

CITY CHARTER

Town of Carrollton, Laws of 1849, p. 247.
Charter Amended, Laws of 1868, p. 193.
Charter Amended, Laws of 1869, p. 205.
Charter Amended, Laws of 1903, p. 98.

AN ACT

**To Collect and Arrange in One Act
the Original Charter of the Town of Carrollton,
and the Various Amendments Thereto,
so Far as the Same Are Now in Force,
and to Amend the Same.**

Be It Enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Town of Carrollton — Corporation, Legal Rights¹

That all the district of country, within the following described bounds, to-wit: Commencing at a point one mile due east from the center of the Court House Block, in the Town of Carrollton, Carroll County, Missouri, known on the original plat of said town as Block No. thirteen, thence North one-half mile, thence West one mile, thence South one mile, thence East one mile, thence North one-half mile to place of beginning, shall be and the same is hereby incorporated, erected and established as a town by the name of the “Town of Carrollton”, and the inhabitants a body politic, and corporate by the name and style of the “Town of Carrollton”, and by that name shall be known in law, have perpetuate succession, sue and be sued, implead and be impleaded, defend and be defended in all courts of law and equity, having competent jurisdiction, and in all actions and matters whatsoever, may grant, lease, purchase, receive and hold property, real, personal and mixed, within said town, and no other; and may do all other acts as natural person; may have a common seal, and may break and alter the same at pleasure.

Section 2. Powers — in Whom Vested

The corporate powers and duties of said town shall be vested in a Mayor and Councilmen, and such other officers as hereinafter named.

Section 3. Mayor — How Chosen — Qualifications, Term of Office

The Mayor of the town shall be chosen by the qualified electors of said town, and hold his office for the term of one year, and until his successor is elected and qualified, and shall be, at the time of his election, at least twenty-five years of age, and a citizen of the United States, and shall have resided in the town for at least one year preceding his election, and shall be a householder in said town.

Section 4. Wards — Number of, How Divided, How Changed or Altered

¹ Section 1. Corporate Limits, limits extended, (see Sec. 1, Ordinances). Extension of limits, see Sec. 1880, R. S. 1889; 13 App. 400; 49 App. 112; 58 Mo. 141; 87 Mo. 397; 93 Mo. 606; 38 App. 660; 42 App. 18; cited in Copeland vs City of St. Joseph, 29 S. W. 281. Charter: Charter name should be used in suits by and against a city. Am. and Eng. Enc. of Law, Vol. 15, p. 968; 58 Mo. 178, et seq.

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The Town shall be divided into four wards, in such manner that the wards shall contain as near as practicable an equal number of qualified voters, and each ward shall be entitled to elect one Councilman. The Town Council may, by ordinance, alter the wards from time to time, and whenever they may deem it advisable they shall have power to make two additional wards, each of which shall be entitled to elect a Councilman, or said Town Council may, by ordinance, provide that such additional Councilmen may be elected by the said town at large.

Section 5. Councilmen — How Chosen, Qualifications, Term of Office

The Council shall hold their office for the term of one year, and until their successors are elected and qualified, and shall be, at the time of their election, at least twenty-one years of age, citizens of the United States, and shall have resided in the town one year, preceding their election, shall be householders and residents of the wards for which they are elected.

Section 6. Council — Composed of Whom, President pro tempore

The Mayor and Councilmen shall constitute a Town Council, of which the Mayor shall be ex-officio President, but he shall have no vote except in case of a tie. The Councilmen at the first meeting after their election shall choose, by ballot, a President pro tempore, from their own number, who shall hold his office until the next election of town officers, and who shall preside at the meetings of the Town Council in the absence of the Mayor.

Section 7. Clerk — How Chosen, Duties

The Council shall appoint a clerk, who shall keep a faithful record of their proceedings, and preserve in his office all records, public papers and documents belonging to the town, and perform such other duties as the Council, by ordinance, may prescribe.

Section 8. Council — to Regulate Meetings, Special Meetings, by Whom Called

The Council shall fix and regulate the time and place of holding their stated meetings, and the Mayor, or, in his absence, the President pro tempore, may call a meeting at any time.

Section 9. Laws — Style of Passed, by Whom Signed, How Published²

The style of the laws of said corporation shall be: — "Be it ordained by the Council of the Town of Carrollton," and all ordinances passed by said Council shall be signed by the Mayor and countersigned by the Clerk, and published for the information of the inhabitants in such manner as the Council may direct, and from time to time shall be digested and distributed in such manner as the Council may prescribe.

Section 10. Council — Quorum, Compel Attendance, May Punish Members³

A majority of the members of the Council shall constitute a quorum to do business, but a less number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the Council, by ordinance, may prescribe; they may determine the rule of their own proceedings, punish their own members, or other persons for disorderly conduct at their meetings, and by concurrence of all other members, expel a member,

² Section 9. Ordaining clause not necessary to validity, 52 Mo. 513, 1 Dillon 309; When charter requires publication and ordinances passed and not published is valid, 82 Mo. 315.

³ Section 10. Dillon Mun. Corp. 278, 279, 283, 26 Mo. 496; 44 Mo. 154. Members present and not voting, see 37 Ohio Stat. Report, 227; 6 L.R.A. (Indiana) 315; 15 L. R. A. (Indiana) 832. Same business may be transacted at adjourned session as at regular. Am. and Eng. Enc. of Law, 15 — 1030. Can transact only such business at special meetings as are stated in call. 90 Mo. 646.

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but not a second time for the same cause; at the desire of any member they shall cause the ayes and noes to be entered in the journal of their proceedings.

Section 11. Taxes — Real, Personal and Poll, Rate of Levy, What Exempt Therefrom⁴

The Council shall have power, by ordinance, to levy and collect, not exceeding one dollar in any one year, on all male inhabitants of the town over the age of twenty-one years; to levy and collect taxes on all real and personal property within the town not exceeding one-half of one percent upon the assessed value thereof; provided that no tax shall be levied on the wearing apparel, necessary tools or implements of any person, used in carrying on his trade, nor shall the same be seized or sold for taxes.

Section 12. Council — Powers and Duties, Exclusive Right to regulate Dram Shops, Etc.⁵

The Council shall have power, by ordinance, to prevent and remove nuisances, to prevent, restrain and suppress bawdy houses, gambling houses and other disorderly houses within the limits of said town; to restrain and prohibit gambling. The Council shall have sole and exclusive power to tax, license and regulate dram shops and tippling houses, ten pin alleys, bagatelle tables, circuses, shows, theatrical and other amusements within the said town, to prevent the firing of fire and other explosive compounds, and to prohibit furious and other unnecessary riding of any horse or other animal in said town, or such part thereof as they may think proper; to establish night watches and patrols to prevent and extinguish fires; to organize and establish fire companies, the members of which when duly organized shall, in time of

⁴ Section 11. Building associations not exempt from tax; 95 Mo. 385. The revenue laws are strictly construed; 13 App. 53; 84 Mo. 234. Taxes must be uniform; 93 Mo. 158; 90 Mo. 587. The 50 cents levy limited by Const. Mo. 1875, Art. 10, Sec. 11; 95 Mo. 569; 92 Mo. 155. Above levy is for current expenses, and Sec. 12 Ibid authorizes additional taxes; Lamar Water and Electric Light Co. vs. City of Lamar, 128 Mo. 188 overruling State vs. Town of Columbia, Mo., Supra. 20 S. W. 90. Contract to supply town with water, payment contingent upon supply does not create indebtedness under Constitution, Art. 10, Sec. 12; Saleno vs. City of Neosho, 30 S. W. 190, and cases cited; and 127 Mo. 627.

⁵ Section 12. See 59 Mo. 321; 95 Mo. 618. City liable if it fails to abate a nuisance. 69 Mo. 102; 87 Mo. 103. Ibid sewer, 56 App. 190; see also 79 Mo. 319, overruling; 69 Mo. 102. Bawdy houses, city cannot license. Sec. 3811 R.S. 89. Aidors and abettors of bawdy houses are principal offenders, such as leasors, etc.; App. 465. How proved; 64 Mo. 260; 21 Mo. 267; 14 Mo. 112. May, by ordinance, prohibit acts which are misdemeanors under Statute, 95 Mo. 618. License — must be uniform; 93 Mo. 158; as to commercial agents, drummers, 50 App. 535; as to one who takes orders, 50 App. 585. Cannot impose license tax on business avocations, callings, etc., unless named specially in charter; 30 App. 55; Sec. 1900, R.S. 1889; 22 N. W. 634. Cannot tax products of farm when sold by producer; Sec. 1920, R. S. 1889. “Sole and exclusive power to tax, license,” etc., is exclusive of State Law; 39 App. 257. Grading streets; 69 Mo. 372. City not liable unless done by ordinance; 49 App. 430; 43 Mo. 366; 30 App. 461; 95 Mo. 429; 60 Mo. 316; 55 Mo. 374. Cannot delegate power to grade; 61 Mo. 282; 75 Mo. 134; 15 L. R. A. 668. Sidewalks — duty to repair; 2 Dillon 728; 933, 980, 996, 84 Mo. 632. Town cannot divest itself of power over, but must keep in good repair; 40 Mo. 569; 51 Mo. 462; but see 20 App. 492; 25 App. 224; 89 Mo. 226; 83 Mo. 345; 84 Mo. 644; 45 Mo. 452. General welfare clause, 114 Mo. 572; 108 Mo. 393; 24 Mo. 94; 24 Mo. 330; 2 Mo. 113. The enumeration of special cases does not necessarily exclude implied powers. Dillon, Sec. 316, 14 App. 467; 66 Ind. 396. Council may exercise implied or incidental powers when necessary to carry out discretionary powers, and courts will not ordinarily interfere. 19 App. 523; 21 App. 175; 21 App. 394; 1 Dillon, Sec. 118, citing Bank vs. Chillicothe, Ohio, part 2, page 31. Town Council has exclusive power to judge what is “necessary”. S. L. R. A. 154; 31 App. 23. Public parades — ordinances must be reasonable, impartial; 40 Kansas 173; 63 Mich. 396; 19 L. R. A. 859, and their enforcement must not be left to rest in official discretion; 42 Ill. App. 222.

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peace, be exempt from military duty; to establish and regulate markets; to provide for the inspection of wood, lumber, building material and provisions to be used and offered for sale in said town, or to be exported therefrom; to open and form public squares, avenues, drains and sewers, and to keep the same clean and in order; to open, clear, regulate and graduate, pave and improve the streets and alleys of said town; to erect lamps in the streets and cause the same to be lighted; to regulate the storage of gunpowder, tar, pitch, rosin, hemp, cotton and other combustible materials; to regulate or prohibit slaughter houses, and to prevent the burning of tobacco stems within the limits of said town or any part hereof; to impose and appropriate fines, forfeitures and penalties for the breach of their ordinances, and to pass such other ordinances for the regulation and police of said town as they shall deem necessary, not repugnant or contradictory to the law of the land.

Section 13. Council — Power, by Ordinance, to Punish Offenses; Offenders, when Tried⁶

The Council shall have power, by ordinance, to punish by fine not exceeding ninety dollars, or by imprisonment not exceeding ten days, or by both such fine and imprisonment, any person, or persons, who shall wilfully disturb the peace of the town by loud and offensive or indecent conversation, or by threatening, quarreling, challenging or fighting, or any person who shall be found intoxicated, in the streets, and they may cause any person who shall commit any of the offenses mentioned in this section after sunset to be imprisoned until the next day, and if the next day be Sunday, until the next Monday, when such person shall be brought to trial.

Section 14. Tax — Street; How Levied; Rate of Levy

Hereafter the inhabitants of said town shall not be required to work the streets in wards of said town, but in lieu thereof a tax shall be levied upon the taxable property of the inhabitants of said town not to exceed one-fourth of one per cent in any one year, the said tax herein named to be called a street tax and to be applied exclusively to the streets and roads of said town as provided by any ordinance of said town hereafter passed.

Section 15. Council — Power to Compel Sidewalks to be built; How to Proceed; Owners and Tenants⁷

The Council shall have power to cause the owners and occupiers of real estate to pave and repair the sidewalks adjacent to the property which they own or occupy, and if any such owner or occupier fail to pave or repair the same as required by ordinance, the Council may cause the same to be done, and may recover the full expense thereof from such occupier or owner by an action of debt in the name of the corporation; and if any tenant be required to pave or repair the sidewalk adjacent to the property occupied by him, the expense thereof shall be a good set-off against so much of the rent due the owner, but no tenant shall be required to expend more than the rent for the term for which he occupied the property. If any owner of real estate, not a resident of said town, fail to pave or repair a sidewalk as aforesaid, the Council may cause such real estate or so much thereof as may be necessary, to be sold to defray the expenses of such improvement.

Section 16. Council — Power to Assess Damages; Benefits

⁶ Section 13. See Session Acts of Missouri, 1891, page 63. "Ten days" clause repealed May 28th, 1894.

⁷ Section 15. Repealed by Laws of Missouri; 87, Sec. 1-2. Said Act valid; 120 Mo. 675.

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Whenever any assessment of damage to property owners shall be made under the ordinance of said town for the opening, widening or extending of any street of said town, it shall be lawful for the authority which assessed such damages to assess in addition thereto and against the property most directly benefitted by such opening, widening, or extending, such benefits, and the money value thereof as shall appear to be just, and the amount of benefits so assessed shall be a charge against such property and the owner thereof, and shall be collected as provided by any ordinance to be passed by said town.

Section 17. Council shall regulate collection of taxes; property sold for taxes, how; what exempt

The Council shall have power, by ordinance, to regulate the collection of taxes, and they may authorize the Collector of said town to seize and sell the property of the person liable for the tax in the same manner as property is, or may be required to be seized and sold under execution issued on judgment at law, and no property shall be exempt from seizure and sale for taxes due said town, except wearing apparel and the necessary tools and implements of any person used in carrying on his trade.

Section 18. Bonds — may issue, rate of interest thereon, fire engine, water supply, etc.

Said town is hereby authorized to issue bonds of the town for a sum not exceeding five thousand dollars, drawing ten percent interest from date, per annum, interest payable semi-annually, for the purpose of defraying the expenses of a fire engine and apparatus, and the procurement of supply of water.

Section 19. Bonds — How issued, how sold, and proceeds paid to whom

The bonds shall be issued under the direction of the Council; shall be signed by the Mayor and Clerk of Council, and shall be issued in sums of not less than one hundred dollars. The bonds shall be sold and the proceeds paid into the town treasury, and shall constitute a fund exclusively devoted to the purpose in this bill set forth, it being understood that said bonds shall be made payable at a period not less than five years from their date.

Section 20. Mayor — Upon order by Council to call special election to vote on bonds, notice of election deciding vote

When ordered by the Town Council so to do, the Mayor of said town shall call an election of the qualified voters of said town, at some place in said town, by public notice ten days before said election, to test the sense of the voters upon the issue of said bonds, at which election a majority of those voting shall decide upon the question of the issue of said bonds.

Section 21. Taxes — Extra taxes levied to redeem bonds, rate thereof

For the redemption of said bonds and the payment of the interest thereon, the town authorities are hereby authorized to levy a tax each year of one per cent upon the assessed valuation of the taxable property in said town, said tax to be in addition to the taxes heretofore authorized for general purposes.

Section 22. Attorney — Appointment of attorney and other officers, salaries and fees of such officer, bonds thereof

The Council shall have power to appoint a Treasurer, an attorney, and such other officers and agents as may be necessary and not herein otherwise provided for; prescribe their duties and remove them from office, and they may fix the compensation of all the officers and agents, of

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said town, except the fees of the Mayor and Constable; and they may determine what officers of said town shall have to give bond and securities for the faithful performance of their duties, and for what amount such bonds shall be given; such officers shall become bound to the Mayor of the town, and their bond shall be filed by the Clerk of the town in his office, and any person injured by any breach of condition in the bond of any officer, of said town, may bring suit in the name of the Mayor against such officer and his securities in any court of competent jurisdiction and recover damages.

Section 23. Mayor — Powers and duties, may remit fines, shall have financial statement published annually

The Mayor shall be a conservator of the peace within the limits of said town, and it shall be his duty to see that all the ordinances of the town are rigidly enforced; he shall have power to remit fines and forfeitures and grant reprieves and pardons in any case arising under the town ordinances, and ten days before the general election of town officers, he shall cause to be made out a correct statement of all moneys received and expended on account of said town for the year preceding and he shall cause a copy of the same to be published in some newspaper in said town, if there be any, and if not, to be put in four public places in the town, and he shall cause public notice to be given of the time and place of holding each election for town officers, which notice shall be given not less than ten nor more than twenty days previous to the election.

Section 24. Mayor — Vested with the same powers and duties as Justices of the Peace, fees, issue warrants, etc. [Ord. No. 2017-1253 § 1, 11-20-2017]

For vacancies for all offices except the office of Mayor, the Mayor may appoint a person for the remainder of the unexpired term to fill a vacancy which occurs in an elected office of the Town of Carrollton, Missouri. In the event of a vacancy in the office of Mayor, a majority of the Town Council shall fill such vacancy.

Section 26. Mayor — Vacancy, inability to act, Justice of the Peace, to act when

In case of vacancy in the office of Mayor, or inability on account of absence, sickness or otherwise to discharge the duties and powers prescribed in the section immediately preceding, the same may be exercised by any Justice of the Peace in said town or any Justice of the Peace in the township in which said town is situated.

Section 27. Constable — How chosen, qualifications, powers and duties, term of office, fees⁸

A constable shall be chosen by the qualified electors of said town, who shall be ex-officio Collector, and shall hold his office for the term of two years and until his successor is elected and qualified, and who shall be a resident of said town, at the time of his election, and during the term for which he holds his office, and the said Constable shall possess the same power and perform the same duties within the limits of said town as the Constables possess and perform in their respective townships. He shall execute and return all process which shall be issued by the Mayor of the town; he may serve criminal process, warrants, subpoenas, anywhere within the limits of Carroll County, for offenses committed within the limits of the corporation, and shall perform such other duties as the Council may, by Ordinance prescribe, and he shall be entitled

⁸ Section 27. This section is amended; see second amendment to Charter; approved March 19, 1873; Section 50.

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to the same fees as Sheriffs and Constables of townships have a right to demand for similar services.

Section 28. Assessor — How chosen, term of office, duties and qualifications

An Assessor shall be chosen by the town council of said town, who shall hold his office for the term of one year, and until his successor is elected and qualified, and whose duties and qualifications the Council, by ordinance, shall prescribe.

Section 29. Mayor, etc. — Vacancies, how filled⁹

[Amended by Ord. No. 2017-1228, 7-17-2017, upon approval by voters 11-7-2017 with said vote recorded and accepted by the Town in Ord. No. 2017-1253, 11-20-2017]

Vacancies shall be filled by the Mayor, with the consent of the majority of the Town Council, for all offices except the Office of Mayor, by appointing a person for the remainder of the unexpired term to fill a vacancy which occurs in an elected office of the Town of Carrollton, Missouri, and in the event of a vacancy in the Office of Mayor, a majority of the Town Council shall be permitted to fill such vacancy.

Section 30. Election — When held, failure to elect officer on that day, how elected then¹⁰

The general election of town officers shall be on the first Tuesday after the first Monday in April, each and every year; but in case of failure to elect any officers on the day appointed for election, the Council shall cause the election to be held on some other day.

Section 31. Elections — Council to appoint judges thereof, who shall conduct elections, etc., judges failing to attend, successor how chosen

The Council as often as may be necessary, shall appoint judges of the election, and, by ordinance, prescribe their duties and the manner of conducting the election, and of making election returns, and of deciding contested elections; and if on the day appointed for holding an election, any of the Judges shall fail to attend, the electors present may appoint a Judge or Judges to hold such election.

Section 32. Mayor, Councilmen, Judges of election, and other officers to take oath

The Mayor, Councilmen, and Judges of election, and all other officers of said town before entering upon the duties of their respective offices shall take an oath or affirmation to support the Constitution of the United States, of this State, and to demean themselves faithfully in office.

Section 33. Juries and witnesses, who competent

Persons living in said town, if in other respects competent and qualified, shall be competent jurors and witnesses, in all cases in which said corporation is a party.

⁹ Section 29. Office is vacant when; 50 Mo. 317. Indefinite absence does not create vacancy; 43 Mo. 225. Acceptance of one office vacates another when; 48 Mo. 242. Additionally, this Section was amended to no longer require a special election for vacancies as voted on at the special election held November 7, 2017. Language herein reflects the ballot language from said election.

¹⁰ Section 30. The omission to hold election at proper time cannot be supplied by a subsequent one not provided for; 43 Mo. 261.

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Section 34. Real Estate — Sold by town under ordinance may be redeemed by owner how

If any real estate be sold by virtue of any ordinance of said town the owner thereof may redeem the same at any time within two years from the day of sale, by paying the purchase money and all costs and penalties incurred, together with the interest thereon at the rate of fifteen per cent per annum until paid.

Section 35. Additions — How made, town of South Carrollton, may be added how

All additions hereafter proposed to be made to said town shall be reported to the Town Council and a plat of additions shall accompany said report; and if the same is approved by said Council, and is adjoining the said town, then said addition shall be deemed and taken to be a part of the said town, as if the same were embraced in this act; and under this section the town authorities of the town of “South Carrollton”, in said Carroll County, whenever the said town shall become contiguous may, by application to the said Town Council, which application shall be accompanied with a plat of said town of South Carrollton, be attached to said town of Carrollton, as an addition thereto, and shall be known thereafter as the South Carrollton addition to the town of Carrollton.

Section 36. This act, a public one, may be read in evidence in all courts

This act is declared to be a public act, and may be read in evidence in all courts of law and equity in this state without further proof and pleading.

Section 37. Trustees of the Town — Vested with full power and authority to perform, etc.

The Trustees of the town of Carrollton are hereby vested with full power and authority to do and perform everything necessary to execute this act and to carry it into operation.

Section 38. Charter — After acceptance, suits commenced before acceptance, how prosecuted, etc.

After this charter shall be accepted, as aforesaid, all the property — real and personal — belonging to the inhabitants of the town of Carrollton, in their corporate capacity at the time of such acceptance, shall vest, and the title shall be in this corporation, and all suits commenced for and on behalf of the inhabitants of said town shall be proceeded with to final judgment and execution as if this act had not been passed, and all moneys recovered by suit, and all fines, forfeitures and penalties accruing to the inhabitants of said town, shall be paid into the Treasury for the use of the town acting under this charter, and all ordinances then in force shall remain in force as ordinances of said chartered town until altered, modified or repealed by the Town Council, and all actions or rights of actions for the recovery of fines, forfeitures or penalties which shall have accrued to the inhabitants of said town at the time of acceptance of this charter, shall be vested in the town of Carrollton; and all such fines, forfeitures and penalties may be prosecuted for, in the name and to the use of said town.

Section 39. Citizens — Residing in corporate limits, exempt from working road tax beyond the limits of said town

All citizens residing within the incorporated town shall be exempt from working on any road or roads beyond the limits of said incorporation, and from the payment of any fine or tax in relation to the same. This act to take effect from and after its passage.

Approved March 20th, 1871.

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Amendments to Charter

Amendment of 1870

An ACT amendatory and supplementary to an act entitled an act to incorporate the town of Carrollton, in Carroll county, approved March 12, 1849.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION 1. Whenever any assessment of damage to property owners shall be made, under the ordinance of said town, for the opening, widening or extending, of any street of said town, it shall be lawful for the authority which assessed such damage, to assess, in addition thereto and against the property most directly benefited by such opening, widening or extending such benefits and the money value thereof as shall appear to be just, and the amount of benefits so assessed shall be a charge against such property and the owners thereof, and shall be collected as provided for by any ordinance to be passed by said town.

SEC. 2. Hereafter the inhabitants of said town shall not be required to work the streets in wards of said town, but in lieu thereof a tax shall be levied upon the taxable property of the inhabitants of said town, not to exceed one-fourth of one per cent in any one year; the said tax herein named to be called a street tax, and to be applied exclusively to the streets and roads of said town, as provided by any ordinance of said town hereafter passed.

SEC. 3. Said town is hereby authorized to issue bonds of the town for a sum not exceeding five thousand dollars, drawing ten per cent, interest from date per annum, interest payable semi-annually for the purpose of defraying the expenses of a fire engine and apparatus and the procurement of supply of water.

SEC. 4. The bonds shall be issued under the direction of the council; shall be signed by the mayor and clerk of council, and shall be in sums of not less than one hundred dollars.

SEC. 5. The bonds shall be sold, and the proceeds paid into the town treasury, and shall constitute a fund exclusively devoted to the purpose in this bill set forth; it being understood that said bonds shall be made payable at a period not less than five years from their date.

SEC. 6. As soon as practicable after the passage of this bill, it shall be the duty of the mayor of said town to call an election of the qualified voters of said town, at some place in said town, by public notice ten days before said election, to test the sense of the voters upon the issue of said bonds, at which election a majority of those voting shall decide upon the question of the issue of said bonds.

SEC. 7. For the redemption of said bonds and the payment of the interest thereon, the town authorities are hereby authorized to levy a tax each year of one per cent upon the assessed valuation of the taxable property in said town; said tax to be in addition to the taxes heretofore authorized for general purposes.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved March 24, 1870.

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Amendments to Charter

Amendment of 1872

An act to Amend an Act Entitled

“An Act to Collect and Arrange in One Act the Original Charter of the Town of Carrollton, and the Various Amendments Thereto, so far as the Same are now in force, and an Act to Amend the Same.”

Be it Enacted by the General Assembly of the State of Missouri, as follows:

Section (1) 40. Council — Powers and duties, may by ordinance collect special tax for paving, etc.

The Council of the town of Carrollton, shall have power, by ordinance, to prohibit from running at large within the corporate limits of the said town, in any of the streets, avenues, alleys, or outlots of said town, any live stock, — such as horses, mules, hogs, cattle, etc., and said town Council shall regulate, by ordinance, how such stock, so found running at large, shall be impounded or disposed of. Said Town Council shall have power, by ordinance, to prevent the erection of any wooden buildings within the corporate limits of such town, without a special permit from said Council. Said Council shall have power, by ordinance, to levy and collect a special tax on the owner of any lots, on any street, avenue, lane or alley, according to their respective fronts owned by them, for the purpose of curbing, paving and constructing sidewalks. Said Council shall have the power, by ordinance, to cause any person or persons arrested for violating any of the ordinances of said town, if such person or persons, when so arrested, shall be in a state of intoxication, or otherwise turbulent, to be imprisoned until sober or quiet, when such person or persons shall be brought to trial.

Section (2) 41. Constable — Powers and duties, shall be ex-officio street overseer, shall execute bond¹¹

The Constable of the town of Carrollton, or his deputies, shall possess the same powers within the limits of Carroll county, as other Constables possess and perform in their respective townships, and he shall execute and return all process which shall be issued by the Mayor of said town, or any Justice of the Peace in Carroll county. Said Constable shall be a conservator of the peace, and in all cases for breach of the peace or ordinances of the Town of Carrollton, he shall have power to arrest the offending party or parties without a warrant from the Mayor or a Justice of the Peace. Said Town Constable shall be entitled to the same fees as Constables of the various townships are entitled to for similar service in civil cases, and shall be entitled to the same fees as sheriffs for executing and returning all process in criminal cases. Said Constable shall be ex-officio street overseer in and for said town, and shall perform all other duties as the Council, by ordinance, shall prescribe. Said Constable shall be required to give a bond with two or more securities before entering upon the duties of his office, for the faithful discharge of said duties pertaining to said office. Said bond to be approved by the Town Council.

¹¹ Section 41. A city marshal cannot arrest in case of misdemeanors except when committed in his presence; Sec. 1649, R.S. 89; 75 Mo. 230.

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Section (3) 42. Mayor and Councilmen — When not eligible

No person holding any office of public trust, or enjoying and exercising the rights, duties and emoluments of said office, either as principal or deputy shall be eligible to the office of Mayor or Councilman of the town of Carrollton.

Section (4) 43. Council may regulate salaries of officers how¹²

The Council of the town of Carrollton shall have the power, by ordinance, to change and regulate the salaries of the officers of said town; provided that said ordinance shall not go into effect until the terms of office of the Councilmen passing the ordinance shall have expired, and their successors duly elected and installed.

Section (5) 44. Council — Shall have power to tax dogs, rate of tax, etc.

The Town Council shall have power, by ordinance, to tax all dogs or sluts within the limits of the town of Carrollton, at a rate of not less than one nor more than five dollars per head, and to cause all such dogs or sluts to be impounded and killed if the taxes on the same are not paid to the Town Collector on or before the first day of May in each year, and also to cause any “proud” slut found running at large within the corporate limits of said town to be killed by the Town Constable, or his deputies, whether the tax on such slut shall be paid or not.

Section (6) 45. Council — May appoint Policemen how, duties and powers of such police

The Town Council shall have power, by ordinance, to appoint one or more Policemen, upon the recommendation of the Town Constable, and to regulate their pay. Said Town Constable to be in all cases the Chief of Police, and said Policemen, when on duty, shall perform the same duties and have the same powers that the said Town Constable possesses. Said Policemen to be called on or off duty at the option of the Town Constable and the concurrence of the Town Council.

Section (7) 46. Council — Shall cause Collector to collect all taxes, licenses, etc.

The Council of the town of Carrollton, shall, by ordinance, cause the Collector of said town to issue and deliver all licenses, and to collect the money on the same, for all dramshops, tippling houses, tenpin alleys, bagatelle tables, billiard tables, circuses, shows, theatrical and other amusements, peddlers, auctioneers, hawkers, etc. The said Council shall cause the said Collector to deliver to the Clerk of the town a true copy of all licenses issued and delivered by him, together with the statement of the amounts of the money collected thereon; and said Council shall cause the Town Clerk to keep a true record of the same, and to charge the said Collector with the separate amounts of said licenses as they are collected by said Collector and to make a true exhibit of the same to the Town Council at the time of its settlement with said Collector and any time when called upon so to do by the said Council.

Section (8) 47. Mayor — Cannot regulate or lessen license, that power vested in Council

The Mayor of the town of Carrollton, has no power to remit, regulate or lessen to any extent the several licenses established by the ordinances of the Council of said town, — the said Council alone possessing and exercising that right.

Section (9) 48. Inconsistent act repealed

All acts or parts of acts inconsistent with this act are hereby repealed.

¹² Section 43. Salaries of appointive officers may be increased during their term of office; 123 Mo. 43.

CARROLLTON TOWN CODE

Section (10) 49. To take effect from passage — This act shall take effect from and after its passage.

Approved, February 28th, 1872.

Charter Amendment of 1873 Repealed.