

**ADOPTION OF ORDINANCES**

- 10.000     Contents of Code: This code contains all ordinances of a general and permanent nature of the Town of Loma Linda, Missouri and includes ordinances dealing with municipal administration, municipal elections, building and property regulations, business and occupations, health and sanitation, public order, and similar subjects.
1.       Ordinances hereafter adopted which are not of a general or permanent nature shall be numbered consecutively, authenticated, published and recorded in the book of ordinances, but shall not be prepared for insertion in this code, nor be deemed a part thereof.
  2.       Ordinances hereafter which are of a general or permanent nature shall be prepared for insertion in this code and be deemed a part thereof.
- 10.020     Citation of Code: This code may be known and cited as the Town of Loma Linda, Missouri code.
- 10.030     Official Copy: The official copy of this code, bearing the signature of the Chairman and attestation of the Town Clerk as to its adoption shall be kept on file in the office of the Town Clerk. A copy of this code shall be kept in the Town Clerk's office and be available for public inspection.
- 10.040     Altering Code: It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Official Copy of the Code in any manner whatsoever which will cause the law of the Town to be misrepresented thereby. Any person, firm or corporation violating this section shall be punished as provided in Chapter 13 of this code.
- 10.050     Numbering: Each section number of this code shall consist of two parts separated by a period; the figure before the period referring to the chapter number, and the figure after the period referring to the position of the section in the chapter. The latter figure shall consist of three digits.
- 10.060     Amendments to Code: All amendments to this code, duly passed by the Board of Trustees, shall be prepared by the Town Clerk for insertion in this code.

**DEFINITIONS**

11.010 Definitions: In the construction of this Code and of all other ordinances of the Town, the following definitions shall be observed, unless it shall be otherwise expressly provided in any section or ordinance, or unless the context clearly requires otherwise.

1. Board of Trustees: Board of Trustees shall mean the governing body of the Town of Loma Linda, Missouri.
2. Town: The words, "The Town", or "This Town", or "Town", shall mean the Town of Loma Linda, Missouri. The words, "The City", or words of similar import shall likewise mean the Town of Loma Linda, Missouri.
3. County: The word, "County", shall mean Newton County, Missouri.
4. Day: The word, "Day", shall mean a day of 24 hours, beginning at 12 o'clock midnight.
5. Keeper, Proprietor: The words, "Keeper" and "Proprietor", shall mean and include persons, firms, associations, corporations, clubs, and partnerships, whether acting by themselves or be a representative, servant, or agent.
6. May: The word, "May", is permissive.
7. Chairman or Mayor: The words, "Chairman" or "Mayor", shall each mean the chairman of the Board of Trustees of the Town of Loma Linda, Missouri.
8. Month: The word, "Month", shall mean a calendar month.
9. Oath: The word, "Oath", shall be construed to include an affirmation in all cases in which an affirmation may be substituted for an oath, and in such cases the words, "Swear" and "Sworn", shall be equivalent to the words, "Affirm" and "Affirmed."
10. Owner: The word, "Owner", applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.
11. Person: The word, "Person", shall include a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals. It shall also include an executor, administrator, trustee, receiver or

other representative appointed according to law. Whenever the word, "Person" is used in any section of this code prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members thereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such section.

12. Preceding & Following: The words, "Preceding" and "Following", shall mean next before and next after, respectively.
13. Property: The word, "Property", shall include real, tangible and intangible personal property.
14. Public Way: The words, "Public Way", shall include any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare.
15. Real Property: The terms, "Real Property", "Premises", "Real Estate", or "Lands", shall be deemed to be co-extensive with lands, tenements and hereditaments.
16. Shall: The word, "Shall" is mandatory.
17. Sidewalk: The word, "Sidewalk", shall mean that portion of the street between the curb line and the adjacent property line which is intended for the use of pedestrians.
18. Signature: Where the written signature of any person is required, the proper handwriting of such person or his mark shall be intended.
19. State: The words, "The state", or "This state", or "State", shall mean the State of Missouri.
20. Street: The word, "Street", shall mean and include any public way, highway, street, avenue, boulevard, parkway, alley or other public thoroughfare, and each of such words shall include all of them.
21. Tangible personal property: "Tangible personal property" shall include goods, chattels and all personal property, except intangible personal property.
22. Tenant, occupant: The words, "Tenant", or "Occupant", applied to a building or land, shall include any person(s) who occupies the whole or a part of such building or land, whether alone or with others.
23. Writing: The words, "Writing", and "Written" shall include printing, lithographing or any other mode of representing words and letters.

24. Year: The word, "Year", shall mean a calendar year, unless otherwise expressed, and the word, "Year", shall be equivalent to the words, "Year of our Lord."

**CONSTRUCTION OF ORDINANCES**

- 12.010 Construction, generally: All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the Board of Trustees may be fully carried out. Technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to the technical import.
- 12.020 Headings: The headings of chapters and sections of this Code are intended as guides and not as part of the Code for purposes of interpretation or construction.
- 12.030 Continuation of prior ordinances: The provisions appearing in this Code, so far as they are in substance the same as those of ordinances existing at the time of the adoption of this Code, shall be considered as a continuation thereof and not as new enactments.
- 12.040 Repeal of ordinances not to affect liabilities: Whenever any ordinance or part of an ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the prior ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under any ordinance previous to its repeal shall in anyway be affected, released or discharged but may be prosecuted, enjoyed and recovered as fully as if such ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.
- 12.050 Repeal not to revive former ordinance: When an ordinance repealing a former ordinance, clause or provision shall itself be repealed, such repeal shall not be construed to revive such former ordinance, clause or provision unless it be expressly so provided and such former ordinance, clause or provision is set forth at length.
- 12.060 Severability: It is hereby declared to be the intention of the Board of Trustees that the chapters, sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, section, or chapter of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, sections, and chapters of this Code since the same would have been enacted by the Board of Trustees

without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

- 12.070 Tense: Except as otherwise specifically provided or indicated by the context, all words used in this Code indicating the present tense shall not be limited to the time of adoption of this Code, but shall extend to and include the time of the happening of any act, event, or requirement for which provision is made herein, either as a power, immunity, requirement, or prohibition.
- 12.080 Notice: Whenever notice may be required under the provisions of this Code or other Town ordinance, the same shall be served in the following manner:
1. By delivering the notice to the owner personally or by leaving the same at his/her residence, office or place of business with some person of suitable age and discretion, or
  2. By mailing said notice by certified, registered or regular mail to such owner at his/her last known address, or
  3. If the owner is unknown, or may not be notified under the requirements of Section 12.080 (1) or (2), then by posting said notice in some conspicuous place on the premises at least five (5) days before the act or action concerning which the notice is given is to take place. No person shall interfere with, obstruct, mutilate, conceal, or tear down any official notice or placard posted by any town officer, unless permission is given by said officer.
- 12.090 Notice exceptions: The provisions of the preceding section shall not apply to those chapters of this Code wherein there is a separate definition of notice.
- 12.100 Computation of timing: In computing any period of time prescribed or allowed by this Code or by any notice or order issued pursuant thereto, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Sunday nor a legal holiday. When the period of time excluded in the computation, a half holiday shall be considered as other days and not as a legal holiday.
- 12.110 Gender: When any subject matter, party or person is described or referred to by words importing the masculine, females as well as males, and associations and bodies corporate as well as individuals, shall be deemed to be included.
- 12.120 Joint: Words importing joint authority to three or more persons shall be construed as authority to a majority of such persons.
- 12.130 Number: When any subject matter, party or person is described or referred to by words importing the singular number, the plural and separate matters and persons and bodies

corporate shall be deemed to be included; and when words importing the plural number are used, the singular shall be deemed to be included.

**PENALTIES**

- 13.010 General Penalty: Whenever in this Code or any other ordinance of the town, or in any rule, regulation, notice or promulgated by an officer or agency of the town under authority duly vested in him or it, any act is prohibited or is declared to be unlawful or an offense or misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, and no specific penalty is provided for the violation thereof, upon conviction of a violation of any such provision of this Code or any other ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding one hundred dollars (\$100.00) or by imprisonment in the county jail not exceeding thirty days or both such fine and imprisonment; provided that in any wherein the penalty for an offense is fixed by a statute of the state the statutory penalty, and no other, shall be imposed for such an offense.
- 13.020 Every day a violation: Every day any violation of this Code or any other ordinance or any such rule, regulation, notice or order shall continue shall constitute a separate offense.
- 13.030 Responsibility: Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted hereunder, 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.