is at least 21 years of age prior to taking office, a citizen of the United States, and an inhabitant of the City for one year next preceding his election. Whenever there is a tie in the election of a Councilman, the matter shall be determined by the Council. A Councilman shall be a qualified voter of the City.

(c) Election and Terms.

Council members shall be elected to serve staggered two-year terms. Council members holding office at the time of the adoption of this Charter shall complete their unexpired terms. At such regular municipal election, Council members shall be elected to fill the positions of those whose terms expire. A Council member's two-year term of office shall commence at the first City Council meeting held after the election is certified by the Jasper County Election Authority. The newly elected Council shall be seated immediately following the old business portion of the meeting.

**Section 3.3. Compensation; Expenses.**

The Councilmen shall receive no salary. The Council may provide funds for the incidental expenses incurred in the performance of their duties.

**Section 3.4. Creation of New Departments or Offices: Change of Duties.**

The Council by ordinance may create, change, and abolish offices, boards, departments or agencies, other than the offices, boards, departments and agencies established by this Charter. The Council by ordinance may assign additional functions or duties to offices, departments or agencies established by this Charter, but may not discontinue or assign to any other office, board, department or agency any function or duty assigned by this Charter to a particular office, department or agency, except

as otherwise provided in this Charter.

**Section 3.5. Prohibitions.**

**Holding Other Office.** Except where authorized by law, or pursuant to an agreement between the City and another entity of government, no Councilman shall hold any other City office or employment during the term for which he was elected to the Council, and no former Councilman shall hold any compensated appointive City office or employment until one year after the expiration of the term for which he was elected to the Council.

**Section 3.6. Vacancies; Forfeiture of Office; Filling Vacancies.**

(a) **Vacancies.** The office of a Councilman shall become vacant upon his death, resignation, removal from office in any manner authorized by law, or forfeiture of his office.

(b) **Forfeiture of Office.** A Councilman shall forfeit his office if he (1) lacks at any time during his term of office any qualification for the office prescribed by this Charter or by law, (2) violates any prohibition of this Charter, (3) is convicted of a crime involving moral turpitude, (4) is in default to the City, or (5) fails to attend three consecutive regular meetings of the council without being excused by the Council.

(c) **Filling of Vacancies.** If a vacancy occurs in any elective office, the Mayor, or the person exercising the office of Mayor, shall recommend a person to fill the vacancy. The council by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy. In case of a tie in said Council, the Mayor shall cast the deciding vote. The successor shall serve until the next regular election. If a vacancy occurs in any office not elective, the Mayor shall appoint a suitable person to discharge the duties of the same until such vacancy shall be permanently filled.

**Section 3.7. Investigations.**

The Council shall have power to compel the attendance of witnesses and the production of papers relating to any subject under consideration in which the interest of the City is involved, and shall have power to call on the proper officer of the City, or of the county in which such City is located, to execute such process. The officer making such service shall be entitled to receive therefore such fees as are allowed by law for similar service, to be paid by the City. The Mayor or Mayor pro tem, shall have power to administer oaths to witnesses.

**Section 3.8. Independent Audit.**

The Council shall provide for an independent audit of all City accounts at least annually. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers. A copy of the report prepared by the certified public accountant or firm of such accounts shall be kept in the City

Clerk's office and shall be open to public inspection.

**Section 3.9. Legislative Proceedings.**

(a) Meetings. The Council shall meet regularly at least once each month at such times and places as the Council may prescribe. The Mayor upon his own motion may, or at the request of three members of the Council shall, call a special meeting of the Council for a time not earlier than twenty-four hours after a notice is given to all members of the Council then in the City. Special meetings of the Council may also be held at any time by the consent of all the members of the Council, and such consent may be given either prior to or during the special meeting.

(b) Rules and Journals. Council shall cause to be kept a journal of its proceedings, and the yeas and nays of the members shall be entered on any question at the desire of any two members. The Council may prescribe and enforce such rules as may be necessary to secure the attendance of its members and the expeditious transactions of its business.

(c) Voting. Voting shall be by roll call or electronic voting device except on procedural motions, and the ayes and nays shall be recorded in the journal. A majority of members of the council shall constitute a quorum for absent members in the manner and subject to the penalties prescribed by the rules of the Council. Except as otherwise provided in this Charter, the affirmative vote of a majority of the entire Council shall be necessary to adopt any ordinance or resolution.

(d) Form of Ordinances. The style of the ordinances of the City shall be: "Be it ordained by the Council of the City of Carthage".

The enacting clause of all ordinances submitted by initiative shall be "Be it ordained by the People of the City of Carthage".

No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its final passage a majority of the members elected to the Council shall vote therefore, and the yeas and nays shall be entered on the journal; and all bills shall be read two times before their passage. No ordinance shall be revived or reenacted by mere reference to the title thereof, but the same shall be set forth at length, as if it were an original ordinance.

No bill, except emergency ordinances as described in this Charter, shall receive more than one reading at any meeting of the Council without the consent of all members present.

(e) Emergency Ordinances. An ordinance may be passed as an emergency measure on the day of its introduction if it contains a declaration describing in clear and specific terms the facts and reasons constituting the emergency and receives the vote of two-thirds of the members of the Council. An ordinance granting, reviewing or extending a franchise shall not be passed as an emergency ordinance.

(f) Authentication and Recording. All ordinances and resolutions adopted by the Council

shall be authenticated by the signature of the Mayor and City clerk. The City clerk shall record in a properly indexed book kept for the purpose of all ordinances and resolutions adopted by the Council.

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## ARTICLE IV

### THE MAYOR

#### **Section 4.1. Election, Term, Qualifications.**

A Mayor shall be elected for a term of four years. The Mayor shall be president of the Council and shall preside over same, but shall not vote except in case of a tie in said Council, when he shall cast the deciding vote; but provided, however, that he shall have no such power to vote in cases when he is an interested party. He shall have the superintending control of all the officers and affairs of the City, and shall take care that the ordinances of the City and the state laws relating to such City are complied with. No person shall be Mayor unless he be at least thirty years of age, a citizen of the United States and a resident of such City at the time of and for two years next preceding his election. When two or more persons shall have an equal number of votes for the office of Mayor, the matter shall be determined by Council.

#### **Section 4.2. Compensation; Expenses.**

The Mayor shall receive an annual salary the amount to be set by Council ordinance. The Mayor's annual salary shall not be changed during his term in office. The Council may provide additional funds for the incidental expenses incurred in the performance of his duties in addition to his compensation as Mayor.

#### **Section 4.3. President Pro Tem, Election.**

At the first regular meeting of the City Council after the election in each year, which meeting shall occur at the time fixed by ordinance, the Council shall elect one of its members president pro tem, who shall hold his office for the term of one year, and who, in the absence of the Mayor, shall preside at the meetings of the Council; provided that in the absence of the Mayor and president pro tem the Council may select one of its members present to preside at such meetings, who shall be styled "acting president pro tem."

#### **Section 4.4. Filling of Vacancy.**

When any vacancy shall happen in the office of Mayor, by death, resignation, removal from the City, removal from office, refusal to qualify or otherwise, the president pro tem of the Council shall act as Mayor until the next regular election. In the case of a temporary absence of his office, the president pro tem of the Council shall perform the duties of Mayor until the Mayor shall return and during the time the president pro tem of the Council shall act as Mayor, he shall receive the same compensation that the Mayor would be entitled to.

#### **Section 4.5. Mayor to Approve Ordinances.**

Every bill presented to the Mayor and returned to the Council with the approval of the Mayor shall become an ordinance, and every bill presented as aforesaid, but returned with his objections thereto, shall stand reconsidered. The Council shall cause the objections of the Mayor to be entered at large upon the journal, and proceed at its convenience to consider the question pending, which shall be in this form: "Shall the bill pass, the objections of the Mayor thereto notwithstanding?" The votes on this question shall be taken and the names entered upon the journal, and if two-thirds of all the members-elect shall vote in the affirmative, the president shall certify the fact on the roll and the bill thus certified shall be deposited with the proper officer, and shall become an ordinance in the same manner and with like effect as if it had received the approval of the Mayor.

**Section 4.6. Veto Power Concerning Ordinances, Appropriations Bills.**

The Mayor shall have power to sign or veto any ordinance passed by the City Council, and shall also possess the power to approve all or any portion of the general appropriation bill, or to veto any item or all of the same; provided, that should he neglect or refuse to sign any ordinance and return the same with his objections, in writing, at the next regular meeting of the Council, the same shall become a law without his signature.

**Section 4.7. Mayor May Veto Expenditure Resolutions and Orders.**

The Mayor shall also have the power to veto any resolution or order of the Council which calls for or contemplates the expenditure of the revenues of the City. Such vetoes shall be noted on the journal of the Council, and shall be effective and binding unless the council, at a subsequent session thereof, general or special, shall pass said resolution or order by a vote of three-fourths of all the members elected to the Council.

**Section 4.8. Communications with the Council.**

The Mayor shall, from time to time, communicate to the Council such measures as may, in his opinion, tend to the improvement of the finances, the police, health, security, ornament, comfort and general prosperity of the City.

**Section 4.9. May Require Officers to Exhibit Accounts.**

The Mayor shall have power to require, as often as he may deem it necessary, any officer of the City to exhibit his accounts or other papers or records, and to make report to the Council, in writing, touching any subject or matter pertaining to his office.

**Section 4.10. Mayor Shall Sign Commissions, Drafts.**

The Mayor shall sign the commissions and appointments of all City officers elected or appointed in the City, and shall approve all official bonds. He shall sign all orders and drafts drawn on the treasury for money, and cause the City clerk to attest the same, and to affix thereto the seal of the City, and to keep

an accurate record thereof in a book to be provided for that purpose.

**Section 4.11. May Appoint What Officers.**

The Mayor, with the consent and approval of a majority of the members elected to the City Council, shall have power to appoint such officers as he may be authorized by ordinance. The Mayor may, with the consent of a majority of the members elected to the City council, remove from office any Department Head, not otherwise considered in this Charter. Any such appointive officer may be so removed from office by a two-thirds vote of all the members elected to the council, independently of the Mayor's approval or recommendation. The provisions in this section shall also apply to the Municipal Judge and the City Attorney.

**Section 4.12. Shall Enforce Ordinances.**

The Mayor shall be active and vigilant in enforcing all laws and ordinances for the government of the City, and he shall cause all subordinate officers to be dealt with promptly for any neglect or violation of duty; and he is hereby authorized to call on every inhabitant of the City, over 21 years of age, to aid in enforcing the laws.

**Section 4.13. May Remit Fines.**

The Mayor shall have power to remit fines and forfeitures and to grant reprieves and pardons for offenses arising under ordinances of the City; but this section shall not be so construed as to authorize the Mayor to remit any costs which may have accrued to any officer of the City by reason of any prosecution under the law or ordinances of said City.

## ARTICLE V

### THE CITY ADMINISTRATOR AND CITY CLERK

#### **Section 5.1. City Clerk.**

The City Clerk shall, among other duties, keep the journal of the proceedings of the Council. The Clerk shall safely and properly keep all records and papers belonging to the City which may be entrusted to the Clerk's care; the Clerk generally shall perform all the duties required by ordinance or orders of the council. The Clerk is hereby empowered to administer official oaths, and also oaths to persons certifying to demands or claims against the City. The Mayor, with the consent and approval of a majority of the members elected to the City Council, shall appoint a City Clerk.

#### **Section 5.2. Qualification, Compensation of City Clerk.**

- (a) The governing body shall by ordinance establish minimum qualifications of the City Clerk.
- (b) The City Clerk shall receive a salary as set by ordinance, and shall serve at the pleasure of the appointing authority.
- (c) The Mayor may, with the consent of a majority of all the members elected to the City Council, remove the Clerk from office. The Clerk may be removed from office by a two-thirds vote of all members elected to the Council, independent of the Mayor's approval or recommendation.

#### **Section 5.3. City Administrator**

The office of the City Administrator is created. This officer shall assist the Mayor and City Council in the conduct of City business so that it will be carried out in an orderly, efficient and economical manner. This does not alter the authority of or control which is vested with the Mayor, the Council, a board or department, as to the operation of government, unless so provided, by the Council or Mayor.

The City Administrator shall be appointed by the majority vote of the Council with the approval of the Mayor. The appointment shall be for an indefinite term. He or she may reside outside the City while in office only with the approval of the City Council.

#### **Section 5.4. Qualifications, Compensation of Administrator.**

- (a) The governing body shall provide, as minimum qualifications, that the City Administrator be at least 21 years of age, and that he devote his full time to the performance of the duties of his office. The governing body may also require that the City Administrator meet other qualifications.
- (b) The City Administrator shall receive a salary as set by ordinance, and shall serve at the pleasure of the appointing authority.

(c) The City Administrator shall continue to serve so long as his performance meets with the approval of the Mayor and of a majority of the members of the Council.

## ARTICLE VI

### ADMINISTRATIVE ORGANIZATION AND PERSONNEL SYSTEM\*

#### **Section 6.1. Existing Organizations.**

(a) Departments, etc. Existing departments, agencies, authorities and offices shall be continued as constituted on the effective date of this Charter until thereafter changed pursuant to this Charter or by ordinance.

(b) Boards, Commissions. Existing boards and commissions shall remain in effect unless changed pursuant to this Charter or by ordinance.

#### **Section 6.2. Personnel Policy Manual.**

All appointments and promotions of City officers and employees shall be made in compliance with the Personnel Policy Manual of the City of Carthage, as it may be amended from time to time.

#### **Section 6.3. Duties May be Regulated by Ordinance-Bonds Required.**

The duties, powers and privileges of officers of every character in any way connected with the City government, not herein defined, shall be prescribed by ordinance; and bonds may be required of any such officers for faithfulness in office.

#### **Section 6.4. Merit System Adopted.**

All appointments and promotions of City officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence. Sections 6.4 through 6.8 do not apply to part-time, temporary or seasonal employees (the definition of "part-time, temporary and seasonal" is defined by City ordinance). Sections 6.4 through 6.8 also do not apply to employees of the City owned hospital.

#### **Section 6.5. Suspension, Demotion or Discharge.**

All City officers and employees who are suspended, demoted or discharged for misbehavior or inefficiency shall, upon his application, be granted a public hearing before the personnel board. Such application to the Personnel Board must be made within a specified number of days established by ordinance.

#### **Section 6.6. Personnel Board Established.**

(a) The Personnel Board shall consist of four members appointed by the Mayor with the approval by a majority vote the members elected to the City Council. Members shall be at least 21 years

of age and residents of the City.

(b) Members of the Personnel Board shall be appointed for a term the length of which shall be established by ordinance.

(c) Any member of the Personnel Board may be removed from office for good cause shown by the Mayor with the consent of a majority vote of those members elected to the City Council.

**Section 6.7. Officers and Meetings.**

(a) The Personnel Board shall elect one of its members Chairman. Three members in attendance shall constitute a quorum for the transaction of official business.

(b) It shall be the duty of the Chairman of the Personnel Board to cause to be kept detailed minutes of the proceedings of the board and to file a copy of the minutes with the City Clerk within seventy-two hours after the conclusion of the meeting.

**Section 6.8. Duties.**

(a) The Personnel Board shall perform only the duties assigned to it by this Charter. Specifically, the Personnel Board shall, upon application by a City officer or employee, conduct public hearings in regard to the suspension, demotion or discharge for misbehavior or inefficiency.

(b) In the public hearing, the Personnel Board shall have full power to reinstate any City officer or employee to his original position or rank with retroactive compensation not to exceed sixty days, when and if in the board's judgment, an employee has been suspended, discharged or demoted in violation of approved merit system rules established by ordinance. The Personnel Board shall not have the authority to evaluate the qualifications or job performance of an employee.

## ARTICLE VII

### FINANCIAL PROCEDURES

#### Section 7.1. Fiscal Year.

The Council shall determine the fiscal year of the City.

#### Section 7.2. Submission of Budget and Budget Message.

The City Administrator shall make a written report to the Council, on or before the first day of each fiscal year, which report shall contain his estimate of the necessary appropriations to meet all the wants of the current year, and the estimated receipts from licenses, taxes and other sources, and which shall also show the actual financial condition of the City.

#### Section 7.3. Budget.

The budget shall provide a complete financial plan for City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the City Administrator deems desirable or the Council may require.

#### Section 7.4. Council Action on Budget.

(a) Public Hearing. The Council shall hold a public hearing on the proposed budget, after appropriate public notice, prior to adoption of the budget.

(b) Amendment Before Adoption. After the public hearing, the Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated revenues and unencumbered or undesignated balance from any previous fiscal year.

(c) Adoption. The budget shall be adopted by the affirmative vote of a majority of the members of the Council on or before the last day of the fiscal year currently ending. If the Council fails to adopt the budget by this date, amounts appropriated for the current operations for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a pro-rated month-to-month basis until the Council shall adopt a budget. Adoption of the budget shall constitute an appropriation of the amounts specified therein as expenditures.

#### Section 7.5. Amendment After Adoption.

(a) Supplemental Appropriations. The Council may by ordinance make supplemental

appropriations if funds will be available for such expenditures.

(b) Reduction of Appropriations. If at any time during the fiscal year it appears probable that the revenues available will be insufficient to meet the amount appropriated, the Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

(c) Transfer of Appropriations. At any time during the fiscal year the Council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

(d) Emergency Appropriations; Effective Date. The supplemental appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption and may be made by emergency ordinance in accordance with the provisions outlined in this Charter.

(e) Payments and Obligations Prohibited. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds there from are or will be available to cover the claim or meet the obligation when it becomes due and payable. However, except where prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

#### **Section 7.6. Tax Rates and Tax Rolls.**

After the budget is finally adopted, the Council shall by ordinance set the tax rates and levy on the various classes of property, and the levy so established shall be certified by the City Clerk to the appropriate official who shall compute the taxes and extend them upon the tax rolls.

#### **Section 7.7. Sale of Bonds.**

The City shall be authorized to sell any bonds as may now or hereafter be authorized by law. Bonds sold by the City may be sold at private or public sale as authorized by law. In the event such bonds are to be sold at public sale, the same shall be sold upon sealed proposals after reasonable public notice has been given as provided by ordinance or otherwise by law. Any public sale shall be conducted according to the terms and conditions as may be provided by ordinance.

**ARTICLE VIII  
NOMINATION AND ELECTIONS**

**Section 8.1. City Elections.**

(a) Regular Elections. The regular City election shall be held on the date set by Statute for general municipal elections.

(b) Special Elections. The Council may by resolution order special elections, fix the time for such elections, and provide for holding such elections.

(c) Conduct of Elections. All City elections shall be governed by the provisions of this Charter and of applicable state law. The Council by ordinance may further regulate elections, subject to the provisions of the Charter and applicable state law.

(d) Party Affiliation. All elections held for offices of the City of Carthage shall be held without designation of party affiliation.

**Section 8.2. Nominations.**

(a) Declaration of Candidacy. Those persons wishing to be a candidate for office in the City in the general municipal election, shall file their declaration of candidacy in person with the City Clerk, on forms to be supplied by the City Clerk, no sooner than the 13th Tuesday prior to the City general election nor later than the 9th Tuesday prior to the City general election.

(b) Fee. Each declaration of candidacy filed with the City Clerk shall be accompanied by the payment of fee established by ordinance or by submitting to the City Clerk signatures of twenty-five registered voters nominating the candidate. Such signatures must be provided by voters registered from the areas designated by ordinance.

(c) Regulation by Council. Nothing contained in this Charter shall prevent the Council from further regulating the conduct of nominations and elections consistent with the provisions of this Charter.

**Section 8.3. Determination of Election Results, City Council Districts.**

(a) Returns. The Council shall declare the results of any municipal election, regular or special, at a meeting to be held not later than one week following such election. The candidate receiving the highest number of votes for each office shall be declared elected and inducted into office at the time.

(b) City Council Districts. There shall be five City Council districts. District boundaries shall be established by ordinance following each decennial census. Districts shall contain, as nearly as possible, an equal number of inhabitants.

**ARTICLE IX  
INITIATIVE, REFERENDUM AND RECALL**

**Section 9.1. General Authority.**

(a) Initiative. The qualified voters of the City shall have power to propose ordinances to the council and, if the Council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a City election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes, zoning or salaries of City officers or employees. No proposed initiative ordinance shall contain more than one subject which shall be clearly expressed in its title.

(b) Referendum. The qualified voters of the City shall have power to require reconsideration by the Council of any adopted ordinance and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a City election, provided that such power shall not extend to the budget or capital program, any emergency ordinance, any ordinance levying a special assessment or providing for the issuance of special tax bills, or any ordinance relating to zoning, appropriation of money or levy of taxes.

**Section 9.2. Commencement of Proceedings; Petitioners' Committee; Affidavit.**

Any five qualified voters may commence initiative or referendum proceedings by filing with the City Clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Not less than three days after the affidavit of the petitioners committee is filed, the clerk shall issue the appropriate petition blanks to the petitioners' committee.

**Section 9.3. Petitions.**

(a) Number of Signatures. Initiative and referendum petitions must be signed by qualified voters of the City equal in number to at least 15 percent of the total number of qualified voters registered to vote at the last regular City election.

(b) Form and Content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address and printed name of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(c) Affidavit of Circulator. Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of

signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(d) Time for Filing Petitions. Referendum petitions must be filed within thirty days after adoption by the Council of the ordinance sought to be reconsidered.

Initiative petitions must be filed within sixty days of the issuance of the appropriate petition forms to the petitioner's committee.

#### **Section 9.4. Procedure After Filing.**

(a) Certificate of Clerk; Amendment. Within twenty days after the petition is filed, the City Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within two days after receiving the copy of his certificate and files a supplementary petition upon additional papers within ten days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of Section 9.3, and within five days after it is filed the clerk shall complete a certificate as to the sufficiency of the petitions as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request Council review under subsection (b) of this section within the time required, the clerk shall promptly present his certificate to the Council, and the certificate shall then be a final determination as to the sufficiency of the petition.

(b) Council Review. If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it, or if an amended petition has been certified insufficient, the committee may, within two days after receiving the copy of such certificate, file a request that it be reviewed by the Council. The Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Council's determination shall then be a final determination as to the sufficiency of the petition.

(c) Court Review; New Petition. A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

#### **Section 9.5. Referendum Petitions; Suspension of Effect of Ordinance.**

When a referendum petition is filed with the City Clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is a final determination of insufficiency of the petition, or

- (2) The petitioner's committee withdraws the petition, or
- (3) The Council repeals the ordinance, or
- (4) Thirty days have elapsed after a vote of the City on the ordinance.

#### **Section 9.6. Action on Petitions.**

(a) Action by Council. When an initiative or referendum petition has been finally determined sufficient, the Council shall promptly consider the proposed initiative ordinance in the manner provided in Article III or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a proposed initiative ordinance without any change in substance within sixty days or fails to repeal the referred ordinance within thirty days after the date of the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the City.

(b) Submission to Voters. The vote of the City on a proposed or referred ordinance shall be held not less than sixty days and not later than one year from the date of the final Council vote thereon. If no regular City election is to be held within the period prescribed in this subsection, the council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the Council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

(c) Withdrawal of Petitions. An initiative or referendum petition may be withdrawn at any time prior to the thirtieth day preceding the day scheduled for a vote of the City by filing with the City Clerk a request for withdrawal signed by at least four members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

#### **Section 9.7. Results of Election.**

(a) Initiative. If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to extent of such conflict.

(b) Referendum. If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

#### **Section 9.8. Recall of elected officials - procedure - limitations.**

(a) The holder of any elective City office may be removed by the qualified voters of such City by recall petition in accordance with the procedure set out in sections 9.8 to 9.10 subject to the following

limitations:

- (1) The officer has held office for at least six months;
- (2) In the case of an office for a term of two years only, one recall petition may be filed during such term;
- (3) For a term of office more than two years, additional recall petitions may be filed but not less than six months later after voter disapproval of the last recall petition;
- (4) The recalled officer may not be a candidate to succeed himself at a special election held to fill the vacancy created by his recall, nor may he be appointed by the appointing authority to fill the vacancy.

(b) A petition signed by voters entitled to vote for a successor to the incumbent sought to be removed, equal in number to a least 25 percent of the total number of registered voters entitled to vote for a successor to the incumbent sought to be removed, demanding the recall of a person from elective office shall be filed with the county clerk which petition shall contain a statement of the reasons for which recall is sought which shall not be more than two hundred words in length. Such petition for recall shall be filed with the appropriated county clerk or election authority within sixty days after the date of the earliest signature on the petition. The reasons for recall are misconduct in office, incompetence or failure to perform duties prescribed by law. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his printed name, his place of residence, giving the street and number and the date signed. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements therein made are true as he believes and that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

**Section 9.9. Recall Petitions, Examination and Certification by County Clerk Amended, When-Duties of Clerk and Council.**

Within ten days from the date of filing such petition, the County Clerk of Jasper County shall examine and from the voters' register ascertain whether or not said petition is signed by the requisite number of voters, and if necessary, the Council shall allow him extra help for the purpose; and he shall attach to said petition his certificate, showing the result of said examination. If by the Clerk's certificate the petition is shown to be insufficient, it may be amended within ten days of said certificate. The Clerk shall, within ten days after such amendment, make like examination of the amended petition and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the City clerk shall submit the same to the Council without delay. If the petition shall be found to be sufficient, the Council shall order the question to be submitted to the voters of the City.

**Section 9.10. Recall Petition, Election on, When, Form of Question-Removal of Official, When, Vacancy Created.**

(a) A special election shall be held on the recall petition as soon as practicable and as may be determined by the election authority of the county. The question to be presented to the voters at such

election shall be in substantially the following form:

FOR the removal of ..... from the office of .....  
(name of officer) (title of office)

AGAINST the removal of .....from the office of .....  
(name of officer) (title of office)

(b) If a majority of the qualified electors voting on the question at such election shall vote FOR the removal of such officer, a vacancy shall exist in such office. If a majority of the qualified electors voting on the question at such election shall vote AGAINST the removal of such officer, such officer shall continue to serve during the term of which elected.

Edited Electronic Version with Corrections

## ARTICLE X

### FRANCHISES

#### Section 10.1. Granting of Franchises.

All public utility franchises and all renewals, extensions and amendments thereof shall be granted as follows:

- (a) The public utility shall file a formal written application with the City Council stating in detail the nature of the franchise sought, the duration of time, the consideration to the City, and the standards of service and quality to be provided Carthage.
- (b) Within thirty days thereafter, the Mayor shall appoint a committee of three citizens to meet and confer with the petitioning utility, to negotiate the terms of the franchise on behalf of the City, and shall file its formal report with the Council and the Mayor.
- (c) A public hearing shall be held upon the application for the franchise, not sooner than twenty days after the filing of the committee report. The hearing shall be conducted by the Mayor and representatives of the public utility shall be present. Notice of the public hearing shall be given by advertisement inserted at least three times in a general circulation newspaper in the City of Carthage, the last publication shall be no more than two days prior to the hearing. The published notice shall be one-eighth page in size.
- (d) Not sooner than fifteen days after the conclusion of the public hearing, an ordinance may be introduced and considered by the City Council to submit the issue to the voters of Carthage. The ordinance must be considered by the Council no fewer than two separate regular scheduled Council meetings and shall not be adopted until a full public hearing before the Council has been held thereon.
- (e) The City Clerk shall prepare a notice of public hearing and cause it, along with a true copy of the ordinance, including the full text of the franchise under consideration, to be published once a week for four consecutive weeks in a daily newspaper or for four consecutive weeks in a weekly newspaper if no daily newspaper is published in the City, the first publication to be at least thirty days before, and the last publication within ten days of, the date fixed by the City Council for the public hearing.
- (f) All costs of publication shall be paid by the petitioning utility.
- (g) Upon ordinance duly approved, the issue shall be put to vote at the next regularly scheduled election. The franchise, or renewal extension, transfer, or amendment, shall be effective upon voter approval of the majority of the voters voting on the question.
- (h) If a majority of the voters on the issue vote against the franchise, the same shall no longer be effective on the date the election authority certifies the election results. No exclusive franchise shall

ever be granted. No franchise shall be granted for a term longer than twenty years. No franchise shall be transferred directly or indirectly except upon satisfaction of all of the above requirements.

**Section 10.2. Right of Regulation.**

All public utility franchises, whether they be so provided in the ordinance or not, shall be subject to the right of the Council to:

- (a) Repeal the same for misuse or nonuse, or for failure to comply therewith; or shorten the term thereof for failure to comply with the provisions of this section (and regulations adopted in accordance with this section) or with the provisions of the franchise ordinance.
- (b) Require proper and adequate extension of plant and services and the maintenance thereof at the highest practicable standards of efficiency.
- (c) Establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.
- (d) Make an independent audit and examination of accounts at any time and require reports annually.
- (e) Require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof.
- (f) Control and regulate the use of the City streets, alleys, bridges and public places, and the space above and beneath them.
- (g) Regulate rates, fares and charges and make readjustments thereof from time to time if the same are not regulated by the state.
- (h) Impose such other regulations from time to time as it may determine to be conducive to the safety, welfare and accommodation of the public.

**Section 10.3. Revocable Permits.**

Temporary permits for the operation of public utilities or like permits for a period not to exceed two years but subject to being renewed for a period not to exceed one year and subject to amendment, alteration, or revocation at any time at the will of the council may be granted only by ordinance on such terms and conditions as the Council shall determine. Such permits shall in no event be construed to be franchises or extensions or amendments of franchises.

**Section 10.4. Operation Beyond Franchise Period.**

Any operation of a public utility by a franchise holder, with the tacit permission of the City, beyond the period for which the franchise was granted, shall under no circumstances be construed as a renewal or extension of such franchise. Any such operations shall at most be regarded as mere temporary permit subject, like other permits, to amendment, alteration or revocation at any time at the will of the Council.

## ARTICLE XI

### LICENSING, TAXATION AND REGULATION OF BUSINESSES, OCCUPATIONS, PROFESSIONS, VOCATIONS AND OTHER ACTIVITIES OR THINGS

#### **Section 11.1. Objects of Licensing, Taxation and Regulation.**

The Council shall have power by ordinance to license, tax and regulate all businesses, occupations, professions, vocations, activities or things whatsoever set forth and enumerated by the statutes of this state now or hereafter applicable to constitutional Charter cities, or cities of the third or fourth class, or of any population group, and which any such cities are now or may hereafter be permitted by law to license, tax and regulate.

## ARTICLE XII

### GENERAL PROVISIONS

#### Section 12.1. Personal Financial Interest.

Any City officer or employee who has any significant financial interest as defined by the ordinances of the City of Carthage, direct or indirect or by reason of ownership of stock in any corporation, in any contract with the City or in the sale of any land, material, supplies or services to the City or to a contractor supplying the City shall make known that interest and shall refrain from voting upon or otherwise participating in his capacity as a City officer or employee in the making of such sale or in the making or performance of such contract. Any City officer or employee who willfully conceals such a financial interest or malfeasance in office or position shall be subject to the "Employee Discipline" provisions of the City's Personnel Manual. Violation of this section with the knowledge express or implied of the person or corporation contracting with or making a sale to the City shall render the contract or sale voidable by the City.

#### Section 12.2. Prohibitions.

(a) Activities Prohibited.

(1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any City position or appointive City administrative office because of race, sex, handicap, political or religious opinions or affiliations.

(2) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the personnel provisions of this Charter or the rules and regulations made there under, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

(3) No elected or appointed official of the City, nor any employee of the City, nor any member of any board of the City shall accept anything of significant value, as defined by the ordinances of the City of Carthage, from any person, firm, or corporation doing business with the City or seeking to do business with the City or seeking any position or employment with the City.

(4) No City officer or employee shall accept gifts, personal services or other remuneration of value, other than ordinary compensation, benefits and awards approved or sanctioned by policies of the City Council or by a recognized professional or occupational group or organization for the performance of job duties.

(5) No person or organization shall offer gifts, personal services or other remuneration of value, other than ordinary compensation, benefits and awards approved or sanctioned by policies of the City Council or by a recognized professional or occupational group or organization for job duties

performed by any City officer or employee.

(b) Penalties.

Any person who by himself or with others willfully violates any of the provisions of paragraphs (1) through (3) shall be guilty of a misdemeanor and upon conviction thereof shall be punishable as may be provided by ordinance.

**Section 12.3. Notice of Suits.**

No action shall be maintained against the City for or on account of any injury growing out of alleged negligence of the City unless notice shall first have been given in writing to the Mayor within ninety days of the occurrence for which said damage is claimed, stating the place, time, character and circumstances of the injury, and that the person so injured will claim damages therefore from the City.

**Section 12. 4. Official Bonds.**

All officers and employees of the City who receive, disburse, or are responsible for City funds and such other officers and employees as the Council by ordinance may designate, shall, within such time after election or appointment as may be fixed by ordinance, and before entering upon the discharge of their duties, give bond to the City in such sums and with such sureties as shall be prescribed by ordinance, and subject to approval by the Council, conditioned upon the faithful and proper performance of their duties and for the prompt accounting for and paying over to the City of all moneys belonging to the City that may come into their hands. The City shall pay the premiums on all such bonds.

**Section 12.5. Charter Amendment.**

Amendments to this Charter may be framed and submitted to the electors by a commission in the manner provided by law and the Constitution for framing and submitting a complete Charter. Amendments may also be proposed by the Council or by petition of not less than 10 percent of the registered qualified electors of the City, filed with the City Clerk, setting forth the proposed amendment. The Council shall at once provide by ordinance that any amendment so proposed shall be submitted to the electors at the next election held in the City not less than sixty days after its passage or at a special election held as provided by law and the Constitution for a Charter. Any amendment approved by a majority of the qualified electors voting thereon shall become a part of the Charter at the time and under the conditions fixed in the amendment; sections or articles may be submitted separately or in the alternative and determined as provided by law and the Constitution for a complete Charter.

**Section 12.6. Public Improvements and Special Assessments.**

(a) Improvements. The procedure for making, altering, vacating or abandoning a public improvement shall be governed by general ordinance, consistent with applicable state law.

(b) Special Assessments. The procedure for levying, collecting and enforcing the payment of special assessments for public improvements or special tax bills evidencing such assessments shall be governed by general ordinance, consistent with applicable state law.

**Section 12.7. Proof of Ordinance.**

Any ordinance may be proved by a copy thereof certified by the City Clerk under the seal of the City; or, when printed and published by authority of the City, it shall be received in evidence in all courts, or other places, without further proof of authenticity.

**Section 12.8. Separability.**

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstances is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

## ARTICLE XIII

### TRANSITIONAL PROVISIONS

#### **Section 13.1. Personnel System.**

An employee holding a City position at the time this Charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to the personnel system established pursuant to Section 6.2.

#### **Section 13.2. Ordinance to Remain in Force.**

All ordinances, regulations and resolutions in force at the time this Charter takes effect, which are not inconsistent with the provisions of this Charter, shall remain and be in force until altered, modified or repealed by or under authority of this Charter or ordinance.

#### **Section 13.3. Pending Actions and Proceedings.**

No action or proceeding, civil or criminal, pending at the time this Charter shall take effect, brought by or against the City or any office, department, agency or officer thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained.

#### **Section 13.4. Continuance of Contracts, Public Improvements and Taxes.**

All contracts entered into by the City, or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this Charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws. All taxes and assessments levied or assessed, all fines and penalties imposed and all other obligations owing to the City which are uncollected at the time this Charter becomes effective, shall continue in full force and effect and shall be collected as if no change had been made.

## ARTICLE XIV

### SCHEDULE

#### **Section 14.1. Election to Adopt Charter.**

This Charter shall be submitted to a vote of the electors of the City of Carthage at an election to be held on November 2, 1993. The election shall be administered by the officials now charged with the responsibility for the conduct of City election.

#### **Section 14.2. Time of Taking Full Effect.**

This Charter shall be in full effect for all purposes on and after the date and time its adoption by the voters is certified by the Jasper County Election Authority.

#### **Section 14.3. Incumbent Council members; first meeting of newly elected City Council.**

All Council members and the Mayor in office on the date this Charter is adopted shall continue in office for the duration of the term to which they were elected.

#### **Section 14.4. Temporary Ordinances.**

At its first meeting or at any meeting held within sixty days thereafter, the City Council may adopt temporary ordinances to deal with cases in which there is an urgent need for prompt action in connection with the transition of government and in which the delay incident to the appropriate ordinance procedure would probably cause serious hardships or impairment of effective City government. Every temporary ordinance shall be plainly labeled as such but shall be introduced in the form and manner prescribed for ordinance generally. A temporary ordinance may be considered and may be adopted with or without amendment or rejected at the meeting at which it is introduced. A temporary ordinance shall become effective upon adoption or at such later time preceding automatic repeal under this subsection as it may specify, and the referendum power shall not extend to any such ordinance. Every temporary ordinance, including any amendments made thereto after adoption, shall automatically stand repealed as of the ninety-first day following the date on which it was adopted, and it shall not be readopted, renewed or otherwise continued except by adoption in the manner prescribed in Section 3.9 for ordinances of the kind concerned.

#### **Section 14.5. Purpose of Schedule.**

The purpose of the foregoing provisions is to provide a transition from the present government of the City of Carthage, Missouri, to the new government provided for in this Charter and to inaugurate the new government under the provision of this Charter. They shall constitute a part of this Charter only to the extent and for the time required to accomplish that aim.

## ARTICLE XV

### PLANNING, ZONING, AND HISTORIC PRESERVATION

#### **Section 15.1. Planning, Zoning, and Historic Preservation Commission: Organization.**

There shall be a City planning, zoning, and historic preservation commission which shall consist of seven members, who shall be appointed by the Mayor, subject to the approval of the Council, for such terms as may be provided by ordinance, none of whom shall hold any other public office or position in the City. The Mayor, a member of the Council selected by the Council, and the City Administrator shall be nonvoting members of the commission. The commission shall elect its chairman from among the appointive members.

#### **Section 15.2. Planning, Zoning, and Historic Preservation Commission: Powers and Duties:**

The City planning, zoning, and historic preservation commission shall have power and shall be required to:

- (1) Prepare a comprehensive plan for the future development of the City including recommendations for locating, extending, widening and opening streets, traffic ways or boulevards; location of parks, playgrounds, schools, public buildings, or other public facilities, and all matters affecting the physical development and appearance of the City.
- (2) Act as a zoning commission and work in cooperation with the board of adjustment and other boards and officials of this City.
- (3) Prepare and recommend to the Council rules and regulations for land subdivisions and approve all plans, plats or re-plats of subdivisions or re-subdivisions of land embraced in the City laid out in lots or plats showing streets, alleys, or other portions of the same intended to be dedicated to the public of the City.
- (4) Exercise such other powers and duties as are provided for by ordinance.
- (5) Exercise authority pertaining to planning, zoning and historic preservation permitted in the Revised Statutes of Missouri, as amended, when authorized by City Council or this Charter.

#### **Section 15.3. The Comprehensive Plan.**

The comprehensive plan with the accompanying maps, plats, charts, descriptive and explanatory matter, shall generally guide the physical development or redevelopment of the City and may include among other things, goals, objectives, policies, standards and recommendations for the following:

- (1) The general location, character and extent of streets, bridges, parks, waterways and other

public ways, grounds and spaces;

- (2) The general location of public buildings and other public property;
- (3) The general location and extent of public utilities, whether publicly or privately owned;
- (4) The removal, relocation, widening, extension, narrowing, vacation, abandonment or change of use of such existing or future public ways, grounds, spaces, buildings, property or utilities.
- (5) The general location, character and extent of residential, commercial, industrial, and other uses of land.

**Section 15.4. Adoption of Comprehensive Plan.**

The commission may adopt the comprehensive plan as a whole by a single resolution, or may by successive resolutions adopt successive parts of the plan, said parts corresponding to major geographical sections of the City or to functional divisions of the subject matter of the plan and may adopt any amendment or extension thereof or addition thereto. The adoption of the plan, or of any such part, amendment, extension or addition shall be by resolution carried by the affirmative vote of not less than a majority of the commission, but before the adoption of the plan or any such part or any modification, extension, or addition, the commission shall hold at least one public hearing on the proposed action. An attested copy of the plan or part thereof shall be certified to the council. Neither the comprehensive plan, nor any element of the plan, shall have the legal effects set out in Section 15.6 of this Article, unless the plan, or the element of the plan in question, shall have been approved by the City Council by ordinance.

**Section 15.5. Legal Effect of Comprehensive Plan.**

Whenever the commission adopts the plan of the municipality 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 municipality until the location, extent and character thereof has been submitted to and approved by the planning, zoning and historic preservation commission. In case of disapproval, the commission shall communicate its reasons to the Council, and the Council, by vote of not less than two-thirds of its entire membership, may overrule the disapproval and, upon the overruling, the Council or the appropriate board or officer may proceed, except that if the public facility or utility is one the authorization or financing of which does not fall within the province of the Council, then the submission to the planning, zoning and historic preservation commission shall be by the board having jurisdiction, and the planning, zoning and historic preservation commission's disapproval may be overruled by the 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.

**Section 15.6. Platting or Subdivision Control.**

The planning, zoning, and historic preservation commission shall advise the Council on all platting or subdivision within the City and the Council shall have control of the platting and subdivision of land within the City. The Council shall not approve any map or plat of any subdivision unless the same shall first have been approved by the planning, zoning, and historic preservation commission, or unless the Council shall overrule the disapproval of said commission. Subdivision shall include the division of a lot, tract or parcel of land into two or more lots, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development.

**Section 15.7. Regulations Governing Subdivisions of Land.**

In exercising the powers granted to it by this Article, the planning, zoning, and historic preservation commission shall prepare and make recommendations to the City Council with respect to regulations governing the subdivision and development of land within its jurisdiction. Such regulations may provide for the harmonious development of the City and its environs, for the coordination of streets and other ways within the subdivided land with other existing or planned streets and ways or for conformity to the master plan or official map, for adequate open spaces, for spaces for traffic, utilities, recreation, light and air, and for the avoidance of congestion of population. Such regulations may include requirements as to the extent to which and the manner in which streets and other ways shall be graded and improved and water, sewer and other utility mains, piping, connections or other facilities shall be installed as a condition precedent to the approval of the subdivision.

**Section 15.8. Board of Adjustment.**

There shall be a board of adjustment the appointment of which shall be provided for by the council as required by state law, which board shall have such powers and duties as are provided by law or ordinance.

## ARTICLE XVI

### BOARDS, COMMISSIONS, ETC.

#### Section 16.1. Hospital Board

(a) The hospital board shall, notwithstanding any provisions of this Charter, be constituted and appointed and have such powers and duties as are now prescribed by law for hospital boards.

(b) The number of members on the hospital board shall be determined by City ordinance. The length of terms for the board members shall also be determined by City ordinance.

(c) The municipally owned hospital may not be sold without approval by a majority of those voting in an election called to consider the question.

#### Section 16.2. Carthage Water & Electric Plant Board

(a) The Carthage Water & Electric Plant Board shall, notwithstanding any provisions of this Charter, be constituted and appointed and have such powers and duties as are now prescribed by law for public utilities.

(b) The number of members on the Carthage Water & Electric Plant Board shall be determined by City ordinance. The length of terms for the board members shall also be determined by City ordinance.

(c) The City Council may by ordinance provide for additional rules and regulations applicable to the Carthage Water and Electric Plant Board.

(d) The municipally owned utility may not be sold without approval by a majority of those voting in an election called to consider the question.

#### Section 16.3. Dissolution of Boards.

Any board provided for and established by this Charter, save and except the Hospital Board and the Carthage Water and Electric Plant Board, may be abolished and the functions, powers and duties of said board transferred to another board or to a department of the City government either then existing or to be established by the council for the assumption thereof, upon the majority vote of the total membership of the Council.

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