

BILL NO. 2007-01

RESOLVED, that, WHEREAS persons in attendance at the meetings of the Board of Directors of the Normandy Fire Protection District and present in the firehouse have engaged in contumacious behavior detrimental to the good order of the meetings of the Board of Directors of the District while conducting business of the Board as well as to the peace and decorum of the firehouse, and

WHEREAS, Section 321.220(12), RSMo, grants the Board of Directors the power to adopt and amend bylaws, fire protection and fire prevention ordinances, and any other rules and regulations not in conflict with the constitution and laws of this state, necessary for the carrying on of the business, objects and affairs of the board and of the district, and refer to the proper authorities for prosecution any infraction thereof detrimental to the district, and

WHEREAS, under said subsection, any person violating any such ordinance is thereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be punished as is provided by law therefor, and

WHEREAS, the prosecuting attorney for the county in which the violation occurs shall prosecute such violations in the circuit court of that county, and

WHEREAS, the legal officer or attorney for the fire district may be appointed by the prosecuting attorney as special assistant prosecuting attorney for the prosecution of any such violation, and

WHEREAS, the Board of Directors find that such matters may properly be provided by ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors:

ORDINANCE NO. 95

TITLE

AN ORDINANCE ENACTING EIGHT SECTIONS AUTHORIZING THE BOARD OF DIRECTORS TO PUNISH FOR CONTEMPT AND SETTING FORTH PENALTIES THEREFOR

ORDINANCE

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE NORMANDY FIRE PROTECTION DISTRICT, COUNTY OF SAINT LOUIS, STATE OF MISSOURI, AS FOLLOWS:

Section 1.01

If any member of the Board of Directors of the Normandy Fire Protection District or any person appearing before the Board or any duly constituted committee thereof, in regular or special session or present on District premises (a) when called to order, willfully and intentionally refuses or fails to come to order, or (b) in the presence of the Board or of the committee or other officers or employees of the District, engages in any disorderly behavior or indulges in personalities or disturbs the peace or assault any one as proscribed under Section 574.010, RSMo, he shall be guilty of contempt of the Board.

Section 1.02

For the purposes of Section 1.01 of this Ordinance, if any Board member or person appearing before the Board or any committee thereof, in regular or special session, or present on District premises be found by the President of the Board or such other member of the Board as may be presiding, or by the Sergeant at Arms, to be out of order, the President or presiding officer shall call the member of the Board or person appearing before the Board or committee to order. The Sergeants at Arms may call any person not a member of the Board present at the Board or committee meeting or on the District's premises to order. Any Board member or person, having thrice been called to order, who fails to come to order, shall be guilty of Contempt of the Board.

Section 1.03

If any member of the Board or any person in attendance at a regular or special session of the Board or a committee thereof, or present on District premises violate any of the provisions of Section 1.01 of this Ordinance, in addition to any other penalties provided by law, such member or person deemed guilty of contempt, may be summarily expelled from the Board chamber or other place in which the Board or a committee thereof may be in regular or special session or from District premises. A person in attendance at a regular or special session of the Board or a committee thereof or present on District premises, deemed to be in contempt, by the Board or Committee or Presiding Officer thereof, may be expelled from the session or firehouse on the sole Order of the Presiding Officer or by a majority vote of the members of the Board then present at the session of the Board or committee. Any member of the Board deemed to be in contempt, by the Board or Committee or Presiding Officer thereof, may be expelled from the session only by majority vote of the members of the Board then present at the session of the Board or committee.

Section 1.04

If any member of the Board or any person in attendance at a regular or special session of the Board or a committee thereof, or present on District premises violate any of the provisions of Section 1.01 of this Ordinance, any member of the Board or persons witnessing said facts may report such facts to the President of the Board who shall put the question, as to whether or not said Board member or person shall be cited to show cause why he shall not be held in contempt, before the Board in regular or special session. The President of the Board or Presiding Officer shall, upon a majority vote of the members of the Board present at the session of the Board, issue a warrant signed by the President or Presiding Officer and directed to the Sergeant at Arms or any Special Process Server commanding him to summon such Board member or person deemed to be in contempt and have his body before the Board at a date and time set by the Board thereafter to answer for contempt.

Section 1.05

The Sergeant-at-arms or Process Server shall serve the summons. The accused shall have the right to counsel. On hearing of the matter, the Board, if it shall adjudge, by a majority vote of the entire Board, the Board member or person to be in contempt of its authority, may punish him by censure.

Section 1.06

The judgment of the Board shall be final.

Section 1.07

Any Board member having been thrice convicted of contempt of the Board, during his term of office, shall forfeit his pay on the Board for the balance of his term of office. Any person having been thrice convicted of contempt of the Board shall be barred from attendance at sessions of the Board and committees thereof for a period of one year.

Section 1.08

Any person prosecuted as provided by Section 321.220 (12), RSMO, that may be found by a court to have violated the provisions of Section 1.01 of this Ordinance shall be punished by a fine of not more than \$500 or by imprisonment in the County Jail for not more than 10 days or by both such fine and imprisonment or as otherwise provided under Section 321.220, RSMo.

Introduced this 26 day of June, 2006

By: _____
Robert Edwards
Director

Adopted this 26 day of June, 2007.

Joseph L. Washington, Chairperson of the Board

Attest:

Robert Edwards, Secretary of the Board