
Sponsored by: Mayor Hennessy

**AN ORDINANCE AMENDING SECTION 110.170 RELATING TO APPROVAL OF
SUBDIVISION RECORD PLATS.**

WHEREAS, approval of a subdivision record plat that conforms to the preliminary plat as finally approved and to the provision of the Subdivision Code and Zoning Code is a routine matter that could be delegated to administrative officers of the city but for the requirement of Sec. 89.400, RSMo. mandating municipal approval of such plats by ordinance; and

WHEREAS, Section 3.10(F)(2) of the O'Fallon Charter contemplates two readings and a vote on final passage of a proposed ordinance at a single meeting and suspension of the rule delaying second reading unless "at least three Council members object to its suspension"; and

WHEREAS, the Council finds and believes that the letter and spirit of both the referenced statute and the cited Charter provision are served by the amendment hereinafter provided, and that this amendment will promote transparent and efficient disposition of the City's business;

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

SECTION 1: Section 110.170 of Article IV of Chapter 110 of the Code of Ordinances of the City of O'Fallon, Missouri, is hereby repealed and a new Section 110.170 is hereby enacted in lieu thereof to read as follows:

Chapter 110. Mayor and City Council

Article IV. Meetings

Section 110.170. Style Of Ordinances — Procedure To Enact.

- A. The style of the ordinances of the City shall be: "Be it ordained by the Council of the City of O'Fallon, Missouri, as follows:".
- B. No ordinance shall be passed except by bill. All bills shall be numbered consecutively and shall identify the sponsor(s) of that bill.
- C. No bill shall become an ordinance unless on its final passage a majority of the entire City Council shall vote in the affirmative for its passage. Voting on all ordinances, amendments and resolutions other than commendations

and ceremonial resolutions shall be by roll call vote and the "ayes" and "nays" shall be entered on the journal.

- D. When a bill is reached in its order to be agreed to and read a second time and placed upon its final passage, it may, upon the request of the sponsor thereof, be laid over informally and thereafter called up by the sponsor at any time when otherwise in order. The prerogative of a sponsor to layover a bill may be exercised by either sponsor if there are fewer than three (3) sponsors or by concurrence of a majority of the sponsors if there are more than three (3) sponsors. All bills laid over informally and not taken up and disposed of at the same meeting shall appear in order upon the agenda for the next following regular City Council meeting. If a bill laid over informally is not taken up for further consideration within three (3) regular City Council meetings after being so laid over, it shall lie upon the table and be dropped from the agenda of the City Council without further action of the City Council.
- E. Every proposed ordinance shall be introduced to the Council in writing and shall be read two (2) times prior to passage. The reading of a bill by its title shall be deemed sufficient reading unless further reading is called for. If further reading is called for, and no objection made, the bill shall be read at length. If, however, objection be made, the question shall be determined by the majority of the City Council.
- F. Copies of a proposed ordinance shall be made available for public inspection in the office of the City Clerk.
- G. The vote on the final passage of a bill shall be taken after the second (2nd) reading. The final vote on a bill shall not be taken at the same meeting at which the bill is introduced. Unless waived or suspended as hereinafter provided, at least ninety-six (96) hours shall intervene between the convening of a City Council meeting at which a bill is first introduced and the convening of a subsequent meeting at which the bill shall be considered for final passage. Waiver or suspension of two (2) meeting and time limitation requirements of this section shall be allowed unless three (3) or more Council members object. In the case of bills for approval of record plats, the two-meeting requirement for voting on final passage of bills pursuant to this Section and Section 3.10(F)(2) of the O'Fallon Charter is hereby suspended. Such bills shall initially be placed on the agenda for both first and second reading, and a vote on final passage shall automatically be taken at the same meeting at which the bill is introduced and twice read unless three (3) or more Council members object, in which case the vote on final passage shall be postponed to the next Council meeting which takes place at least ninety-six (96) hours thereafter.

- H. No bill shall become an ordinance until it shall have been signed by the officer presiding at the meeting of the council at which it shall have been passed. when so signed, it shall be delivered to the Mayor for his/her approval and signature or his/her veto.
- I. Every ordinance passed by the Council and subsequently approved by the Mayor or passed over the Mayor's veto as provided by law shall take effect from and after the date of its passage by the Council unless a later effective date is expressly provided in the ordinance.

SECTION 2: The City Council authorizes and directs the City Administrator and Planning and Development Department to adopt and enforce filing and application deadlines and procedures for record plat approval that assure there is adequate time for review and determination that each proposed record plat satisfies all requirements of Chapter 405 and applicable plat and subdivision requirements before a bill for approval of a record plat is placed on the Council's agenda.

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. 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. In the event that 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 5. This Ordinance shall be in full force and effect from and after its passage by the City Council and approval by the Mayor.

First Reading: March 14, 2024

Second Reading: March 28, 2024

PASSED BY THE CITY COUNCIL FOR THE CITY OF O'FALLON, MISSOURI, THIS 28TH DAY OF MARCH 2024.



Bill Hennessy

Presiding Officer

Attest:

Bess Bacher

Bess Bacher, City Clerk

APPROVED BY THE MAYOR FOR THE CITY OF O'FALLON, MISSOURI, THIS 28TH DAY OF MARCH 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