# TITLE I. GOVERNMENT CODE

CHAPTER 100: GENERAL PROVISIONS

SECTION 100.010: ADOPTION OF CITY CODE

1. The code of ordinances, consisting of Titles I through VII, each inclusive, is hereby adopted and enacted as the "Code of Ordinances of the City of Marble Hill"; which shall supersede all other general and permanent ordinances of the City passed on or before October 1, 1989, to the extent provided in Subsection (C) hereof.
2. All provisions of such code shall be in full force and effect from and after February 5, 1990 as set forth herein.
3. All ordinances of a general and permanent nature of the City adopted on final passage on or before October 1, 1989, and not included in such Code or recognized and continued in force by reference therein, are hereby repealed from and after February 5, 1990, except those which may be specifically excepted by separate ordinance, and except the following which are hereby continued in full force and effect, unless specifically repealed by separate ordinance:
4. Ordinances promising or guaranteeing the payment of money for the City, or authorizing the issuance of any bonds or notes of the City or any other evidence of the City's indebtedness, or authorizing any contract or obligation assumed by the City;
5. Ordinances levying taxes or making special assessments;
6. Ordinances appropriating funds or establishing salaries and compensation, and providing for expenses;
7. Ordinances granting franchises or rights to any person, firm or corporation;
8. Ordinances relating to the dedication, opening, closing, naming, establishment of grades, improvement, altering, paving, widening or vacating of streets, alleys, sidewalks or public places;
9. Ordinances authorizing or relating to particular public improvements;
10. Ordinances respecting the conveyances or acceptance of real property or easements in real property;
11. Ordinances dedicating, accepting, or vacating any plat or subdivision in the City or any part thereof, or providing regulations for the same;
12. Ordinances annexing property to the City;
13. Zoning ordinances or ordinances of the City;
14. Any ordinance prescribing traffic regulations for specific locations, speed limits, prescribing through streets, parking limitations, parking prohibitions, one-way traffic, stop signs, limitations on loads of vehicles or loading zones, not inconsistent with such Code;

The repeal provided for in this Section shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this Section.

1. Any and all additions and amendments to such Code when passed in such form as to indicate the intention of the Board of Aldermen to make the same a part thereof shall be deemed to be incorporated in such Code so that reference to the "Code of Ordinances of the City of Marble Hill", shall be understood and intended to include such additions and amendments.

E. A copy of such Code shall be kept on file in the office of the City Clerk, preserved in loose leaf form or in such other form as the City Clerk may consider most expedient. It shall be the express duty of the City Clerk, or someone authorized by said officer, to insert in their designated places all amendments and all ordinances or resolutions which indicate the intention of the Board of Aldermen to make the same part of such Code when the same have been printed or reprinted in page form, and to extract from such Code all provisions which from time to time may be repealed by the Board of Aldermen. This copy of such Code shall be available for all persons desiring to examine the same.

F. It shall be unlawful for any person to change or alter by additions or deletions, any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Marble Hill to be misrepresented thereby. Any person violating this Section shall be punished as provided in Section 100.050 of this Code. (Ord. No. 90-01 §§1-4, 6-9, 2-5-90)

SECTION 100.020: DEFINITIONS

1. In the construction of this Code and of all other ordinances of the City, the following definitions shall be observed, unless it shall be otherwise expressly provided in any Section or ordinance, or unless inconsistent with the manifest intent of the Board of Aldermen, or unless the context clearly requires otherwise.

*BOARD OF ALDERMEN*: The Board of Aldermen of Marble Hill, Missouri.

*CITY*: The words "the City" or "this City" or "City" shall mean the City of Marble Hill, Missouri.

*COUNTY*: The words "the County" or "this County" or "County" shall mean the County of Bollinger, Missouri.

*DAY*: A day of twenty-four (24) hours, beginning at 12 o'clock Midnight.

*KEEPER; PROPRIETOR*: Persons, firms, associations, corporations, clubs, and partnerships, whether acting by themselves or by a representative, servant or agent.

*MAY* "May" is permissive.

*MAYOR*: The Mayor of Marble Hill, Missouri.

*MONTH*: A calendar month.

*OATH*: 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".

*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.

*PERSON*: 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 Title 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.

*PRECEDING, FOLLOWING*: Next before and next after, respectively.

*PROPERTY*: Real and tangible and intangible personal property.

*PUBLIC WAY*: Any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare.

*REAL PROPERTY*: The terms "real property", "premises," "real estate" or "lands" shall be deemed to be co-extensive with lands, tenements and hereditaments.

*SHALL*: The word "shall" is mandatory.

*SIDEWALK*: The portion of the street between the curb line and the adjacent property line which is intended for the use of pedestrians.

*SIGNATURE*: Where the written signature of any person is required, the proper handwriting of such person or his mark shall be intended.

*STATE*: The words "the State" or "this State" or "State" shall mean the State of Missouri.

*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.

*TANGIBLE PERSONAL PROPERTY*: Tangible personal property shall include goods, chattels and all personal property, except intangible personal property.

*TENANT, OCCUPANT*: The words "tenant" or "occupant" applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

*WRITING*: The words "writing and written" shall include printing, lithographing or any other mode of representing words and letters.

*YEAR*: A calendar year, unless otherwise expressed, and the word "year" shall be equivalent to the words "Year of Our Lord".

B. Newspaper. Whenever in this Title or other ordinance of the City it is required that notice be published in the "Official newspaper" or a "newspaper of general circulation published in the City," and if there is no such newspaper published within the City the said notice shall be published in a newspaper of general circulation within the City, and if there is no such newspaper published within the City regardless of its place of publication. (Ord. No. 80-10 §1; CC §§ 11.010-11.020)

SECTION 100.030: CONSTRUCTION OF ORDINANCES

1. 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 Aldermen 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
2. Headings. The headings of the Chapters and Sections of this Code are intended as guides and not as part of this Code for purposes of interpretation or construction.
3. 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.
4. 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 writ, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under any ordinance previous to its repeal shall in anywise 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.
5. Repeal Not to Revive Former Ordinance. When an ordinance repealing a former ordinance, clause or provisions 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.
6. Severability. It is hereby declared to be the intention of the Board of Aldermen that the Chapters, Sections, paragraphs, sentences, clause 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 Aldermen without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence paragraph or Section.
7. 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.
8. Notice. Whenever notice may be required under the provisions of this Code or other City ordinance, the same shall be served in the following manner:
9. By delivering the notice to the owner personally or by leaving the same at his residence, office or place of business with some person of suitable age and discretion, or
10. By mailing said notice by certified or registered mail to such owner at his last known address, or
11. If the owner is unknown, or may not be notified under the requirements of Subsection H (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 official notice or placard posted by any City Officer, unless permission is given by said officer.

I. Same, Exceptions. The provisions of the preceding Section shall not apply to those Chapters of this Code wherein there is a separate definition of notice.

1. Computation of Time. 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 prescribed or allowed is less than seven (7) days, intermediate Sundays and legal holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a legal holiday.
2. 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.
3. Joint Authority. Words importing joint authority to three (3) or more persons shall be construed as authority to a majority of such persons.
4. 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. (Ord. No. 80-10 §1; CC §§ 12.010-12.130)

SECTION 100.040: CORPORATE SEAL

The Seal of the City shall, as heretofore, be the words Marble Hill, Missouri, in Roman capitals, inside of and surrounded by a scroll or circular impression having inscribed therein the words, "Seal of the City Clerk." The seal shall be circular and about two inches (2") in diameter. The City Seal shall be safely kept in the office of the City Clerk. (Ord. No. 80-10 §1; CC § 20.010)

SECTION 100.050: GENERAL PENALTY

1. General Penalty. Whenever in this Code or any other ordinance of the City, or in any rule, regulation, notice or order promulgated by any Officer or agency of the City 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 any 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 of any such ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding five hundred dollars ($500.00) or by imprisonment in the City or County Jail not exceeding ninety (90) days or by both such fine and imprisonment; provided, that in any case 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 offense, except that imprisonments may be in the City jail instead of the County Jail.
2. 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.
3. Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted thereunder, 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 likewise prohibited.

B. Penalty as to Amendments. In case of the amendment by the Board of Aldermen of any Section of such Code for which a penalty is not provided, the general penalty as provided in Section (A) of this Section shall apply to the Section as amended; or in case such amendment contains provisions for which a penalty other than the aforementioned general penalty, is provided in another Section in the same Chapter, the penalty so provided in another Section in the same Chapter, the penalty so provided in such other Section shall be held to relate to the Section so amended, unless such penalty is specifically repealed therein. (Ord. No. 90-01 §§5-6, 2-5-90)

SECTION 100.060: DISPOSITION AND USE OF PROPERTY FORFEITED TO THE CITY

1. The City of Marble Hill is hereby authorized to obtain, take and receive all money and property authorized by any State or Federal Law to be forfeited to or for the benefit of the City of Marble Hill, Missouri.
2. The Mayor is hereby empowered to authorize the initiation of or participation in any legal proceedings by the City necessary or appropriate to effectuate the City's rights with respect to any forfeiture of any property.
3. The City Clerk is hereby authorized and empowered to receive any funds or property forfeited to or for the benefit of the City and to take, manage and dispose of such money or property as provided by law.
4. The City Clerk is hereby authorized and empowered to sell on behalf of the City any forfeited property which may be received by the City at public auction advertised at least one (1) time in a newspaper of general circulation in the City at least one (1) week prior to such auction. The City Clerk shall obtain from each person purchasing any item at such auction a receipt for each item purchased, containing a description of the item or items, the amount paid for each item and the name and address of the purchaser.
5. The City Clerk shall place all funds received by the City as forfeited property or from the sale of forfeited property in appropriate accounts of the City.
6. All forfeited funds or funds from forfeited property received by the City shall be paid into the general revenues of the City unless the applicable law relating to such forfeited funds or property requires the use thereof for a specified purpose. Any forfeited funds, property or proceeds thereof required by law to be used for a specified purpose are herein called Special Purpose Property or Funds. The City shall use Special Purpose Property or Funds only for the purposes specified in the law authorizing the City to receive such forfeited funds or property.
7. The City Clerk and all other appropriate officers of the City are authorized and empowered to sign any applications, documents or other papers and to do any and all things necessary or appropriate to obtain any forfeited funds or property on behalf of the City. (Ord. No. 89-24 §§1-7)

SECTION 100.070: IMPOSITION OF CITY SALES TAX

1. That in accordance with Section 94.577 RSMo (1986), as amended, a sales tax of one half (1/2 %) of one percent is hereby imposed on the residence on the sale of retail on all tangible property or tangible services which are retailed in the City of Marble Hill, provided that all such property and services are subject to taxation under the provisions of Section 144.010 through 144.510 of the Revised Statutes of the State of Missouri.
2. That in accordance with Section 144.030 RSMo (1986), as amended, that a municipal sales tax of one half (1/2 %) of one percent of the gross receipts shall be imposed on all sales of meter water services, electricity, electrical current material, gas artificial or propane gas and coal, all home heating oil used for non-business, non-commercial or non-industrial purposes.
3. That the City Clerk of the City of Marble Hill be and is hereby authorized and directed to notify the Director of Revenue for the State of Missouri within ten (10) days of the passage of this ordinance by registered mail or certified mail forwarding a copy of this ordinance and a copy of the map of the City of Marble Hill clearly showing the boundaries of the City of Marble Hill, Missouri.
4. That the City Clerk be and is hereby authorized and directed to notify all utilities providing services described in Subsection (B) of this Section of the imposition of this sales tax and shall forward to the City utilities certified copies of this ordinance.
5. The sales tax as imposed by this Section shall expire and shall no longer be of any force and effect and shall be null and void seventeen (17) years from the date of the actual imposition date and the effective date for the beginning of the collection of the sales tax as imposed by this ordinance or until said bonds are repaid, but in any effect not to exceed twenty (20) years.
6. The sales tax permitted for under this Section shall be in addition to any other sales tax presently being assessed on behalf of the City of Marble Hill, Missouri. (Ord. No. 89-8 §§1-8)

SECTION 100.075: SALES TAX FOR IMPROVEMENT OF WATERWORKS AND SEWERAGE SYSTEM AND CONSTRUCTION OF CITY STREETS

There is hereby imposed a sales tax in the amount of one-half of one percent (.5%) on all retail sales made in the City which are subject to taxation under the provisions of Sections 144.010 to 144.525, inclusive, of the Revised Statutes of Missouri, as amended, for the purpose of financing (1) the acquisition, construction, extension and improvement of the City's combined waterworks and sewerage system and (2) the construction, extension and improvement of City streets. (Ord. No. 99-03 §1, 1-19-99)

SECTION 100.080: LIABILITY INSURANCE REQUIRED FOR ALL CONTRACTORS

1. Prior to the entry of any contract for the performance of any labors, on behalf of the City of Marble Hill, any general contractor or subcontractor shall furnish the City Clerk of the City of Marble Hill with a Certificate of Liability, showing that said person shall maintain a minimum of one hundred thousand dollars ($100,000.00) of liability insurance coverage, or any such other limit as may be authorized and directed by the Board of Aldermen of the City of Marble Hill, Missouri, which shall ensure that the City or any other individual or organization that may sustain damage as a result of negligence on the part of the contractor party, shall have the means of recovering from said contracting party.
2. This Section shall be applicable to all persons, organizations or any other entities who may be performing labors, or other activities for private individuals but which said activities shall require the utilization or performance of any of said activities or labors on any property owned or maintained by the City of Marble Hill, Missouri. (Ord. No. 91-04 §§1-2, 2-25-91)

SECTION 100.090: DESIGNATION OF NON-SMOKING AREA

1. The City Hall and all municipal offices located within the physical location of the City Hall of the City of Marble Hill, Missouri, having been previously defined as being a "public place" by Section 191.765, RSMo., are hereby designated as being smoke free, and "no smoking" as that term is defined in Section 191.765(7), RSMo., shall be allowed or permitted inside of the building which shall house the Marble Hill City Hall and all related municipal offices.
2. Any person violating the terms of this Section shall be deemed guilty of an infraction, and upon conviction thereof shall be assessed a fine not to exceed two hundred dollars ($200.00). (Ord. No. 94-27 §§1-2, 7-11­94)

SECTION 100.100: CHARGES FOR INSUFFICIENT FUNDS AND POST-DATED CHECKS ON CITY WATER, SEWER AND TRASH BILLS

1. The following charges shall be assessed to accounts for water, sewer and trash collection for payment by insufficient funds and post-dated checks:
2. If any bill for water, sewer and trash collection shall be paid with an insufficient funds checks, a charge of twenty dollars ($20.00) shall be added to the bill, in addition to any late payment fees or other charges allowed to be assessed by the ordinances of the City.
3. If any customer tenders two (2) insufficient funds checks for an account within one (1) year for water, sewer and trash collection, the charge assessed will be twenty-five dollars ($25.00), in addition to any late payment fees or other charges allowed to be assessed by the ordinances of the City.
4. If any customer tenders three (3) or more insufficient funds checks for an account in any one (1) year for water, sewer and trash collection, the charge assessed will be thirty dollars ($30.00), and the City will thereafter demand that all future payments be made in cash, cashier's check or money order.
5. Post-dated checks will not be accepted by the City as payment on any water, sewer and trash collection account. When a post-dated or unsigned check is received by mail, it shall be returned to the customer and the bill considered unpaid.
6. When an insufficient funds check is received, the account will be deemed unpaid until such time as the account is paid by cash or money order. If the account is not paid by cash or money order by the cut-off date, the water service may be shut off without further notice.

B. Nothing in this Section shall be construed to hinder criminal prosecution for insufficient funds checks or any other civil or criminal penalties allowed by law.

C. These assessments are intended as administrative surcharges on water, sewer and trash collection accounts. These charges are intended to include costs of insufficient funds check notices mailed to the customer by certified mail and administrative expenses associated with collecting past due accounts. (Ord. No. 95-06 §1, 8-14-95; Ord. No. 95-11 §1, 9-11-95; Ord. No. 99-07 §1, 4-5-99)

CHAPTER 105: ELECTIONS

SECTION 105.010: PROCEDURE GENERALLY

All City elections shall be held under the provisions of Chapter 111, Revised Statutes of Missouri, excepting provisions of Section 111.181, and except that the judges of election in such City election shall perform all the duties of both the judges of election and Clerks of election as prescribed in the State election laws. (Ord. No. 80-10 §1; CC § 32.040)

SECTION 105.020: WARDS

The City is hereby divided into two (2) wards, the boundaries of which are kept on file in the Office of the City Clerk. (Ord. No. 80-10 §1; CC § 30.010)

SECTION 105.030: NOTIFICATION OF UPCOMING MUNICIPAL ELECTIONS -- FILING PERIODS

1. That the opening filing date for any elective office in the City of Marble Hill shall be 8:00 A.M. on the thirteenth (13th) Tuesday prior to the election, and the closing date for filing a declaration of candidacy for any elective office of the City of Marble Hill shall be 5:00 P.M. on the ninth (9th) Tuesday prior to said election.
2. The City Clerk for the City of Marble Hill shall, for two (2) weeks prior to the thirteenth (13th) Tuesday prior to any election, notify the general public of the City of Marble Hill of the opening filing day, which office or offices are to be filled, the proper place for filing, and the date and time during which the office of the City Clerk is open to receive said filing notices of the closing filing date of said election by publishing legal notices twice in at least one (1) newspaper of general circulation in Bollinger County, Missouri. (Ord. No. 88-19 §§1-2)

CHAPTER 110: BOARD OF ALDERMEN

**SECTION 110.010: QUALIFICATIONS OF ALDERMEN; TERMS OF OFFICE; COMPENSATION”**

1. No person shall be eligible to the office of Aldermen who is not twenty-one (21) years of age, a citizen of the United States, and an inhabitant and resident of the City for at least one (1) year next before his election and a resident of the ward from which he is elected; nor shall any person be elected an Alderman who is in arrears for any tax, lien, forfeiture or defalcation in office.
2. All members of the Board shall hold their office for a term of two (2) years.
3. Each member of the Board of Aldermen shall be paid $25 per meeting attended with a maximum payout to any alderman of $50 for any one month. Said monies shall be paid out monthly to the Aldermen. (Ord. No. 80-10 §1; CC § 21.010; Ord. 2016-01, Section 1)

SECTION 110.020: OATH

Before entering upon the discharge of the duties of his office, each Alderman shall take and subscribe an oath or affirmation before the City Clerk that he possesses all the qualifications prescribed for his office by the laws of the State and this Code or other ordinances of this City; that he will support the Constitution of the United States and of this State, and this Code and other ordinances of this City, and that he will faithfully demean himself in office. (Ord. No. 80-10 §1; CC § 21.020)

SECTION 110.030: MEMBERSHIP

The members of the Board of Aldermen shall meet on the second (2nd) Monday of each month. (Ord. No. 80-10 §1; CC § 21.030; Ord. No. 93-8 §1, 5-24-93; Ord. 06-12, May 8, 2006; Ord. 08-09, May 8, 2008)

SECTION 110.040: REGULAR MEETINGS

The Board of Aldermen of this City shall meet in regular session in the Board Room of the City Hall at the hour of 6:00 P.M. on the third (3rd) Monday of each month.

1. When any such meeting day is a holiday, the regular meeting shall be held at such time as may be provided by the Board on motion at the previous meeting.
2. The Board may, by motion, dispense with any regular meeting, but at least one (1) meeting, regular or special, must be held in each calendar month.

(Ord. No. 80-10 §1; CC § 24.010; Ord. No. 90-09 §§1-2, 5-29-90; Ord. No. 93-8 §2, 5-24-93; Ord. 06-12, May 8, 2006; Ord. 08-09, May 8, 2008; Ord. 2013-01, January 14, 2013; Ord. 2017-10)

SECTION 110.050: SPECIAL MEETINGS

Special meetings may be called by the Mayor or by any two (2) members of the Board by written request filed with the City Clerk, who shall thereupon prepare a notice of such special meeting, stating time, place and object thereof, which notice shall be served personally upon each member of the Board left at his usual place of residence at least twelve (12) hours before the time of the meeting. It shall also be the duty of the City Clerk, immediately upon receipt of the request for the meeting, to make diligent effort to notify each member of the Board in person, either by telephone or otherwise, of such special session.

1. The City Clerk shall make a diligent effort to notify those members of the mass media who customarily attend meetings of the Board of Aldermen of the special session, in the same manner as described above.
2. Failure to comply with the requirements of this Section shall not invalidate any action taken at a special meeting of the Board of Aldermen. (Ord. No. 80-10 §1; CC § 24.020)

SECTION 110.060: QUORUM

A quorum of the Board of Aldermen shall consist of a majority of the full membership (including vacancies and the Mayor of the City). (Ord. No. 80-10 §1; CC § 24.030)

SECTION 110.070: COMPELLING ATTENDANCE

In case that a lesser number than a quorum shall convene at a regular or special meeting of the Board of Aldermen, the majority of the members present are authorized to direct the Chief of Police or other City Officer to send for and compel the attendance of any or all absent members upon such terms and conditions and at such time as such majority of the members present shall agree. (Ord. No. 80-10 §1; CC § 24.040)

SECTION 110.080: EFFECT OF ADJOURNED MEETINGS

All adjourned meetings of the Board shall, to all intents and purposes, be continuations of the meetings of which they are adjournments, and the same proceedings may be had at such adjourned meetings as at the meeting of which they are adjournments. (Ord. No. 80-10 §1; CC § 24.045)

SECTION 110.090: DUTIES OF MAYOR AS PRESIDENT OF BOARD

At the hour designated for Board meetings the Mayor shall call the Board of Aldermen to order, and he shall act as President of the Board. The Mayor shall appoint all Committees, subject to the concurrence of the Board of Aldermen, the appointment or election of which is not otherwise provided for by this Code or other ordinance. (Ord. No. 80-10 §1; CC § 24.050)

SECTION 110.100: BOARD OF ALDERMEN, ACTING PRESIDENT

In the absence of the Mayor, the Board shall elect one of their own number to occupy the place temporarily, and it shall be styled "acting President of the Board of Aldermen." (Ord. No. 80-10 §1; CC § 24.055)

SECTION 110.110: MAYOR PRO TEM, DUTIES

When any vacancy shall happen in the office of Mayor by death, resignation, removal from the City, removal from office, refusal to quality or from any other cause whatever, the Mayor Pro Tem shall, for the time being, perform the duties of Mayor, with all the rights, privileges, powers and jurisdiction of the Mayor, until such vacancy is filled or such disability is removed; or, in case of temporary absence until the Mayor's return. (Ord. No. 80-10 §1; CC § 24.060)

SECTION 110.120: COMMISSIONERS

In order to more properly supervise the operation of the City, the Mayor shall appoint each member of the Board of Aldermen to supervise a particular department of the City. The following departments have had Commissioners appointed:

Police and Fire Streets

Water and Sewer Parks

(Ord. No. 80-10 §1; CC § 24.062; Ord. No. 2018-01)

SECTION 110.130: RULES OF ORDER

Except as otherwise provided by law or ordinance, the proceedings of the Board of Aldermen shall be controlled by Robert's Rules of Order, as revised. (Ord. No. 80-10 §1; CC § 24.065)

SECTION 110.140: DECORUM

The presiding officer of the Board of Aldermen shall preserve decorum and shall decide all questions of order subject to appeal to the Board of Aldermen. Any member may appeal to the Board from a ruling of the presiding officer upon a question of order. If the motion for an appeal is seconded, the member making the appeal may briefly state his reason for the same and the presiding officer may briefly express his ruling, but there shall be no debate on the appeal and no other member shall participate in the discussion. The presiding officer shall then put the question to vote as to whether the decision of the chair shall be sustained. If a majority of the members present vote "aye", the ruling of the chair is sustained; otherwise, it is overruled. (Ord. No. 80-10 §1; CC § 24.070)

SECTION 110.150: VOTING

Every member of the Board shall vote upon every question and when requested by any member the vote upon any question shall be taken by "ayes" and "nays" and be recorded. (Ord. No. 80-10 §1; CC § 24.075)

SECTION 110.160: PERMISSION REQUIRED FOR MEMBERS TO LEAVE CHAMBER

No member of the Board of Aldermen may leave the Board Room while in regular or special session without permission from the presiding officer. (Ord. No. 80-10 §1; CC § 24.080)

SECTION 110.170: ORDER OF BUSINESS

All meetings of the Board of Aldermen shall be conducted in accordance with the agenda which shall be pre- approved and set by the Mayor prior to all meetings of the Board of Aldermen. (CC §24.090; Ord. No. 80-10 §1; Ord. No. 94-10 §1, 5-16-94)

SECTION 110.180: EXPRESSION OF DISSENT OR PROTEST BY MEMBER

Any member of the Board of Aldermen shall have the right to express dissent from or protest against any ordinance or resolution of the Board and to have the reason therefore entered upon the journal. Such dissent or protest must be filed in writing and presented to the Board not later than the next regular meeting following the date of the passage of the ordinance or resolution to which objection is taken. (Ord. No. 80-10 §1; CC § 24.100)

SECTION 110.190: PUBLIC MEETINGS

All meetings of the Board shall be open to the public, except when permitted by law the Board may hold a closed meeting. (Ord. No. 80-10 §1; CC § 24.110)

SECTION 110.200: PROCEDURE FOR ENACTING ORDINANCES, RESOLUTIONS, ETC.

1. That the styles of all ordinances of the City of Marble Hill are read as follows: "Be it ordained by the Board of Aldermen of the City of Marble Hill as follows."
2. No ordinance shall be passed except by bill, and no bill shall become an ordinance unless upon its final passage a majority of the members elected to the Board of Aldermen shall vote therefore, and the ayes and nays shall be entered on the journal and records of the City of Marble Hill.
3. Every proposed ordinance of the City of Marble Hill shall be introduced to the Board of Aldermen in writing, and shall be read by title or in full two (2) times prior to passage, both readings may occur at a single meeting of the Board. If the proposed ordinance is read by title only, copies of the proposed ordinance shall be made available for public inspection prior to the time the bill is under consideration by the Board.
4. No bill shall become an ordinance until it shall have been signed by the officer presiding at the meeting of the Board at which it shall have been passed. When so signed, it shall be delivered to the Mayor for his approval and signature, or his veto. (Ord. No. 88-14 §§1-4)

SECTION 110.210: PROCEDURE AS TO OBJECTIONS UPON SECOND READING OF BILL

Upon the announcement of a second reading of any bill, if there are objections to it, the question shall be put by the chairman, "Shall the proposal be rejected?" If a majority of the Board shall vote in favor of rejection, the bill shall be defeated. (Ord. No. 80-10 §1; CC § 24.130)

SECTION 110.220: WHEN BILLS MAY BE AMENDED

Any bill shall be subject to amendment until the vote upon final passage. (Ord. No. 80-10 §1; CC § 24.140)

SECTION 110.230: RECORDING OF "AYES" AND "NAYS" ON FINAL PASSAGE

On the final passage of every ordinance, the "ayes" and "nays" shall be recorded in the record. (Ord. No. 80-10 §1; CC § 24.150)

SECTION 110.240: SPECIAL COMMITTEES

All special committees shall be appointed by the Mayor and the City unless otherwise ordered by a majority of the Board. By consent of a majority of the Board, a special committee may be appointed at any time to hold public hearings for the Board upon any matter pending before it. A special committee is a committee composed of members of the Board of Aldermen; the concurrence of the Board shall not be required as to the membership of the special committee, unless the Board shall order otherwise. (Ord. No. 80-10 §1; CC § 24.160)

SECTION 110.250: JOURNAL TO BE KEPT

The Board of Aldermen shall cause to be kept a journal of its proceedings, and the ayes and nays shall be entered on any question at the request of any member. (Ord. No. 80-10 §1; CC § 24.170)

SECTION 110.260: RULES OF PROCEDURE

The Board of Aldermen may by resolution prescribe and enforce such rules as it may find necessary for the expeditious transaction of its business, but such rules shall not contravene the requirements of this Code or other ordinances. (Ord. No. 80-10 §1; CC § 24.180)

SECTION 110.270: ATTENDANCE OF WITNESSES

The Board of Aldermen shall have power to compel the attendance of witnesses and the production of papers and records relating to any subject under consideration in which the interest of the City is involved, and shall have power to call on the proper officers of the City, or of the County in which such City is located, to execute such process. Such officer (other than a City Officer) shall receive therefore such fees as are allowed by law in the Circuit Court for similar services, to be paid by the City. The Mayor or acting president of the Board of Aldermen shall have power to administer oaths to witnesses. (Ord. No. 80-10 §1; CC § 24.190)

SECTION 110.280: AMENDMENT OR SUSPENSION OF RULES

Any rule of the Board may be repealed, altered or amended by a majority vote of the members. Every amendment offered shall lie on the table until the next meeting of the Board before being voted upon except by the unanimous consent of all elected members of the Board of Aldermen (including the Mayor). Any rule may be suspended by majority vote of the members of the Board, or quorum being present by unanimous consent. (Ord. No. 80-10 §1; CC § 24.200)

CHAPTER 112: CONFLICTS OF INTEREST

SECTION 112.010: DECLARATION OF POLICY

The proper operation of municipal government requires the public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the City. (Ord. No. 91-18 §1, 9-9-91; Ord. No. 93-15 §1, 8-26-93; Ord. No. 94-28 §1, 7-11-94; Ord. No. 95-08 §1, 8-14-95; Ord. No. 98-06 §1, 8-10-98; Ord. No. 99-14 §1, 8-9-99: Revised August 12, 2002, Ord. No. 02-16)

SECTION 112.020: CONFLICTS OF INTEREST

1. All elected and appointed municipal officials as well as employees of a political subdivision must comply with Section 105.454, RSMo., on conflicts of interest as well as any other State law governing official conduct.
2. Any member of the Governing Body of a political subdivision who has a "substantial or private interest" in any measure, bill, order or ordinance proposed or pending before such Governing Body must disclose that interest to the Secretary or Clerk of such body and such disclosure shall be recorded in the appropriate journal of the Governing Body. Substantial or private interest is defined as ownership by the individual, his spouse, or his dependent children, whether singularly or collectively, directly or indirectly of:
3. Ten percent (10%) or more of any business entity;
4. An interest having a value of ten thousand dollars ($10,000.00) or more; or
5. The receipt of a salary, gratuity, or other compensation or remuneration of five thousand dollars ($5,000.00) or more per year from any individual, partnership, organization, or association within any calendar year. (Ord. No. 91-18 §2, 9-9-91; Ord. No. 93-15 §2, 8-26-93; Ord. No. 94-28 §2, 7-11-94; Ord. No. 95-08 §2, 8-14-95; Ord. No. 98-06 §2, 8-10-98; Ord. No. 99-14 §2, 8-9-99: Revised August 12, 2002, Ord. No. 02-16)

SECTION 112.030: DISCLOSURE REPORTS

Each elected official, the Chief Administrative Officer, the Chief Purchasing Officer and the full-time General Counsel shall disclose the following information by May first (1st) if any such transactions occurred during the previous calendar year:

1. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars ($500.00), if any, that such person had with the City, other than compensation received as an employee or payment of any tax, fee or penalty due to the City, and other than transfers for no consideration to the City.
2. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars ($500.00), if any, that any business entity in which such person had a substantial interest, had with the City, other than payment of any tax, fee or penalty due to the City or transactions involving payment for providing utility service to the City, and other than transfers for no consideration to the City.
3. The Chief Administrative Officer and the Chief Purchasing Officer also shall disclose by May first (1st) for the previous calendar year the following information:
4. The name and address of each of the employers of such person from whom income of one thousand dollars ($1,000.00) or more was received during the year covered by the statement.
5. The name and address of each sole proprietorship that he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent (10%) or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent (2 %) or more of any class of outstanding stock, limited partnership units or other equity interests.
6. The name and address of each corporation for which such person served in the capacity of a director, officer, or receiver. (Ord. No. 91-18 §3, 9-9-91; Ord. No. 93-15 §3, 8-26-93; Ord. No. 94-28 §3, 7-11-94; Ord. No. 95-08 §3, 8-14-95; Ord. No. 98-06 §3, 8-10-98; Ord. No. 99-14 §3, 8-9-99: Revised August 12, 2002, Ord. No. 02-16)

SECTION 112.040: FILING OF REPORTS

Financial disclosure reports giving the financial information required in Section 112.030 shall be filed with the local political subdivision and with the Missouri Ethics Commission. The reports shall be available for public inspection and copying during normal business hours. (Ord. No. 91-18 §4, 9-9-91; Ord. No. 93-15 §4, 8-26­93; Ord. No. 94-28 §4, 7-11-94; Ord. No. 95-08 §4, 8-14-95; Ord. No. 98-06 §4, 8-10-98; Ord. No. 99-14 §4, 8-9-99: Revised August 12, 2002, Ord. No. 02-16)

SECTION 112.050: FINANCIAL INTEREST STATEMENTS—WHEN FILED

The financial interest statements shall be filed at the following times, but no person is required to file more than one financial interest statement in any calendar year:

1. Every person required to file a financial interest statement shall file the statement annually not later than May first (1st) and the statement shall cover the calendar year ending the immediately preceding December thirty-first (31st); provided that any member of the Board of Aldermen may supplement the financial interest statement to report additional interests acquired after December thirty-first (31st) of the covered year until the date of filing of the financial interest statement.

2. Each person appointed to office shall file the statement within thirty (30) days of such appointment or employment. (Ord. No. 91-18 §5, 9-9-91; Ord. No. 93-15 §5, 8-26-93; Ord. No. 94-28 §5, 7-11-94; Ord. No. 95-08 §5, 8-14-95; Ord. No. 98-06 §5, 8-10-98; Ord. No. 99-14 §4, 8-9-99: Revised August 12, 2002, Ord. No. 02-16)

CHAPTER 115: MAYOR

**SECTION 115.010: HOW ELECTED, COMPENSATION, ETC.**

1. The chief executive officer of the City shall be the Mayor, who shall be elected by the qualified voters of the City, and shall hold his office for two (2) years and until his successor shall be elected and qualified.
2. No person shall be Mayor unless he be at least twenty-five (25) years of age, a citizen of the United States, and a resident of the City at the time of and for at least one (1) year next preceding his election.
3. When two (2) or more persons shall have an equal number of votes for the office of Mayor the matter shall be determined by the Board of Aldermen.
4. The Mayor of the City of Marble Hill shall be paid $25 per meeting attended with a maximum payout to the mayor of $50 for any one month. Said monies shall be paid out monthly to the Mayor. (Ord. No. 80-10 §1; CC § 21.200; Ord. 2016-02, Section 1)

SECTION 115.020: MAYOR TO APPOINT STANDING COMIVIIITEES

The Mayor shall, at the first meeting of the Board of Aldermen after each annual election, name the members of such standing committees as he deems necessary, which shall consist of two (2) or more members of the Board of Aldermen. (Ord. No. 80-10 §1; CC § 21.210)

SECTION 115.030: PROCLAMATIONS, MEETINGS, ELECTIONS

The Mayor shall have the power to issue proclamations, call mass meetings and regular and special elections in such a manner as this Code or other ordinances or State law may provide.

(Ord. No. 80-10 §1; CC § 21.220)

SECTION 115.040: MAY REMIT FINES, GRANT PARDONS, ETC.

The Mayor shall have power to remit fines and forfeitures, and to grant reprieves and pardons for offenses arising under this Code or other 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 laws or ordinances of the City. (Ord. No. 80-10 §1; CC § 21.240)

SECTION 115.050: AUTHORITY OVER POLICE

The Mayor, with the advice and consent of the Board of Aldermen, shall have authority to give such orders to the Chief of Police and policemen of the City as in his judgment the public good may require, and it shall be the duty of the Chief of Police and Police Officers to obey such orders. (Ord. No. 80-10 §1; CC § 21.250)

SECTION 115.060: POWER TO ENFORCE LAWS

The Mayor shall be active and vigilant in enforcing all laws and this Code or other 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 to aid in enforcing the laws. (Ord. No. 80-10 §1; CC § 21.260)

SECTION 115.070: MAYOR SHALL PRESIDE OVER BOARD OF ALDERMEN

The Mayor shall have a seat in and preside over the Board of Aldermen, but shall not vote on any question, except in case of a tie, nor shall he preside or vote in cases when he is an interested party. He shall exercise a general supervision over all the officers and affairs of the City, and shall take care that this Code or other ordinances of the City and the State laws relating to such City, are complied with. (Ord. No. 80-10 §1; CC § 21.270)

SECTION 115.080: COMMUNICATIONS TO BOARD

The Mayor shall from time to time communicate to the Board of Aldermen such measures as may, in his opinion, tend to the improvement of finances, the police, health, security, ornament, comfort and general prosperity of the City. (Ord. No. 80-10 §1; CC § 21.280)

SECTION 115.090: APPROVAL OF BILLS; VETO POWER

Every bill presented to the Mayor for his approval shall be returned by him to the Board of Aldermen, with his approval endorsed thereon, or with his objections thereto, in writing, on or before the next regular meeting of the Board succeeding the date on which the bill was so presented. The Mayor may also veto any portion or all of the general appropriation bill, or any item of the same. (Ord. No. 80-10 §1; CC § 21.290)

CHAPTER 120: CITY OFFICERS AND CITY EMPLOYEES

SECTION 120.010: OFFICERS ENUMERATED

The officers of this City shall consist of:

1. The following elective officers:
2. Mayor,
3. Aldermen (two from each ward)
4. And the following appointive officers:
5. City Clerk/Treasurer,
6. City Collector/Court Clerk,
7. City Attorney,
8. Chief of Police,
9. Fire Chief
10. Any such other agents as may be appointed from time to time,

(Ord. No. 80-10 §1; CC § 21.100; Ord. No. 2018-02 §1)

SECTION 120.020: TERM OF APPOINTIVE OFFICERS

All appointive officers shall be appointed to serve at the pleasure of the Mayor and the Board of Aldermen. (Ord. No. 80-10 §1; CC § 21.110)

SECTION 120.030: OFFICERS TO BE QUALIFIED VOTERS AND RESIDENTS; EXCEPTIONS

All officers elected or appointed to offices under the City Government shall be qualified voters under the laws and Constitution of this State and this Code; except, that the City Attorney and other employees having only ministerial duties need not be registered voters of the City. No person shall be elected or appointed to any office that shall at the time be in arrears for any unpaid City taxes, or forfeiture or defalcation in office. All elected officers shall be residents of the City however, all other employees and any appointed officers need not be residents of the City. (Ord. No. 80-10 §1; CC§ 21.120; Ord. No. 2020-01 §1).

SECTION 120.040: OATH OF OFFICE; BOND GENERALLY

Every officer of the City and his assistants, and every Alderman before entering upon the duties of his office shall take and subscribe to an oath of affirmation before some person authorized to administer oaths, that he possesses all qualifications prescribed for his office by law; that he will support the Constitutions of the United States and of this State, the provisions of all laws of this State affecting the City and the Code of Ordinances and other ordinances of the City; and faithfully demean himself while in office, which oath or affirmation shall be filed with the City Clerk. Every officer of the City, when required by this Code or other law or ordinance, shall, within fifteen (15) days after his appointment or election, and before entering upon the discharge of the duties of his office, give bond to the City in such sum and with such sureties as may be designated by this Code or other ordinance, conditioned upon faithful performance of his duty, and that he will pay over all money belonging to the City and fully account for the same, as provided by law, that may come into his hands. If any person elected or appointed to any office shall fail to take and subscribe such oath or affirmation, or to give bond as herein required, his office shall be deemed vacant. For any breach of condition of any such bond, suit may be instituted thereon by the City, or by any person in the name of the City to the use of such person. (Ord. No. 80-10 § 1; CC § 21.130)

SECTION 120.050: COMMISSION TO BE DELIVERED

Upon filing of the oath of office and approval of bond, when bond is required, the City Clerk shall deliver to the person elected or appointed a commission signed by the Mayor, and under the Seal of the City, duly countersigned by the Clerk, authorizing the person therein named to discharge the duties of the office therein named for the term for which he was appointed or elected. (Ord. No. 80-10 §1; CC § 21.140)

SECTION 120.060: SALARIES

The Board of Aldermen shall have the power to fix the compensation of all officers or employees of the City by ordinance. The salary of an officer shall not be changed during the time for which he was elected. In addition to the fees allowed by this Code or other law or ordinance the City Officers shall receive such compensation for their services as the Board of Aldermen shall from time to time provide. Only the Board of Aldermen may give raises to all officers and employees. (Ord. No. 80-10 § 1; CC § 21.150, Ord. No. 2018-02 §3)

SECTION 120.070: ADMINISTRATION OF OATHS

The Mayor and City Clerk are hereby empowered and authorized to administer oaths or affirmations in the following cases:

1. The Mayor, to witnesses or other persons concerned with any subject under consideration by the Board of Aldermen in which the interest of the City is involved.
2. The City Clerk, to any person certifying to any demand or claim against the City concerning the correctness of the same. (Ord. No. 80-10 §1; CC §21.160)

SECTION 120.080: VACANCIES

Vacancies shall be filled as follows:

1. All elective office vacancies shall be filled in accordance with State Statutes.
2. If a vacancy occurs in any office not elective, the Mayor shall appoint a suitable person to discharge the duties of such office until the first regular meeting of the Board of Aldermen thereafter, at which time such vacancy shall be filled for the unexpired term which was vacated, by Board of Aldermen.
3. Immediately upon the suspension of an officer it shall be the duty of the Mayor to appoint a competent and responsible person to discharge the duties of such officer for the period of the suspension.
4. The Board of Aldermen shall be solely responsible for the hiring and firing of all subordinate employees and appointive officers. (Ord. No. 80-10 § 1; CC § 21.170, Ord. No. 2018-02 §4)

SECTION 120.090: CITY ATTORNEY

1. Appointment; Tenn. The Mayor, with the advice and consent of the Board of Aldermen, at the first meeting after each annual City election shall appoint a suitable person as City Attorney who shall hold office for two (2) years, unless sooner removed from office, and until his successor is appointed and qualified.
2. Qualifications. No person shall be appointed to the office of City Attorney unless he be a licensed and practicing attorney at law in this State.
3. Duties Generally. The City Attorney shall, in addition to his other duties which are or may be required by this Code or other ordinance, when ordered by the Mayor or Board of Aldermen to do so, to prosecute or defend all suits and actions originating or pending in any court of this State, to which the City is a part, or in which the City is interested.
4. It shall be the duty of the City Attorney to prosecute all persons charged with a violation of this Code or other ordinance of the City, in any contested case.
5. The City Attorney shall make, and he is hereby authorized and empowered to make, affidavits on behalf of the City in all cases where the same may be necessary in taking an appeal or change of venue or may other matter necessary to proper legal proceedings.
6. The City Attorney shall give his opinion to all City officials.
7. Report to Board of Aldermen. The City Attorney shall attend all meetings of the Board of Aldermen unless excused by the Mayor or majority of the Board of Aldermen. Any member of the Board of Aldermen may at any time call upon the City Attorney for an oral or written opinion to decide any question of law, but not to decide upon any parliamentary rules or to resolve any dispute over the propriety of proposed legislative action.
8. Temporary Absence; Acting City Attorney. In case of absence, sickness or other inability of the City Attorney to attend court, or when, before assuming his official duties, he shall inform the Mayor thereof, in writing, and the Mayor shall appoint some other attorney to represent the City in such cases, or during temporary absence, sickness or inability. Should the City Attorney fail, neglect, or refuse to give such notice, as above provided, and the interests of the City in case of such failure, neglect or refusal, need the immediate services of an attorney, then the Mayor may appoint some other attorney to attend to such cases, who shall receive the compensation allowed to the City Attorney for like services.
9. Compensation. The City Attorney shall be allowed compensation such as from time to time shall be fixed by the Board of Aldermen. The City Attorney shall not receive compensation contingent upon the outcome of any case in the Municipal Court.

In the event of a case in which the City is interested being tried in any Circuit Court, Supreme Court or Court of Appeal, then the Board of Aldermen shall allow the City Attorney the usual and customary fees and necessary expenses allowed in like or similar cases. (Ord. No. 80-10 §1; CC §§ 21.300-21.350)

SECTION 120.100: CITY CLERK/CITY TREASURER

1. Selection by Board of Aldermen. The Board of Aldermen shall elect a City Clerk/City Treasurer at the first meeting of the Board after each annual election on the first (1st) Tuesday in April of each year, who shall hold office for one (1) year and until his successor is elected and qualified.
2. Qualifications. The City Clerk/City Treasurer shall be at least twenty-one (21) years of age, and pursuant to Section 79.250, RSMo., shall not be required to be a resident of the City of Marble Hill, Missouri.
3. Duties Generally. The City Clerk/City Treasurer shall, in addition to other duties which are or may be required of him by this Code or other ordinance, attend all meetings of the Board of Aldermen.
4. He or she shall have the custody of the books, records, papers and documents belonging to the City.
5. He or she shall prepare all certificates of election or appointment of the City Officers, and deliver the same to the persons elected or appointed.
6. He or she shall countersign all City bonds, warrants, drafts and orders upon the treasury for money, and shall see that all ordinances appropriating money out of the Treasury are endorsed by the Treasurer before passage, and shall affix thereto the Seal of the City and keep a record thereof, showing the number, date and amount thereof, the name of the person to whom, and on what account issued, and when redeemed.
7. He or she shall record the certificates, oaths and bonds of all the City Officers.
8. He or she shall keep an index of the records of the proceedings of the Board of Aldermen.
9. He or she shall type letter, memorandums and any other city correspondence that is required
10. He or she shall prepare the agenda for all City Council meetings.
11. He or she shall publish all legal notices as required by law.
12. He or she shall prepare the clerk/treasurer report at least once a month to be viewed by the Board of Aldermen at the City Council Meeting.
13. He or she shall process bills for payments and issue checks.
14. He or she shall enroll all employees with health insurance after his or her 90 day probation period.
15. He or she shall enroll any employee in 401 K retirement after his/her 90 day probation period.
16. He or she shall keep record of all workers compensation claims.
17. He or she shall process payroll.
18. He or she shall keep record of all FMLA, Funeral Leave, Jury Leave, and Disability Leave for the City of Marble Hill.
19. He or she shall keep record of all Comp/Sick and Vacation Time earned by each employee.
20. He or she shall keep record of all personnel files.
21. He or she shall prepare expenditure reports, payroll, payroll tax reports and deposits and shall distribute employee's W-2 forms and 1099s
22. He or she shall order office supplies as needed or directed.
23. He or she shall prepare all financial reports required by law including but not limited to sales tax reports and street finance reports.
24. He or she shall reconcile all monthly bank statements.
25. He or she shall maintain an efficient filing system and attend all board approved training related to the position.
26. He or she shall research and report any concerns as assigned by an Alderman.
27. He or she shall prepare semi-annually a statement of the receipts and expenditures of the City, and cause the same to be published in a newspaper published in the City.
28. When a license is required to be issued, shall cause the same to be issued, signing his or her name and affixing the Seal of the City thereto, and shall keep an account with the Collector for such licenses and the amount of the license tax thereon.
29. The City Clerk/City Treasurer shall furnish to any person when called up during business hours to do so, certified copies of any records, books, or papers which are in his/her custody, for which services a reasonable fee to be set by City ordinance may be charged, and which shall be paid by the person demanding such certified copy into the Treasury of the City.
30. The City Clerk/City Treasurer shall be responsible for escrowing and supervising all money collected in any blacktopping projects performed by the City of Marble Hill, Missouri.
31. The City Clerk/City Treasurer shall be responsible for and shall supervise the issuance of all permits for any roadblocks and/or usage of City parks;
32. The City Clerk/City Treasurer shall be required to handle all office responsibilities for the City of Marble Hill, Missouri, and shall be required to work as deemed necessary by the Board of Aldermen and the Mayor.
33. The City Clerk/City Treasurer shall be responsible for collecting and posting all bids when bids are requested.
34. Compensation. The City Clerk/City Treasurer appointed thereafter shall receive an hourly wage in an amount as set by the Board of Alderman by Ordinance.
35. Bond. Within fifteen (15) days of his or her appointment, and before entering upon the discharge of the duties of his office, the City Clerk/City Treasurer shall execute to the City a bond in the sum of fifty thousand dollars ($50,000.00). The cost of said bond shall be paid by the City.
36. Time off: Requests for time off by the City Clerk/City Treasurer for vacation or otherwise shall be made to the Mayor.
37. Office Manager: The City Clerk/City Manager shall function as an Office Manager, making sure that City Hall is well kept and also being in charge of keeping records as to vacation days and comp time of each employee.
38. Temporary City Clerk/City Treasurer. Upon temporary disability or inability of the City Clerk/City Treasurer to perform his duties as set forth in this Section or other ordinances of the City due to illness, absence from the City or other cause, the Board of Aldermen shall, in the same manner as the City Clerk/City Treasurer is elected as set forth in Subsection A above, proceed to elect a temporary City Clerk/City Treasurer and shall hold office until the disability of the City Clerk/City Treasurer is removed.
39. Such temporary City Clerk/City Treasurer shall receive as compensation such salary as the Board of Aldermen shall provide for at the time of the election of such officer.

 (Ord. No. 80-10 §1; Ord. No. 87-10 §1; CC §§ 21.400-21.440; Ord. No. 92-12 §§1-2, 5-11-92; Ord. No. 94-09 §1, 4-22-94; Ord. No. 94-15 §§1-2, 5-16-94; Ord. 2013-07, April 22, 2013; Ord. 2018-02 §5)

SECTION 120.110: CITY COLLECTOR/COURT CLERK

1. Selection by the Board of Aldermen: The Board of Aldermen shall appoint a City Collector/Court Clerk at the first meeting of the Board after each annual election on the first (1st) Tuesday in April of each year, who shall hold office for one (1) year and until his/her successor is elected and qualified.
2. Oath. The City Collector/Court Clerk shall, before entering upon the duties of the office, take and subscribe an oath or affirmation that he or she possesses all the qualifications prescribed for the office by law, and that he or she will support the Constitution of the United States and of this State, the provisions of all laws of this State affecting cities of the fourth class, and this Code and other ordinances of this City, and faithfully demean himself or herself in the office.
3. Bond. Within fifteen (15) days of his/her appointment, and before entering upon the discharge of the duties of his/her office, the City Collector/Court Clerk shall execute to the City a bond in the sum of twenty-five thousand dollars ($25,000.00). The cost of said bond shall be paid by the City.
4. Duties Generally. The City Collector/Court Clerk shall perform all the duties specified in this Section and shall perform such other duties as may be directed by the Mayor.
5. Compensation. The City Collector/Court Clerk shall receive as compensation for his or her services an hourly wage as set by the Board of Aldermen.
6. Deputy Collector. The Mayor may appoint a Deputy Collector to be approved by the Board of Aldem1en, and when such Deputy Collector shall have taken and prescribed to the oath provided by this Chapter, he or she shall possess all the qualifications and powers and be charged with the same duties as the Collector,
7. Time off: Requests for time off by the City Collector/Court Clerk for vacation or otherwise shall be made to the Mayor.
8. The City Collector/Court Clerk shall be responsible for the handling of all tickets, information, probable cause statements and other case documents created by the City Police Department until such time as the City Attorney takes possession of any such documents. Upon the taking of such documents by the City Attorney, then the duties of Municipal Court Clerk shall be performed by the Associate Circuit Clerk of Bollinger County as provided by Ordinance 160.220
9. The City Collector/Court Clerk shall, annually, at such times as may be designated by ordinance, make a detailed rep01t to the board of aldermen, stating the various moneys collected by him/her during the year, and the amoU11ts uncollected and the names of the persons from which he failed to collect and the causes therefore.
10. He/she shall copy the tax books of the City, extend the taxes thereon, and turn the same over to the City Collector by August 1, charging the Collector with the amounts of taxes due the several funds as shown by the tax books, and crediting him/her by amount of taxes turned into the Treasury, his/her commission, delinquent taxes, errors and rebates.

(Ord. No. 80-10 §1; Ord. No. 87-22 §1; Ord. No. 89-35 §1; CC§ 21.500-21.540; Amended Ord. 2013-7, April 22, 2013; Ord. 2018-02 §6)

SECTION 120.120: CITY TREASURER

(Ord. 2013-07, April 22, 2013, eliminated the position of City Treasurer and combined it into a new position City Clerk/City Treasurer)

CHAPTER 125: IMPEACHMENT

SECTION 125.010: WHO IS IMPEACHABLE

All elected officials shall be liable to impeachment for crime, misconduct, habitual drunkenness, willful neglect of duty, corruption in office, incompetency, or any offense involving moral turpitude, or oppression in office. (Ord. No. 80-10 §1; CC § 21.900)

SECTION 125.020: POWER OF IMPEACHMENT; TRIAL

1. The Mayor may, with the consent of a majority of all the members elected to the Board of Aldermen, remove from office, for cause shown, any elective officer being first given opportunity, together with his witnesses, to be heard before the Board of Aldermen sitting as a Board of Impeachment.
2. Any elective officer, including the Mayor, may in like manner as set forth in Subsection A, for cause shown, be removed from office by a two-thirds (2/3) vote of all members elected to the Board of Aldermen, independently of the Mayor's approval or recommendation. (Ord. No. 80-10 §1; CC § 21.910)

SECTION 125.030: IMPEACHMENT PROCEEDINGS; NOTICE

1. Impeachment proceedings shall commence by a motion of any Alderman, approved by a majority of the Board of Aldermen to issue Articles of Impeachment against any accused elected officer.
2. When Articles of Impeachment shall be approved by a majority of the Board of Aldermen, the Mayor shall immediately appoint some day and time, not less than twenty (20) days nor more than thirty (30) days after the approval of the Articles of Impeachment by the Board of Aldermen, for appearance of the accused elected officer and cause summons to be issued, signed by the Mayor, with a copy of the Articles of Impeachment annexed, requiring the accused elected officer to appear in the City Hall on the day appointed for that purpose, and answer the charges exhibited against him. The summons and Articles of Impeachment shall be served by a member of the Police Department. When the elected officer against whom the Articles of Impeachment have been approved by a majority of the Board of Aldermen is the Mayor, or if the office of the Mayor is vacant, the President of the Board of Aldermen shall act in place of the Mayor and in like manner as hereinbefore set forth. (Ord. No. 80-10 §1; CC § 21.920)

SECTION 125.040: SERVING OF SUMMONS AND ARTICLES OF IMPEACHMENT

Not less than twenty (20) days prior to the day appointed for his appearance to answer the charges against him, the accused elected officer, if he can be found, shall be personally served with the summons and Articles of Impeachment; and if he cannot be found, then by leaving a copy of such summons and Articles of Impeachment at his dwelling house or usual place of abode, with some members of the family above the age of fifteen (15) years. (Ord. No. 80-10 §1; CC § 21.930)

SECTION 125.050: PROCEEDINGS EX PARTE

If the accused shall not appear after being notified as provided in Section 125.040, the Board of Aldermen and Mayor may proceed ex parte. (Ord. No. 80-10 §1; CC § 21.940)

SECTION 125.060: IMPEACHMENT TRIAL PROCEEDINGS

1. The City Attorney shall be present and prosecute the allegations against the accused elected official.
2. All witnesses shall be sworn prior to giving their testimony and they shall be subject to cross-examination.
3. The accused elected officer shall have the right to be represented by an attorney of his choosing, and which said expense shall be borne by the accused. (Ord. No. 80-10 §1; CC § 21.950)

SECTION 125.070: EFFECT OF JUDGMENT OF IMPEACHMENT

Judgment of impeachment shall not extend beyond removal from office, but shall not prevent punishment of such elected official by the courts of charges growing out of the same matter. (Ord. No. 80-10 §1; CC § 21.960)

CHAPTER 130: PERSONNEL

SECTION 130.010: PROBATIONARY PERIOD

Each employee, including but not limited to members of the Police Department, receiving an appointment or a promotion to a position in the service of the City must serve a probationary period of three (3) months before his appointment or promotion shall be considered permanent. During the employee's three (3) month probationary period, the employee's work habits, abilities, attitudes, promptness, and other pertinent characteristics will be observed and evaluated by his Supervisor, Mayor, or other appropriate City official. If the probationary employee fails to meet the required standards of performance, he is to be dismissed. During the probationary period, the employee is not eligible for employee fringe benefits, such as sick leave and vacation, but will earn credit for those to be taken at a later date. (Ord. No. 80-10 §1; CC § 23.010; Ord. No. 94-35 §1, 8-29-94; Ord. No. 94-39 §1, 10-10-94)

SECTION 130.020: DISCHARGE DURING PROBATIONARY PERIOD

If at any time during the probationary period, the City Administrator determines that the services of a City employee have been unsatisfactory, the employee may be separated from his position without the right of appeal or a hearing. The City Administrator shall bring a request to the Board of Aldermen for removal of the probationary employee and the Board of Alderman, solely, shall have the authority to remove the probationary employee. If the Board of Aldermen votes to remove a probation.my employee, the Mayor shall notify the employee in writing of the reasons for the separation and the effective date of the separation. (Ord. No. 80-10 §1; CC§ 23.020; Ord. No. 2018-03 §1)

SECTION 130.030: EXTENSION OF PROBATIONARY PERIOD

At the end of an employee's probationary period, if there is reason to believe that the employee may develop the ability to perform satisfactorily by an extension of his probation period, the City Administrator may grant an extension not to exceed six (6) months. (Ord. No. 80-10 § 1;
CC § 23.020; Ord. No. 2018-03 §2)

SECTION 130.040: TERMINATION OF PROBATIONARY PERIOD

At the end of an employee's three (3) months probationary period or extension granted under the authority of Section 130.030, the City Administrator shall complete a probationary report and notify the Mayor in writing or report to the Board of Aldermen at a regular meeting that either:

1. The employee has successfully completed his probationary period and is capable of performing the duties of the position satisfacto1ily, and is henceforth to be considered a regular employee with all rights and privileges due him;
2. The employee has not demonstrated abilities to form satisfactorily the duties of the position and is to be separated from City Government, or if promoted from another position returned to the previous or a similar position. (Ord. No. 80-10 §1; CC§ 23.040; Ord. No. 2018-03 §3)

SECTION 130.050: AGE

The minimum age for employment as a probationary employee shall be eighteen (18) years of age, unless the Mayor shall in writing waive the requirement. The minimum age for employment of seasonal employees shall he sixteen (16) years of age. (Ord. No. 80-10 §1; CC § 23.060)

SECTION 130.060: RESIDENCE

Unless provided for elsewhere in this Code, all permanent employees of the City shall not be required to reside within the City. This includes any appointed officers or employees as well as temporary or probationary employees. (Ord. No. 80-10 §1; CC § 23.070; Ord. No. 2020-01 §2)

**SECTION 130.070: RELATIVES IN THE CITY SERVICE**

Two (2) members of an immediate family shall not be employed under the same Supervisor; neither shall two (2) members of an immediate family be employed at the same time, regardless of the administrative department, if such employment will result in an employee supervising a member of his immediate family. Immediate family is defined as wife, husband, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparents, grandchildren, stepmother, stepfather, brother-in-law, sister-in-law, uncle and aunt. Provided that no present employee shall be discharged because of a violation of this Section. (Ord. No. 80-10 §1; CC§ 23.090; 2017-09)

SECTION 130.080: POLITICAL ACTIVITIES

1. City employees shall not be appointed or retained on the basis of their political activity. City employees shall not be coerced to take part in political campaigns, to solicit votes, to levy, contribute or solicit funds or support, for the purpose of supporting or opposing the appointment or election of candidates for any municipal office.
2. No City employee shall actively advocate or oppose the candidacy of any individual for nomination or election to any municipal office, but an employee may participate in political affairs at other levels of government, provided such participation does not adversely affect his performance as a City employee. Employees are expected to exercise their right to vote in municipal elections, but shall not engage in, or participate in any other way in any municipal election.
3. Failure to comply with the requirements of this Section shall be grounds for immediate dismissal. Any person who attempts to coerce or does coerce any City employee to take part in activity prohibited by this Section may be punished as provided in Section 100.050 of this Title. (Ord. No. 80-10 §1; CC §§ 23.100-23.120)

SECTION 130.090: OUTSIDE EMPLOYMENT

No full-time department head shall accept outside employment, whether part-time, temporary, or permanent, without prior written approval from the Mayor. Each change in outside employment shall require separate approval. Such approval, however, shall not be arbitrarily withheld. Other employees may accept outside employment as long as City equipment is not used outside of City hours, except in extreme emergency, and does not interfere with their efficiency as City employees as judged by their Supervisors, and does not involve the contracting of City equipment or materials. Employees may not engage in any private business or activity or private work estimates while on duty. No employee shall engage in, or accept, private employment or render any service for private interest when such employment or service is incompatible or creates a conflict with his official duties. (Ord. No. 80-10 §1; CC § 23.130)

SECTION 130.100: CONDUCT, WORK HABITS, ATTITUDE

It shall be the duty of each employee to maintain high standards of conduct, cooperation, efficiency and economy in their work for the City. Whenever work habits, attitude, production or personal conduct of any employee falls below a desirable standard, the City Administrator should point out the deficiencies at the time they are observed. Corrections and suggestions should be presented in a constructive and helpful manner in an effort to elicit the cooperation and good will of the employee. Whenever possible, oral and/or written warnings with sufficient time for improvement shall precede formal discipline.

(Ord. No. 80-10 §1; CC§ 23.140; Ord. No. 2018-03 §5)

SECTION 130.110: DISCIPLINE POLICY

It shall be the duty of all City employees to comply with and to assist in carrying into effect the provisions of the City's personnel rules and regulations. No permanent employee shall be disciplined except for violation of established rules and regulations, and such discipline shall be in accordance with procedures established by the personnel rules and regulations.

1. *Employee's and Supervisor's responsibilities*.
2. It is the duty of every employee to attempt to correct any faults in his performance when called to his attention and to make every effort to avoid conflict with the City's rules and regulations.
3. It is the duty of the City Administrator to discuss improper or inadequate performance with the employee in order to correct the deficiencies and to avoid the need to exercise disciplinary action. Discipline shall be, whenever possible, of an increasingly progressive nature, the step of progression being (1) warning, (2) suspension, and (3) removal.
4. *Grounds for action*. The following are declared to be grounds for suspension, or removal of any permanent employee:
5. Conviction of a felony or other crime involving moral turpitude,
6. Acts of incompetency,
7. Absence without leave,
8. Acts of insubordination,
9. Intentional failure or refusal to carry out instructions,
10. Misappropriation, destruction, theft, or conversion of City property,
11. Employee subsequently becomes physically or mentally unfit for the performance of his duties,
12. Acts of misconduct while on duty,
13. Willful disregard of orders,
14. Habitual tardiness and/or absenteeism,
15. Falsification of any information required by the City,
16. Failure to properly report accidents or personal injury,
17. Neglect or carelessness resulting in damage to City property or equipment,
18. Repeated convictions during employment on misdemeanor and/or traffic charges,
19. Introduction, possession, or use on City property or in City equipment of intoxicating substances or controlled substances or proceeding to or from work, or performing work for the City, under the influence of an intoxicating substance or controlled substance.
20. *Employee notice.* A written notice shall be given to each employee stating the reasons for the disciplinary action and the date it is to take effect. The notice is to be given to the employee at the time such disciplina1y action is taken and in any event not later than three (3) working days from date of the action. A copy of notice signed by the employee or signed by the official who personally delivered a copy to the employee in the employee's file shall serve as prima facie evidence of delivery.
21. *Probational employee*. Any probationary employee may be suspended, reduced in pay, or removed at any time by the Board of Aldermen pursuant to 130.020. Probationary, temporary, seasonal, or part-time employees shall not have the right of appeal from such action..
22. *Permanent employees*. All permanent employees holding positions in the service of the City may be suspended for a period of not more than thirty (30) working days with or without pay by the City Administrator, or removed for just and reasonable cause by the Board of Aldermen. Pe1manent employees shall be dismissed only after having been given written notice of the contemplated action.
23. *Right of appeal*. All permanent employees are granted the right of appeal. Within ten (10) days after effective date of disciplinary action, the employee may file a written appeal to the Mayor. The disciplinary action against the employee shall be stayed during the course of this appeal, unless the Mayor orders its imposition in writing giving his reasons therefore.
24. *Investigation*. The Mayor shall hear appeals submitted by any pe1manent employee in the City relative to any suspension, or dismissal and shall submit a written statement of facts, findings, and recommendations to the Board of Aldermen, whose actions shall be final and conclusive.
25. *Appeal hearing open to public*. The appeal hearing shall be open to the public at the discretion of the Mayor, and subject to all requirements of law.
26. *Informal nature*. The hearing shall be conducted in an informal nature and the Mayor shall make every effort to avoid the appearance of conducting a trial in a Court of law.
27. *Scheduling of appeal*. No later than ten (10) working days after receipt of the written appeal, the Mayor shall fix a time and place for convening of a hearing. Within forty-eight (48) hours after the completion of the hearing the Mayor shall report his findings and recommendations to the Board of Aldermen.
28. 11. If the Mayor shall have ordered that disciplinary action against an employee shall not be stayed during an appeal, then the Mayor shall appoint a member of the Board of Aldermen to hear the appeal. In such case the provisions of Subsection 11 shall not apply, and the hearing shall be scheduled within forty-eight (48) hours of the Mayor's order imposing immediate disciplinary action. Should the hearing officer recommend to the Board of Aldermen that the disciplinary action not be imposed, and should this recommendation be accepted by the Board of Aldermen, then the City shall pay said employee the same as had he been employed in the service of the City during the time in which the Mayor's discipline order was in effect.
29. *Right to representation*. The appellant shall have the right to appear and be heard in person or by counsel.
30. *Appellant fails to appear*. Appellant's failure to attend or notify the hearing officer of his inability to attend at the hearing will constitute just cause of dismissal of the appeal and imposition of the disciplinary action. (Ord. No. 80-10 §1; CC § 23.150; Ord. No. 2018-03 §6)

SECTION 130.120: GRIEVANCE POLICY

The most effective accomplishment of the work of the City requires prompt consideration and equitable adjustment of the employee grievances. It is the desire of the City to adjust the causes of grievances informally, and both Supervisors and employees are expected to make every effort to resolve problems as they arise.

1. An employee may present his grievance, or have an employee committee selected by the employee present his grievance to his Supervisor.
2. All grievances shall be submitted in writing to the City Clerk/City Treasurer who shall forward a copy thereof to the employee's Supervisor for action.
3. If satisfaction is not achieved by the above procedure within ten (10) working days, the grievance shall then be presented to the Mayor.
4. The Mayor shall convene a hearing within ten (10) days to consider the grievance. The employee, the Supervisor, and any other interested party shall have the right to be heard. All City employees shall be considered in the service of the City during the course of the grievance hearing, and each employee shall be paid at his regularly hourly rate for that time spent in the hearing.
5. Following the hearing, the Mayor shall within ten (10) days take whatever action is necessary, including but not limited to a recommendation to change the personnel rules and regulations or the work practices of the City, upon finding that the grievance is unjustified, or any other appropriate recommendation.
6. No employee shall be disciplined or discriminated against in any way because of his proper use of the grievance procedure.
7. To the extent the provisions of this Section conflict with Section 130.110 of this Chapter, the requirements of Section 130.110 shall apply. The procedure outlined in Section 130.110 shall be used if the alleged grievance is a disciplinary matter, although the Mayor may treat a hearing under this Section as a hearing for the purposes of Subsection 130.110 (6) provided that all employee rights have been respected. (Ord. No. 80-10 §1; CC § 23.160)

**SECTION 130.130: OVERTIME**

The standard work week for employees other than Supervisors shall be five (5) days or a total of forty (40) hours per week. Supervisors should work those hours necessary to assure the satisfactory performance of their departments, but not less than forty (40) hours per week. The Supervisor shall not be entitled to overtime pay under the provisions of this Section except by approval of the Board of Aldermen.

1. The Supervisor shall assign to each employee regular work duties and responsibilities which can normally be accomplished within the established work day and work week. However, occasionally some overtime work may be necessary for proper performance of work duties and responsibilities.
2. When regular, pe1manent employees are required to work extra or prolonged shifts, employees shall be paid ove1time pay, which shall be one and one half (11/2) times the employee's regular pay scale. At the employee's option, any overtime hours may be accumulated and taken for compensation time off. The employee shall be entitled to one and one-half (11/2) hours of compensation time per each hour of ove1time work designated as compensation time. There can be no more than sixty (60) hours of compensation time accrued at any given time. All compensation time taken must be approved in advance by the Mayor, City Administrator, or the Board of Aldermen but only after consultation with the City Clerk/City Treasurer to confirm that the employee has the accrued compensation time available.
3. An employee who has left his normal place of work for his home and is called back for overtime work shall be paid for ove1time with a minimum payment equal to one hour's work.
4. Records of vacation time, sick time and compensation time shall be kept by the City Clerk/City Treasurer and shall be reviewed at least quarterly by the Board of Aldermen.
5. Temporary or probationary employees shall be entitled to overtime pay as provided in Subsection 2 of this Section. (Ord. No. 80-10 §1; CC § 23.170; Ord. No. 93-09 §1, 6-14-93; Ord. 2018-03, §7)

SECTION 130.140: HOLIDAYS

All regular employees of the City shall receive normal compensation for the nine (9) legal holidays listed below and any other day or parts of a day during which the public offices of the City shall be closed by special proclamation of the Mayor with approval of the Board. Holidays to be observed are:

New Year’s Day January 1

Washington’s Birthday Third Monday in February

Good Friday Friday before Easter

Memorial Day Last Monday in May

Independence Day July 4

Labor Day First Monday in September

Veterans Day November 11

Thanksgiving Day Fourth Thursday in November

Day after Thanksgiving Friday after Thanksgiving

Christmas Eve Day December 24

Christmas Day December 25

It shall be the policy of the City to insure that all regular employees enjoy the same number of holidays each year. The standard shall be the number of holidays in a particular year which will be celebrated by employees working a forty (40) hour week, Monday through Friday. For this group when a holiday falls on Sunday, the following Monday shall be observed as the holiday. When a holiday falls on Saturday, the preceding Friday shall be observed as the holiday. For regular employees whose work week is other than Monday through Friday, the department head shall designate the work day that shall be observed.

1. An employee absent without authorized leave from the Mayor on the day preceding and/or the day following a holiday shall not receive regular compensation for the holiday.
2. Any regular employee in the City service who shall be required to perform work or render services on a regularly scheduled holiday shall receive a day off at his regular pay rate in lieu of the holiday missed, or at the option of the City he may be compensated at the City's approved overtime rates for his service on the regularly scheduled holiday.
3. No part time employees or probationary employees who have been employed for less than ninety (90) days shall be entitled to any holiday pay. All regular part time employees who have been employed for more than ninety (90) days shall receive compensation in proportion to the average number of hours normally scheduled to work. (Ord. No. 80-10 §1; CC §23.180; Ord. No. 95-09 §1, 8-14-95; Ord. 2013-05, March 25, 2013)

**SECTION 130.150: VACATION**

Every employee in the City service holding a pe1manent status position and having occupied such position for a period of twelve (12) consecutive calendar months and all appointed officers shall be allowed annual vacation leave with pay. Vacation leave shall be granted on the basis of the number of regularly scheduled hours in the standard work or duty day to which the employee is assigned at the time of his vacation. Employees with one (1) year of continuous service with the City shall be allowed vacation leave at the rate of one (1) week. Thereafter, employees with two (2) years of continuous service with the City shall be allowed vacation leave at the rate of two (2) weeks. Thereafter, employees with five (5) years of continuous service with the City shall be allowed vacation leave at the rate of three (3) weeks annually.

1. Vacation leave shall be taken during the year following its accumulation.
2. Vacation leave credit may not be carried from one year to the next.
3. Vacation leave must be taken in blocks of five ( 5) days each. Exceptions may be granted with the written consent of the Mayor.
4. Employees and appointive officers must request vacation time at least 1 week in advance from the Mayor, City Administrator or the Board of Alde1men. The Mayor, City Administrator or Board of Aldermen may approve the use of vacation time but only after consultation with the City Clerk/City Treasurer to confirm that the employee has the accrued vacation time available.
5. Absence on account of sickness, injury or disability in excess of that hereinafter authorized for such purposes may, at the request of the employee and within the discretion of the department head, be charged against vacation leave allowance.
6. Records of vacation leave allowance and use shall be kept by the person responsible for the employee's payroll payment. Vacation leave scheduled shall be in regard to the seniority of employees, to accord with operating requirements and, insofar as possible, with the requests of the employees.
7. Records of vacation time, sick time and compensation time shall be kept by the City Clerk/City Treasurer and shall be reviewed at least quarterly by the Board of Aldermen.
8. When a regularly scheduled holiday occurs during the period of an employee's vacation an additional day of vacation shall be granted. (Ord. No. 80-10 §1; CC§ 23.190; Ord. No. 93-7 §1, 5-24-94; Ord. No. 2018-03 §8)"

SECTION 130.160: SICK LEAVE

All full-time City employees shall earn sick leave with full pay at the rate of one-half (1/2) workday for each pay period of service. Sick leave shall accrue from the date of employment but shall not be taken until the successful completion of the three (3) month probationary period except with the written permission of the Mayor. Sick leave may never be taken in advance of earning the time. Sick leave may be accumulated up to fifteen (15) days.

1. An employee may be eligible for sick leave for the following reasons:
	1. Personal illness of physical incapacity.
	2. Quarantine of an employee by a physician.
	3. Illness in the immediate family requiring the employee to remain at home.
2. An employee who is unable to report for work because of one of the above reasons shall report the reason for his absence to his Supervisor within two (2) hours from the time he is expected to report for work. Sick leave with pay shall not be granted unless such report has been timely made. Documentation may be required of the employee before any sick leave will be granted or payment made. In all cases, sick leave with pay in excess of three (3) working days shall be allowed only after presenting a written statement by a physician certifying that the employee's condition prevented him from appearing for work.
3. An employee terminating from City service shall not be allowed the use of sick leave in the last two (2) calendar weeks of employment. Unused sick leave will not be compensated for in any way at the time of resignation or dismissal of any employee.
4. Records of vacation time, sick time and compensation time shall be kept by the City Clerk/City Treasurer and shall be reviewed at least quarterly by the Board of Aldermen.
5. Abuse of the sick leave privilege can result in dismissal. (Ord. No. 80-10 §1; CC§ 23.200; Ord. No. 94-30 §1, 7-11-94; Amended Ord. 2013-2, February 11, 2013; Ord. 2018-03 §9).

SECTION 130.170: MATERNITY AND PATERNITY LEAVE

On recommendation of an employee's Supervisor or department head, and upon the written order of the Mayor, an employee may be granted maternity or paternity leave without pay for a period not to exceed three (3) months. (Ord. No. 80-10 §1; CC § 23.210)

SECTION 130.180: EDUCATION LEAVE

The Mayor may authorize special leaves of absence, with or without pay, for any period not to exceed six (6) calendar months in any one calendar year for attendance at a school or university for the purpose of training in subjects relating to the work of the employee and which will benefit the employee and the City service. The City may share in up to one hundred percent (100 %) of the tuition costs if the course is completed successfully. However, if the City shares in the cost, the employee must remain in the City service for one month for each hour of course credit, after completion of the course. If the employee fails in this obligation, the City's portion of the tuition will be deducted from the employee's last pay check. In the event that the course is not based on credit hours, the employee's required length of stay after completion of the course should be determined by the employee and the Mayor before the course begins. (Ord. No. 80-10 §1; CC § 23.230)

SECTION 130.190: FUNERAL LEAVE

An employee may be granted three (3) working days leave as needed in the event of the death of his spouse, child, mother, father, sister, brother, mother-in-law, father-in-law or grandparents. Such leave shall be deducted from either sick leave or vacation leave. (Ord. No. 80-10 §1; CC § 23.240)

SECTION 130.200: JURY LEAVE

An employee may be granted up to a seven (7) day maximum leave when required to be absent from work for jury duty or as a trial witness. Compensation for such leave shall be limited to the difference between pay received for this service and normal duty pay. (Ord. No. 80-10 §1; CC § 23.250)

SECTION 130.210: DISABILITY LEAVE

A permanent (full or part-time) employee who is temporarily disabled in the line of duty shall receive pay equal to the amount received from Worker's Compensation benefits for the period of his disability without charge against his vacation leave, but to be charged against his sick leave, subject to the following conditions:

1. Provided that the disability resulted from an injury or illness sustained directly in the performance of the employee's work, as provided in the State Worker's Compensation Act.
2. If incapacitated for his regular assignment, the employee may be given other duties with the City Government for the period of recuperation. Unwillingness to accept such an assignment as directed by his department head or Supervisor will make the employee ineligible for disability leave during the time involved.
3. A physician selected or approved by the City shall determine the physical ability of the employee to continue working or to return to work. (Ord. No. 80-10 §1; CC § 23.260)

SECTION 130.220: WORKER'S COMPENSATION LAW ADOPTED

The City hereby elects to accept the provisions of the State Worker's Compensation Law, as set forth in Chapter 287 of the Revised Statutes of Missouri. The City is authorized to carry worker's compensation insurance on all employees and officers of the City covered by the State Worker's Compensation Law. (Ord. No. 80-10 §1; CC § 23.275)

SECTION 130.230: EXCEPTIONS TO THIS CHAPTER

The provisions of this Chapter shall not apply to uniformed employees (members of the Fire and Police Departments) to the extent that the personnel policies of those departments (Chapter 200, entitled "Fire Department" and Chapter 205, entitled "Police Department") conflict with this Chapter. (Ord. No. 80-10 §1; CC § 23.280)

SECTION 130.240: HEALTH INSURANCE BENEFITS -- WHEN

No employee shall be entitled to health insurance benefits until he has been employed with the City for three (3) probationary months. (Ord. No. 94-36 §1, 8-29-94)

CHAPTER 135: CITY VEHICLES

SECTION 135.010: CITY VEHICLES, OPERATION

Motor vehicles and motorized equipment belonging to or acquired by the City of Marble Hill or any department thereof are to be placed in charge of and operated by authorized personnel only and to be used and operated strictly for municipal purposes or such operation that contributes to or is related to municipal service and the use of such vehicles for private purpose or convenience is strictly prohibited except in such cases as authorized by the Board of Aldermen or upon an arrangement providing a daily or hourly rent and return to the City based upon the reasonable value of the service rendered. (Ord. No. 80-10 §1; CC § 23.500)

SECTION 135.020: LOGS TO BE KEPT

The person, officer or employee of the City of Marble Hill making use of a City owned motor vehicle, whether as an incident to, or in the regular performance of their occupation as an officer or employee of said City shall be required to maintain and keep in each vehicle an official log or record or the operation of such vehicle, duly entering therein the mileage record of hourly use of such motorized equipment together with the date, and any maintenance or repair service required before or during the operation thereof. That all purchases of fuels, oils, parts, or service shall be duly recorded in the vehicle log. (Ord. No. 80-10 §1; CC § 23.510)

SECTION 135.030: REPORT TO CITY CLERK

That the logs of each vehicle or piece of motorized equipment shall be turned in at least once each month to the City Clerk for reconciling the information therein and to compile a permanent record of the cost expense repairs and other pertinent information concerning the operation of the equipment and the keeping of the cost date for record and accounting purposes. (Ord. No. 80-10 §1; CC § 23.520)

SECTION 135.040: PRIVATE USE; WHEN

That the use and operation of any City owned vehicle or piece of motorized equipment in the service of a private individual or for non-municipal purposes may be authorized and arranged for upon an agreement for the reimbursing the City for the reasonable cost of the operation and maintenance thereof including operator's salary and a reasonable depreciation allowance. That a schedule of charges based upon these items may be periodically set by the Board of Aldermen for the use of the supervising personnel in such cases. (Ord. No. 80-10 §1; CC § 23.530)

SECTION 135.050: WORK ORDER REQUIRED

City equipment for rental shall only be used following a work order from the City Clerk and operated by a City employee while in the employ of the City. (Ord. No. 80-10 §1; CC § 23.531)

SECTION 135.060: EMERGENCY

That nothing in this Chapter will prevent the use of any City vehicle in matters concerning a public or private emergency or in the Civil Defense activities in the community. (Ord. No. 80-10 §1; CC § 23.540

CHAPTER 140: PROCUREMENT, CONFLICT OF INTEREST

SECTION 140.010: PURCHASING AGENT DESIGNATED

The City Administrator is hereby designated as purchasing agent for the City. The City Administrator, when authorized, shall procure for the City bids for supplies and services needed by the City, in accordance with the procedures prescribed by this Chapter or required by law. Except as provided in this Chapter, it shall be unlawful for any City Officer or employee to order the purchase of any supplies or make any contract within the purview of this Chapter other than through the City Administrator, and any purchase ordered or contract made contrary to the provisions hereof shall not be approved by City officials, and the City shall not be bound thereby. (Ord. No. 80-10 §1; CC § 25.010; Ord. No. 94-14 § 1, 5-16-94; Ord. No. 2018-04 §1)

SECTION 140.020: DUTIES GENERALLY

In addition to the purchasing authority conferred in the preceding Section, and in addition to any other powers and duties conferred by this Code or other ordinance, the City Administrator shall:

1. Act to procure for the City the highest quality in supplies and contractual services at the least expense to the City.
2. Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases and sales.
3. Keep informed of current developments in the field of purchasing, prices, market conditions and new products, and secure for the City the benefits of research done in the field of purchasing by other governmental jurisdictions, national technical societies, trade associations, and by private business and organizations.
4. Prepare, adopt and maintain a vendors' catalog file. Said catalog shall be filed according to materials and shall contain descriptions of vendors' commodities, prices, and discounts.
5. Explore the possibilities of buying "in bulk" so as to take full advantage of discounts.
6. Act so as to procure for the City all Federal and State tax exemptions to which it is entitled.
7. Have the authority to declare vendors who default on their quotations irresponsible bidders and to disqualify them from receiving any business from the municipality for a stated period of time.(Ord. No. 80-10 §1; CC § 25.020; Ord. No. 94-14 §1, 5-16-94; Ord. No. 2018-04 §2)

SECTION 140.030: REQUISITIONS FILED WITH THE CITY ADMINISTRATOR

1. Each City department or agency shall file with the City Administrator detailed requisitions or estimates of their requirements in supplies and contractual services in such manner, at such times, and for such future periods as the City Administrator shall prescribe.
2. A City department or agency shall not be prevented from filing, in the same manner, with the City Administrator at any time a requisition or estimate for any supplies and contractual services, the need for which was not foreseen when the detailed estimates were filed.
3. The City Administrator shall examine each requisition or estimate and shall have the authority to revise it as to quantity, quality, or estimated cost.
4. The City Administrator may purchase on behalf of the City, supplies necessary for the day to day operation of his office and of the City Hall. (Ord. No. 80-10 §1; CC§ 25.030-25.035; Ord. No. 94-14 §1, 5-16-94; Ord. No. 2018-04 §3)

SECTION 140.040: CONFLICT OF INTEREST

1. No officer or employee of the City shall transact any business in his official capacity with any business entity of which he is an officer, agent or member or in which he owns a substantial interest; nor shall he make any personal investments in any enterprise which will create a substantial conflict between his private interest and the public interest; nor shall he or any firm or business entity of which he is an officer, agent or member, or the owner of substantial interest, sell any goods or services to any business entity which is licensed by or regulated in any manner by the City.
2. No officer or employee of this City shall enter into any private business transaction with any person or entity that has a matter pending or to be pending upon which the officer or employee is or will be called upon to render a decision or pass judgment. If any officer or employee is already engaged in the business transaction at the time that a matter arises, he shall be disqualified from rendering any decision or passing any judgment upon the same.
3. Any person who violates the provisions of this Section shall, upon conviction thereof, be punished as provided in Section 100.050 of this Title. (Ord. No. 80-10 §1; CC §§ 25.040-25.060)

SECTION 140.050: GIFTS AND REBATES

The City Clerk and every other officer and employee of the City are expressly prohibited from accepting, directly or indirectly, from any person, company, firm or corporation to which any purchase order or contract is, or might be awarded, any rebate, gift, money, or anything of value whatsoever, except where given for the use and benefit of the City. Violation of the provisions of this Section shall upon conviction thereof be punished as provided in Section 100.050 of this Title. (Ord. No. 80-10 §1; CC § 25.070)

**140.060 COMPETITIVE BIDDING REQUIRED**

All purchases of, and contracts for supplies and contractual services, and all sales of personal property which has become obsolete and unusable may, except as specifically provided herein, be based wherever possible on competitive bids. (Ord. No. 80-10 § l; CC§ 25.080; Ord. No. 2018-04 §4)

**140.070 FORMAL CONTRACT PROCEDURE**

All supplies and contractual services, except as otherwise provided in this Chapter, when the estimated cost thereof shall exceed five thousand dollars ($5,000.00), shall be purchased by formal, written contract from the lowest responsible bidder, after due notice inviting proposals. All sales of personal prope1ty which have become obsolete and unusable, when the estimated value shall exceed ten thousand dollars ($10,000.00) shall be sold by formal written contract to the highest responsible bidder, after due notice inviting proposals. If the estimated value of personal property to be sold is less than ten thousand dollars ($10,000.00) then notice inviting proposals and or bids is not required but may be used at the Board of Aldermen's discretion. (Ord. No. 80-10 §1; CC§ 25.090; Ord. No. 2018-04 §5)

**140.080: Notice Defined.**

The notice required by the preceding Section shall consist of the following:

1. Notice inviting bids shall be posted on a public bulletin board in City Hall at least five (5) days prior to the granting of any contract or purchasing of any property.
2. Notice may also be posted online on websites that allow for persons to bid on items or negotiate for the purchase or sale of items or services (e.g. Craigslist or Ebay) and may be done after the time has passed according to the Notice required to be posted in City Hall.
3. Notice may be, but is not required to be published once in at least one (1) official newspaper of the City and at least five (5) days preceding the last day set for the receipt of proposals. The newspaper notice required herein shall include a general description of the articles to be purchased or sold, shall state where bid blanks and specifications may be secured and the time and place for opening bids.
4. The City Clerk may also solicit sealed bids from all responsible prospective suppliers who have requested their names to be added to a "Bidder's List" which the Clerk shall maintain, by sending them a copy of such notice or such other notice as will acquaint them with the proposed purchase or sale. In any case, invitations sent to the vendors on the bidders' list shall be limited to commodities that are similar in character and ordinarily handled by the trade group to which the invitations are sent.

The City Clerk may also solicit sealed bids by:

1. Direct mail request to prospective vendors, and
2. By telephone, as may seem to him to be in the best interest of the City. (Ord. No. 80-10 §1; CC § 25.100; Ord. 2015-01, Section 3)

Nothing in this Section shall prevent the City Administrator from seeking other bids if all bids received are not deemed satisfactory by the City Administrator.

**140.090: BID OPENING PROCEDURE.**

In cases where notice is required, bids may be submitted sealed to the City Clerk and shall be identified as bids on the envelope. They shall be opened in public at the time and place stated in the public notices. A tabulation of all bids received shall be posted for public inspection. (Ord. No. 80-10 §1; CC § 25.110; Ord. 2015-01, Section 4)

**140.100: LOWEST RESPONSIBLE BIDDER**

Contracts shall be awarded to the lowest responsible bidder. Bids shall not be accepted from, nor contracts awarded, to a contractor who is in default on the payment of taxes, licenses or other monies due the City. In determining "lowest responsible bidder," in addition to price, the following shall be considered:

1. The ability, capacity and skill of the bidder to perform the contract or provide the service required.
2. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
3. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
4. The quality of performance of previous contracts or services;
5. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
6. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
7. The quality, availability and adaptability of the supplies, or contractual services to the particular use required;
8. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
9. The number and scope of conditions attached to the bid.. (Ord. No. 80-10 §1; CC § 25.120; Ord. 2015-01, Section 5)

**140.110: BIDS ACCEPTED.**

1. All bids shall be accepted or rejected by the Board of Aldermen. When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be entered upon the journal of the Board. (Ord. No. 80-10 §1; CC § 25.125; Ord. 2015-01, Section 6)

SECTION 140.120: TIE BIDS

If all bids received or the lowest bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to a local bidder. (Ord. No. 80-10 §1; CC § 25.130)

SECTION 140.130: OPEN MARKET PROCEDURE

All purchases of supplies and contractual services, and all sales of personal property which has become obsolete and unusable for which competitive bidding is not required by Section 140.070 of this Chapter shall be made in the open market, without newspaper advertisement and without formal contracts.

1. All open market purchases shall, whenever possible, be based on at least three (3) competitive bids, and shall be awarded to the lowest responsible bidder in accordance with the standards set forth in Section 140.100.
2. The City shall solicit bids by:
3. Direct mail request to prospective vendors,
4. By telephone, and
5. By public notice posted on the bulletin board of the City Hall.
6. The City Clerk shall keep a record of all open market orders and the bids submitted in competition thereon, and such records shall be open to public inspection.

(Ord. No. 80-10 §1; CC § 25.140)

SECTION 140.140: AUTHORITY FOR PURCHASES

All City purchases (whether bids are obtained through the formal contract procedure of Section 140.070 et. seq. or through the open market procedure of Section 140.130) may be approved, and offers accepted, only as follows:

1. The City Clerk may purchase on his own authority up to five hundred dollars ($500.00) in goods.
2. All employees/appointive officers not otherwise mentioned in this section, may authorize purchases of up to three hundred dollars ($300.00).
3. All purchases of over $200 must have a purchase order with the exception of something purchased in an emergency situation by the City Administrator pursuant to Subsection (4) of this Ordinance.
4. The City Administrator may purchase on his own authority up to two thousand five hundred dollars ($2,500.00) in goods that are reasonable and necessary. Further, the City Administrator may purchase goods or services of up to $5,000 in an emergency situation with approval of the mayor.

(Ord. No. 80-10 §1; CC§ 25.145; Ord. No. 2018-04 §6)

SECTION 140.150: EMERGENCY PURCHASES

In case of an apparent emergency which requires immediate purchase of supplies or contractual services, the Board of Aldermen may authorize the purchase at the lowest obtainable price, any supplies or contractual services regardless of the amount of the expenditure. A full explanation of the circumstances of an emergency purchase shall be recorded in the journal of the Board of Aldermen. (Ord. No. 80-10 §1; CC § 25.150)

SECTION 140.160: COOPERATIVE PROCUREMENT

To the maximum extent practicable the purchases of this City shall be made under the provisions of the Missouri State - Local Technical Services Act. The provisions of this Chapter requiring competitive bidding at the local level shall not apply to such purchases. (Ord. No. 80-10 §1; CC § 25.160)

CHAPTER 145: PARK BOARD

SECTION 145.010: PARK BOARD ESTABLISHED

There is hereby established a Park Board composed of at least four (4) directors and no more than nine (9) directors, whose duty it shall be to supervise, manage and control the park or parks of this City as provided under Sections 90.500 through 90.570, Revised Statutes of the State of Missouri. (Ord. No. 80-10 §1; Ord. No. 88-6 §1; CC § 26.010; Ord. No. 2012-30 §2)

SECTION 145.020: MEMBERSHIP

The Directors shall hold office one-third (1/3) for one (1) year, one-third (1/3) for two (2) years and one- third (1/3) for three (3) years from the first (1st) of June following their appointment and at the first (1st) regular meeting shall cast lots for their respective terms. Annually thereafter, the Mayor shall, before the first (1st) of June of each year, appoint as before, three (3) directors who shall hold office for three (3) years and until their successors are appointed. The Mayor may, by and with the consent of the Board of Aldermen of the City, remove any director for misconduct or neglect of duty. (Ord. No. 88-6 §2; Ord. 91-22 §1, 10-28-91)

SECTION 145.030: PROCEDURE

Said Directors shall immediately after their appointment, meet and organize by the election of one (1) of their number as President, and by the election of such officers as they may deem necessary. They shall make and adopt such bylaws, rules and regulations for their guidance and for the government of the parks as may be expedient, not inconsistent with Sections 90.500 to 90.570 RSMo. They shall have the exclusive control of the expenditures of all money collected to the credit of the Park Fund and of the supervision, improvement, care and custody of said park. All moneys received for such parks shall be deposited in the Treasury of said City to the credit of the Park Fund and shall be kept separate and apart from the other moneys of such City and drawn upon by the proper officers of said City upon the properly authenticated vouchers of the Park Board. Said Board shall have the power to purchase or otherwise secure ground to be used for such parks, shall have power to appoint a suitable person to take care of said parks and necessary assistants for said person and fix their compensation, and shall have power to remove such appointees; and shall in general carry out the spirit and intent of Sections 90.500 to 90.570 RSMo in establishing and maintaining public parks. (Ord. No. 80-10 §1; CC § 26.030)

SECTION 145.040: ANNUAL REPORT

The said Board of Directors shall make, on or before the second Monday in June, an annual report to the Board of Aldermen stating the condition of their trust on the first day of May of that year, the various sums of money received from the Park Fund and other sources, and how much moneys have been expended and for what purposes, with such other statistics, information and suggestions as they may deem of general interest. All such portions of such report as relate to the receipt and expenditure of money shall be verified by affidavit. (Ord. No. 80-10 §1; CC § 26.040)

SECTION 145.050: MEMBERS

As the City of Marble Hill has an advisory park board; the members may be from outside of the City of Marble Hill, so long as the members reside within Bollinger County. (Ord. No. 80-10 §1; Ord. No. 88-6 §3; CC § 26.050; Ord. 2013-08, April 22, 2013)

CHAPTER 150: FINANCES AND RECORDS

SECTION 150.010: FISCAL YEAR

The fiscal year of this City shall begin on July 1, and end on June 30 of the next year. (Ord. No. 80-10 §1; CC § 22.010)

SECTION 150.020: BUDGET REQUIRED

Prior to the commencement of each fiscal year, a budget for the City shall be prepared, and the same will be presented to and approved by the Board of Aldermen. (Ord. No. 80-10 §1; CC § 22.100)

SECTION 150.030: BUDGET CONTENTS

1. The annual budget shall present a complete financial plan for the next fiscal year. The following shall be included in the budget:
2. A budget message to describe the important features of the budget and to point out any major changes from the previous year.
3. An estimate of revenues which are expected to be received during the next year from all sources, plus a comparative statement of the revenues for the previous two (2) budget years. These comparisons shall be shown by year, fund, and source.
4. An estimate of the expenditures that are proposed to be spent during the budget year, plus a comparative statement of actual expenditures for the previous two (2) years. These comparisons should be shown by year, fund, activity and object.
5. The amount of money required to pay any interest, amortization, or redemption charges which the municipality will owe during the budget year.
6. A general summary of the total proposed budget. (Ord. No. 80-10 §1; CC § 22.110)

SECTION 150.040: BUDGET OFFICER

The Budget Committee for this City shall prepare the budget after reviewing expenditure requests and revenue estimates with other City Officers. The Budget Officer shall submit the completed budget and supporting schedules and exhibits to the Mayor, who shall present the same to the Board of Aldermen. (Ord. No. 80-10 §1; CC § 22.120)

SECTION 150.050: EXPENDITURES LIMITED

Expenditure estimates in the budget shall not be larger in amount than the total anticipated revenue for the budget year, plus any surplus from the previous year or less any deficit from the previous year. (Ord. No. 80-10 §1; CC § 22.140)

SECTION 150.060: DEBT LIMITED

The City shall not incur any debts which aggregate an amount greater than the anticipated revenues for the budget year, without the approval of the voters of the City, as required by law.

(Ord. No. 80-10 §1; CC § 22.150)

SECTION 150.070: BUDGET CALENDAR

The Budget Committee shall prepare the City budget in accordance with the following calendar:

1. In January of each year, the Budget Committee will collect the data necessary, and make preliminary revenue estimates for the coming fiscal year. He will estimate expenditures for the present year, and note expenditures and revenues for the previous two (2) fiscal years.
2. In February of each year, the Budget Committee will request from each City Officer a statement of expenditures requested for the coming fiscal year.
3. In March of each year, the Budget Committee will review the departmental requests and make his final revenue estimates for the coming fiscal year, and will confer with department heads to discuss these requests.
4. In April of each year, the Budget Committee will begin assembling the City budget.
5. In May of each year, the Budget Committee will confer with the Mayor and any such other officers as the Mayor may designate, for preparation of the City budget for the next fiscal year to be submitted to the Board of Aldermen.
6. The budget shall be submitted to the Board of Aldermen at the regular meeting in June. (Ord. No. 80-10 §1; CC § 22.160)

SECTION 150.080: CITY CLERK TO KEEP RECORDS

The records of the City shall be kept in the custody of the City Clerk.

1. As used in this Section, the word "record" or "records" shall mean any document, book, paper, photograph, map, sound recording or other material, regardless of physical form or characteristics, made or received pursuant to law or in connection with the transaction of official business. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of records as used in this Section, and are hereinafter designated as "nonrecord" materials.
2. The City Clerk may delegate to a subordinate or to another City official authority to have temporary custody of City records, after satisfying himself as to the safety of said records. (Ord. No. 80-10 §1; CC § 22.200)

SECTION 150.090: DESTRUCTION OF RECORDS AND NONRECORD MATERIALS

All records made or received by or under the authority of or coming into the custody, control or possession of local officials in the course of their public duties are the property of the City and shall not be mutilated, destroyed, transferred, removed or otherwise damaged or disposed of, in whole or in part, except as provided by law.

1. No record shall be destroyed or otherwise disposed of unless it is determined that the record has no further administrative, legal, fiscal, research or historical value.
2. Nonrecord materials or materials not included within the definition of records may, if not otherwise prohibited by law, be destroyed at any time, if same have the approval of the Missouri Local Records Board.
3. Records of the City may be disposed of or destroyed without the approval of the Missouri Local Records Board, if the same is permitted by the State Municipal Records Manual. Records may be retained for a period of time longer than the minimum retention period required by the State Municipal Records Manual, at the discretion of the City Clerk. (Ord. No. 80-10 §1; CC § 22.210)

CHAPTER 155: ENFORCEMENT OF PAYMENT OF TAXES
ON REAL ESTATE

SECTION 155.010: LIST OF DELINQUENT TAXES

Between the first of January and the first of July in each year the City Collector shall make and record, in a book to be provided for that purpose, a list of lands and lots, returned and remaining delinquent for taxes, describing such lands or lots as the same are described in the tax books and said delinquent returns, and charging them with the amount of delinquent tax and naming the years delinquent, separately stated, and in addition thereto a penalty as herein provided, and shall certify to the correctness thereto, with the date when the same was recorded, and sign the same himself, or deputy, officially. It shall be the duty of the City Clerk and the City Collector to compare the Collector's record of such list of delinquent lands and lots as corrected with the corrected "delinquent land list", and the City Clerk shall certify in the "delinquent land list" on file in his office that same has been properly recorded in the Collector's office and shall attach a certificate at the end of the record of such list of delinquent lands and lots in the Collector's office that such record contains a true copy of the "delinquent land list" on file in his office. (Ord. No. 80-10 §1; CC § 84.010)

SECTION 155.020: BACK TAX BOOK

1. The Collector shall proceed to collect the taxes contained in such "back tax book" or recorded list of delinquent lands and lots, and any person having an interest in said lands or lots may redeem such tract or any part thereof from the City's lien thereon by paying the taxes charged against said land in said "back tax book" with interest on the same as provided in this Chapter.
2. Whenever it shall appear to the Board of Aldermen that any tract of land in said "back tax book" is not worth the amount of taxes, interest and cost due thereon, or that the same would not sell for the amount so charged, it shall be lawful for the Board of Aldermen to compromise said taxes with the owner which shall have the effect to release said land from the City's lien; its shall be the duty of the Collector to distribute to its various funds to which said taxes are due, in proportion of the amount received bears to the whole amount charged against such tract, or lot. Provided however, such compromise shall only be made in such cases where improvements have been destroyed, which materially lower the value of the property, after the assessment is made and before the taxes are collected. (Ord. No. 80-10 §1; CC §§ 84.020-84.030)

SECTION 155.030: REAL ESTATE SOLD FOR TAXES

When real estate is sold for taxes by the Collector for a greater amount than the debt or taxes and all costs, the balance over shall be paid to the owner or owners of such land; if such owner or owners cannot be found, then such surplus shall be paid into the Treasury to be credited to the General Fund, to be held in trust for twenty (20) years for the owners or their legal representatives. At the end of twenty (20) years, if such fund shall not be called for, then it shall become permanent funds of the City. The Board of Aldermen shall require satisfactory proof of any claim before refunding the money, and the City shall pay no interest to the claimant for any such fund. (Ord. No. 80-10 §1; CC § 84.040)

SECTION 155.040: DUTIES OF COLLECTOR

1. The Collector shall be allowed a fee to be set by ordinance approved by the Board of Aldermen.
2. That the City Collector, when collecting delinquent taxes on real estate, shall charge in addition to the amount due a penalty of eighteen percent (18%) for each year’s delinquency, except that any real estate redeemed with less than a full year shall pay a penalty not to exceed two percent (2%) per month or fractional part thereof, with the total not to exceed eighteen percent (18%).(Ord. No. 80-10 §1; CC §§ 84.050-84.060; Ord. No. 89-25 §1)

SECTION 155.050: SALE TO BE HELD ON FIRST MONDAY IN NOVEMBER

All lands and lots on which taxes are delinquent and unpaid shall be subject to sale to discharge the lien for said delinquent and unpaid taxes as provided for in this Chapter on the first (1st) Monday of November of each year, and it shall not be necessary to include the name of the owner, mortgagee, or any other person or corporation claiming an interest in or to any of said lands or lots in the notice of sale; provided however, delinquent taxes, with penalty, interest, and costs, may be paid to the City Collector at any time before the property is sold therefore. (Ord. No. 80-10 §1; CC §§ 84.070)

SECTION 155.060: LIST TO BE PRINTED IN NEWSPAPER

The City Collector shall cause a copy of such list of delinquent lands and lots to be printed in some newspaper of general circulation and published in the County for three (3) consecutive weeks, one insertion weekly, before such sale, the last insertion to be at least fifteen (15) days prior to the first (1st) Monday in November. And it shall only be necessary in the printed and published list to state in the aggregate the amount of taxes, penalty, interest, and cost due thereon, each year separately stated, and the lots shall be described by number, block, addition, etc.; provided however, that if a part or parts of any forty (40) acre tract or other legal subdivision or lot is assessed on the tax books to two or more parties as owners thereof, then, as to such land or lots, such list shall be so prepared and separated. To such list shall be attached and in like manner so printed and published a notice that so much of said lands and lots as may be necessary to discharge the taxes, interest, and charges which may be due thereon at the time of sale will be sold at public auction at the COURTHOUSE DOOR OF SUCH COUNTY, on the first Monday in November next thereafter, commencing at 10:00 of said day and continuing from day to day thereafter until all are offered. The City Collector shall, on or before the day of sale, insert at the foot of such list on his record a copy of such notice and certify on said record immediately following such notice the name of the newspaper of the County in which such notice was printed and published and the dates of insertions of such notice in such newspaper. The expense of such printing shall be paid by the purchaser or purchasers of the lands and/or lots sold and shall not exceed the legal rate as is fixed by Section 493.030 of the 1978 Revised Statutes of Missouri and shall be taxed as part of the costs of the sale of any land or lot contained in such list and disposed of at such sale and the total cost of printing such notice shall be prorated against all such lands or lots so sold or redeemed prior to any such sale. (Ord. No. 80-10 §1; CC § 84.080)

SECTION 155.070: SALE; RULES AND REGULATIONS

1. On the day mentioned in the notice, the City Collector shall commence the sale of such lands, and shall continue the same from day to day until so much of each parcel assessed or belonging to each person assessed, shall be sold as will pay the taxes, interest, and charges thereon, or chargeable to such person in said County. The person offering at said sale to pay the required sum for the least quantity of any tract shall be considered the purchaser of such quantity; provided, no bid shall be received from any person not a resident of the State of Missouri, until such person shall file with the said Collector an agreement in writing consenting to the jurisdiction of the Circuit Court of the County in which such sale shall be made, and also filing with such Collector an appointment of some citizen of said County as agent of said purchaser, and consenting that service of process on such agent shall give such court jurisdiction to try and determine any suit growing out of or connected with such sale for taxes, all such written consents to jurisdictions and selective appointments shall be preserved by the City Collector and shall be binding upon any person or corporation claiming under the person consenting to jurisdiction and making the appointment herein referred to; provided further that in the event of the death, disability or refusal to act of the person appointed as agent of said non-resident purchaser the City Clerk shall become the appointee as agent of said non-resident purchaser.
2. If at the first offering of sale of any tract of land or lot under the provisions of this act no person shall bid therefore a sum equal to the delinquent taxes thereon with interest, penalty, and costs, then the City Clerk of the sale shall note such fact in his record of sale and the City Collector shall note a recital thereof in his record containing the list of delinquent lands or lots, and said tracts of land or lots shall be again offered for sale, at the next sale of delinquent lands and lots as in this act provided, if such lands or lots be at such time delinquent. If at the second offering for sale no person shall bid therefore a sum equal to the then delinquent taxes thereof with interest, penalty, and costs, then the Clerk of the sale shall note such fact upon his record of the sale, and the City Collector shall enter a recital of such fact in his record book containing the list of delinquent lands and lots.
3. Whenever any lands have been or shall hereafter be offered for sale for delinquent taxes, interest, penalty and costs by the Collector of the City for any two (2) successive years and no person shall have bid therefore a sum equal to the delinquent taxes thereon, interest, penalty and costs provided by law, then such City Collector shall at the next regular tax sale of lands for delinquent taxes, sell the same to the highest bidder, and the purchaser thereof shall acquire thereby the same interest therein as is acquired by purchasers of other lands at such delinquent tax sales.
4. Where such sale is made, the purchaser at such sale shall immediately pay the amount of his bid to the Collector who shall pay the surplus, if any, to the person entitled thereto; or if he has doubt, or a dispute arises as to the proper person, the same shall be paid into the City Treasury to be held for the use and benefit of the person entitled thereto. In case the purchaser fails to pay his bid, the land shall be again forthwith offered for sale the same as if no sale had been made.
5. After payment shall have been made, the City Collector shall give the purchaser a certificate in writing, to be designated as a certificate of purchase, which shall carry a numerical number and which shall describe the land so purchased, each tract, or lot separately stated, the total amount of the tax, with penalty, interest, and costs, and the year or years of delinquency for which said lands or lots were sold, separately stated, and the aggregate of all such taxes, penalty, interest, and costs, and the sum bid on each tract. If the purchaser bids for any tract or lot of land a sum in excess of the delinquent tax, penalty, interest, and costs for which said tract or lot of land was sold, such excess sum shall also be noted in the certificate of purchase in a separate column to be provided therefore. Such certificate of purchase shall also recite the name and address of the owner or reputed owner, if known, and shall also have incorporated therein the name and address of the purchaser. Such certificate shall be authenticated by the City Collector, who shall record the same in a permanent record book in his office before delivery to the purchaser. Such certificate shall be assignable, but no assignment thereof shall be valid unless endorsed on such certificate and acknowledged before some officer authorized to take acknowledgement of deeds and an entry of such assignment entered in the record of said certificate of purchase in the office of the City Collector. For each certificate of purchase issued, including the recording of the same, the City Collector shall be entitled to receive and retain a fee of fifty cents ($.50), to be paid by the purchaser and treated as a part of the cost of the sale, and so noted on the certificate. For noting any assignment of any certificate the City Collector shall be entitled to a fee of twenty-five cents ($.25), to be paid by the person requesting such recital of assignment and which shall not be treated as a part of the cost of the sale. (Ord. No. 80-10 §1; CC §§ 84.090-84.130)

SECTION 155.080: RIGHTS OF PURCHASER

The purchaser of any tract, or lot of land at sale for delinquent taxes, homesteads excepted, shall at any time after one (1) year from the date of sale be entitled to the immediate possession of the premises so purchased during the redemption period provided for in this Chapter, unless sooner redeemed; provided however, any owner or occupant of any tract, or lot of land purchased may retain possession of said premises by making a written assignment of, or agreement to pay, rent certain or estimated to accrue during such redemption period or so much thereof as shall be sufficient to discharge the bid of the purchaser with interest thereon as provided in the certificate of purchase. Any rent collected by the purchaser, his heirs or assigns, shall operate as a payment upon the amount or amounts, together with the date paid and by whom shall be endorsed as a credit upon said certificate, and which said sums shall be taken into consideration in the redemption of such land, as provided for in this Chapter. (Ord. No. 80-10 §1; CC § 84.140)

SECTION 155.090: CITY CLERK TO BE CLERK OF SALE

The City Clerk shall attend as Clerk of the sale of such delinquent land and shall enter the same on a record book giving a description of the proper tract, showing how much of each lot or tract was sold, to whom, and the price, or whether the same remains unsold. For such services the Clerk shall receive twenty-five cents ($.25) to be added as costs of the sale. (Ord. No. 80-10 §1; CC § 84.150)

SECTION 155.100: PERSONS CLAIMING UNDIVIDED SHARE OF LAND

1. Any person claiming an undivided share in any land out of which an undivided part shall have sold for taxes, may redeem his undivided share by paying such portion of the purchase money, interest, penalty and subsequent taxes as he claims of the land sold; and any person claiming a specific part of any lands sold for taxes may redeem his specific part by paying such proportion of the purchase money, interest, penalty and subsequent taxes as his quantity of ground shall bear to the whole quantity sold.
2. In every case where a partial redemption is asked for, the City Collector, upon the application of the redemptioner, after notice to the holder of the certificate, shall determine the proportion to be paid by the party applying to redeem, and his decision shall be final thereon. For his services in stating the proportion, the redemptioner shall pay him fifty cents ($.50); and in every case of a partial redemption, pursuant to either of the said decisions, the quantity sold be reduced in proportion to the amount paid on such partial redemption, and the City Collector shall convey accordingly. (Ord. No. 80-10 §1; CC §§ 84.160 - 84.170)

SECTION 155.110: REDEMPTION OF LAND

1. The owner or occupant of any land or lot sold for taxes or any other person having an interest therein, may redeem the same at any time during the two (2) years next ensuing, in the following manner; by paying to the City Collector, for the use of the purchaser, his heirs or assigns, the full sum of the purchase money named in his certificate of purchase and all the costs of the sale together with interest at the rate specified in such certificate, not to exceed ten percent (10%) annually, with all subsequent taxes which have been paid thereon by the purchaser, his heirs or assigns, with interest at the rate of eight percent (8%) per annum on such subsequently paid, and in addition thereto the person redeeming any land shall pay the costs incident to entry of recital of such redemption. Upon deposit with the City Collector of the amount necessary to redeem as herein provided, it shall be the duty of the City Collector to mail to the purchaser, his heirs or assigns, at the last post office address, if known, and if not known, then to the address of the purchaser as shown in the record of the certificate of purchase, notice of such deposit of redemption. Such notice, given as herein provided, shall stop payment to the purchaser, his heirs or assigns, of any further interest or penalty. In case the party purchasing said land, his heirs or assigns, fails to take a tax deed for the land so purchased within six (6) months after the expiration of the two (2) years next following the date of sale, no interest shall be charged or collected from the redemptioner after that time.
2. Infants, idiots, insane persons, and persons in confinement may redeem any lands belonging to them sold for taxes, within two (2) years after the expiration of such disability, in the same manner as provided in the preceding Section for redemption by other persons.
3. When lands sold for taxes, or any portions thereof, shall be redeemed, the City Collector shall insert a memorandum of such redemption on the record of the certificate of purchase applicable thereto, stating the quantity or description of the portion redeemed, if not the whole, the date thereof, and by whom made, and sign the same officially, and shall likewise give a certificate thereof to the person redeeming. The person redeeming shall then present to the City Clerk the certificate of redemption and the City Clerk shall then enter on his record of sales of land for delinquent taxes the recital of such redemption, the date thereof, and the person redeeming.
4. If no person shall redeem the lands sold for taxes within two (2) years from the sale, at the expiration thereof, and on production of certificate covers only a part of a tract or lot of land, then accompanied with a survey or description of such part made by the City or County Surveyor or Engineer, the City Collector shall execute to the purchaser, his heirs or his assigns, in the name of the State, a conveyance of the real estate so sold, which shall vest in the grantee an absolute estate in fee simple, subject, however, to all claims hereon for unpaid taxes except such unpaid taxes existing at the time of the purchase of said lands and the lien for which taxes was inferior to the lien for taxes for which said tract, or lot of land was sold. In making such conveyance, when two (2) or more parcels, tracts, or lots of land are sold for the nonpayment of taxes to the same purchaser or purchasers, or the same person or persons shall in anywise become the owner of the certificates thereof, all of such parcels shall be included in one deed.
5. Such conveyance shall be executed by the City Collector, under his hand and seal, witnessed by the City Clerk and acknowledged before the County Recorder or any other officer authorized to take acknowledge­ments and the same shall be recorded in the recorder's office before delivery; a fee for recording shall be paid by the purchaser and shall be included in the cost of sale. Such deed shall be prima facie evidence that the property conveyed was subject to taxation at the time assessed, that the taxes were delinquent and unpaid at the time of the sale, of the regularity of the sale of the premises described in the deed, and of the regularity of all prior proceedings, that said land or lot had not been redeemed and that the period therefore had elapsed, and prima facie evidence of good and valid title in fee simple in the grantee of said deed. The City Collector shall be entitled to demand and receive from the person applying therefore, for each tax deed, one dollar and fifty cents ($1.50), which shall include the acknowledgement.
6. Every holder of a certificate of purchase shall before being entitled to apply for deed to any tract or lot of land described therein pay all taxes that have accrued thereon since the issuance of said certificate, or any prior taxes that may remain due and unpaid on said property, and the lien for which was not foreclosed by sale under which such holder makes demand for deed, and any purchaser that shall suffer a subsequent tax to become delinquent and a subsequent certificate of purchase to issue on the same property included in this certificate, such first purchaser shall forfeit his rights of priority there under to the subsequent purchaser, and such subsequent purchaser shall at the time of obtaining his certificate redeem said first certificate of purchase outstanding by depositing with the City Collector the amount of said first certificate with interest thereon to the date of said redemption and the amount so paid in redemption shall become a part of said subsequent certificate of purchase and draw interest at the rate specified in said first certificate but not to exceed ten percent (10%) per annum from the date of payment. Said holder of a certificate of purchase permitting a subsequent certificate to issue on the same property, shall on notice from the City Collector surrender said certificate of purchase on payment to him of the redemption money paid by the subsequent purchase. (Ord. No. 80-10 §1; CC §§ 84.180-84.230)

SECTION 155.120: INVALID SALE

1. Whenever the City Collector shall discover, prior to the conveyance of any lands, sold for taxes, that the sale was for any cause whatever, invalid, he shall not convey such lands; but the purchase money and the interest thereon shall be refunded out of the City Treasury to the purchaser, his representative or assigns, on the order of the Board of Aldermen. Such invalid sale shall suspend for the period intervening between the date of the sale and the discovery of invalidity the running of the statute of limitations. In such cases, the City Collector shall make an entry opposite to such tracts or lots in the record of certificates of purchase issued or redemption record that the same was erroneously sold, and the cause of invalidity, and such entry shall be prima facie evidence of the fact therein stated. He shall notify the City Clerk of such action, whose duty it shall be to make a like entry upon his sale record.
2. No sale or conveyance of land for taxes shall be valid if at the time of being listed such land shall not have been liable to taxation, or, if liable, the taxes thereon shall have been paid before sale, or if the description is so imperfect as to fail to describe the land or lot with reasonable certainty and for the first two (2) enumerated causes, the money paid by the purchaser at such void sale shall be refunded, with interest, out of the City Treasury, on order of the Board of Aldermen.
3. The sale of lands for taxes shall not be invalid on account of such lands having been listed or charged on the tax book in any other name that of the rightful owner.
4. In all cases of sale of lands for taxes, if the purchaser or his assigns shall die before a deed shall be executed on such sales; the deed may be executed by the City Collector, to his heirs at law or devisees. (Ord. No. 80-10 §1; CC §§ 84.240-84.270)

CHAPTER 160: MUNICIPAL COURT

SECTION 160.010: COURT ESTABLISHED

There is hereby established in this City a Municipal Court, to be known as "City of Marble Hill Municipal Court, a Division of the 32nd Judicial Circuit Court of the State of Missouri." This Court is a continuation of the Police Court of the City as previously established, and is termed herein the "Municipal Court." (Ord. No. 80-10 §1; CC § 72.010)

SECTION 160.020: JURISDICTION

The jurisdiction of the Municipal Court shall extend to all cases involving alleged violations of the ordinances of the City. (Ord. No. 80-10 §1; CC § 72.020)

SECTION 160.030: SELECTION OF JUDGE

The Judge of the City Municipal Court shall be known as a Municipal Judge of the 32nd Judicial Circuit Court, and shall be the Associate Circuit Judge of Bollinger County, Missouri.

(Ord. No. 80-10 §1; CC § 72.030)

SECTION 160.040: SUPERINTENDING AUTHORITY

The Municipal Court of the City shall be subject to the rules of the Circuit Court of which it is a part, and to the rules of the State Supreme Court. The Municipal Court shall be subject to the general administrative authority of the presiding judge of the Circuit Court, and the judge and court personnel of said court shall obey his directions. (Ord. No. 80-10 §1; CC § 72.060)

SECTION 160.050: DOCKET AND COURT RECORDS

The Municipal Judge shall be a conservator of the peace. He shall keep a docket in which he shall enter every case commenced before him and the proceedings therein and he shall keep such other records as may be required. Such docket and records shall be records of the Circuit Court of Bollinger County. The Municipal Judge shall deliver the docket and records of the Municipal Court, and all books and papers pertaining to his office, to his successor in office or to the preceding judge of the circuit. (Ord. No. 80-10 §1; CC § 72.080)

SECTION 160.060: MUNICIPAL JUDGE; POWERS AND DUTIES GENERALLY

The Municipal Judge shall be and is hereby authorized to:

1. Establish a Traffic Violations Bureau as provided for in the Missouri Rules of Practice and Procedures in Municipal and Traffic Courts and Section 479.050 of the Revised Statutes of Missouri.
2. Administer oaths and enforce due obedience to all orders, rules and judgments made by him, and may fine and imprison for contempt committed before him while holding court, in the same manner and to the same extent as a Circuit Judge.
3. Commute the term of any sentence, stay execution of any fine or sentence, suspend any fine or sentence, and make such other orders as the Municipal Judge deems necessary relative to any matter that may be pending in the Municipal Court.
4. Make and adopt such rules of practice and procedure as are necessary to implement and carry out the provisions of this Chapter, and to make and adopt such rules of practice and procedure as are necessary.
5. To hear and decide matters pending before the Municipal Court and to implement and carry out the provisions of the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts. Any and all rules made or adopted hereunder may be annulled or amended by an ordinance limited to such purpose; provided that such ordinance does not violate, or conflict with, the provisions of the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts, or State Statutes.
6. The Municipal Judge shall have such other powers, duties and privileges as are or may be prescribed by the laws of this State, this Code or other ordinances of this City. (Ord. No. 80-10 §1; CC § 72.090)

SECTION 160.070: TRAFFIC VIOLATIONS BUREAU

Should the Municipal Judge determine that there shall be a Traffic Violations Bureau, the City shall provide all expenses incident to the operation of the same. The City Clerk is hereby designated as the Traffic Violations Clerk for said Bureau, if established. (Ord. No. 80-10 §1; CC § 72.100)

SECTION 160.080: ISSUANCE AND EXECUTION OF WARRANTS

All warrants issued by a Municipal Judge shall be directed to the Chief of Police, or any other Police Officer of the municipality or to the Sheriff of the County. The warrant shall be executed by the Chief of Police, Police Officer, or Sheriff any place within the limits of the county and not elsewhere unless the warrants are endorsed in the manner provided for warrants in criminal cases, and, when so endorsed, shall be served in other counties, as provided for warrants in criminal cases. (Ord. No. 80-10 §1; CC § 72.110)

SECTION 160.090: ARRESTS WITHOUT WARRANTS

The Chief of Police, or other Police Officer of the City may, without a warrant, make arrest of any person who commits an offense in his presence, but such officer shall, before the trial file a written complaint with the judge hearing violations of municipal ordinances. (Ord. No. 80-10 §1; CC § 72.120)

SECTION 160.100: JURY TRIALS

Any person charged with a violation of a municipal ordinance of this City shall be entitled to a trial by jury, as in prosecutions for misdemeanors before an Associate Circuit Judge. Whenever a defendant accused of a violation of a municipal ordinance demands trial by jury, the Municipal Court shall certify the case to the presiding judge of the Circuit Court for reassignment. (Ord. No. 80-10 §1; CC § 72.130)

SECTION 160.110: DUTIES OF THE CITY'S PROSECUTING ATTORNEY

It shall be the duty of an attorney designated by the municipality to prosecute the violations of the City's ordinances before the Municipal Judge or before any Circuit Judge hearing violations of the City's ordinances. The salary or fees of the attorney and his necessary expenses incurred in such prosecutions shall be paid by the City. The compensation of such attorney shall not be contingent upon the result of any case. (Ord. No. 80-10 §1; CC § 72.140)

SECTION 160.120: SUMMONING OF WITNESSES

It shall be the duty of the Municipal Judge to summon all persons whose testimony may be deemed essential as witnesses at the trial, and to enforce their attendance by attachment, if necessary. The fees of witnesses shall be the same as those fixed for witnesses in trials before Associate Circuit Judges and shall be taxed as other costs in the case. When a trial shall be continued by a Municipal Judge it shall not be necessary to summon any witnesses who may be present at the continuance; but the Municipal Judge shall orally notify such witnesses as either party may require to attend before him on the day set for trial to testify in the case, and enter the names of such witnesses on his docket, which oral notice shall be valid as a summons. (Ord. No. 80-10 §1; CC § 72.150)

SECTION 160.130: TRANSFER OF COMPLAINT TO ASSOCIATE CIRCUIT JUDGE

If, in the progress of any trial before a Municipal Judge, it shall appear to the judge that the accused ought to be put upon trial for an offense against the criminal laws of the State and not cognizable before him as Municipal Judge, he shall immediately stop all further proceedings before him as Municipal Judge and cause the complaint to be made before some other Circuit Judge within the County. (Ord. No. 80-10 §1; CC § 72.160)

SECTION 160.140: JAILING OF DEFENDANTS

If, in the opinion of the Municipal Judge, the City has no suitable and safe place of confinement, the Municipal Judge may commit the defendant to the County jail, and it shall be the duty of the Sheriff, if space for the prisoner is available in the County jail, upon receipt of a Warrant of Commitment from the judge to receive and safely keep such prisoner until discharged by due process of law. The municipality shall pay the board for such prisoner at the same rate as may now or hereafter be allowed to such Sheriff for the keeping of such prisoner in his custody. The same shall be taxed as cost. (Ord. No. 80-10 §1; CC § 72.170)

SECTION 160.150: RECOGNIZANCE

The Municipal Judge may require a defendant to enter into recognizance, with sufficient security, conditioned that he will appear before the Municipal Judge at the time and place appointed, then and there to answer the complaint alleged against him; and if he fail or refuse to enter into such recognizance, the defendant may be committed to jail and held to answer such complaint as aforesaid. (Ord. No. 80-10 §1; CC § 72.180)

SECTION 160.160: BOND; WHEN SET BY CHIEF OF POLICE

1. When a defendant is entitled to bail, the Municipal Judge shall admit him to bail, but if the Court is not in session, the Chief of Police of this City may admit the defendant to bail in an amount not less than ten dollars ($10.00) nor more than five hundred dollars ($500.00).
2. When a Police Officer of this City shall have a person under arrest and in custody by virtue of a warrant issued upon a complaint or information charging the commission of a misdemeanor, or upon a warrant of commitment for failure to furnish bail or failure to appear in Court when scheduled, the City police may admit the defendant to bail in the amount specified upon the warrant or if the amount of bail is not so specified and the Police Court is not in session, the Chief of Police may admit the defendant to bail in an amount not less than ten dollars ($10.00) nor more than five hundred dollars ($500.00) by requiring the deposit with the Chief of Police of cash or a personal bond with sufficient sureties to be approved by the Chief of Police. (Ord. No. 80-10 §1; CC § 72.190)

SECTION 160.170: PAROLE AND PROBATION

Any judge hearing violations of municipal ordinances may, when in his judgment it may seem advisable, grant a parole or probation to any person who shall plead guilty to who shall be convicted after a trial before said judge. (Ord. No. 80-10 §1; CC § 72.200)

SECTION 160.180: RIGHT OF APPEAL

The defendant shall have a right to a trial de novo, as set forth in the State Statutes. Such application for a trial de novo shall be filed with ten (10) days after the judgment and shall be in the form as provided by Supreme Court Rules. (Ord. No. 80-10 §1; CC § 72210)

SECTION 160.190: APPEAL FROM JURY VERDICTS

In all cases in which a jury trial has been demanded, a record of the proceedings shall be made, and appeals may be had upon that record to the appropriate appellate court. (Ord. No. 80-10 §1; CC § 72.220)

SECTION 160.200: BREACH OF RECOGNIZANCE

In the case of a breach of any recognizance entered into before a Municipal Judge or an Associate Circuit Judge hearing a municipal ordinance violation case, the same shall be deemed forfeited and the judge shall cause the same to be prosecuted against the principal and surety, or either of them, in the name of the municipality as plaintiff. Such action shall be prosecuted before a Circuit Judge or Associate Circuit Judge, and in the event of cases caused to be prosecuted by a Municipal Judge, such shall be on the transcript of the proceedings before the Municipal Judge. All monies recovered in such actions shall be paid over to the Municipal Treasury to the General Revenue Fund of the municipality. (Ord. No. 80-10 §1; CC § 72.230)

SECTION 160.210: DISQUALIFICATION OF JUDGE FROM HEARING CASE

A Municipal Judge shall be disqualified to hear any case in which he is anywise interested, or, if before the trial is commenced, the defendant or the prosecutor files an affidavit that the defendant or the municipality, as the case may be, cannot have a fair and impartial trial by reason of the interest or prejudice of the judge. Neither the defendant nor the municipality shall be entitled to file more than one (1) affidavit or disqualification in the same case. (Ord. No. 80-10 §1; CC § 72.240)

SECTION 160.220: CLERK OF THE MUNICIPAL COURT

The Associate Circuit Clerk is hereby designated as the Clerk of the Municipal Court. The duties of said Clerk shall be as follows:

1. To collect such fines for violations of such offenses as may be described, and the court costs thereof.
2. To take oaths and affirmations.
3. To accept signed complaints, and allow the same to be signed and sworn to or affirmed before him.
4. Sign and issue subpoenas requiring the attendance of witnesses and sign and issue subpoenas duces tecum.
5. Accept the appearance, waiver of trial and plea of guilty and payment of fine and costs as directed by the Municipal Judge.
6. Perform all other duties as provided for by ordinance, by rules of Practice and Procedure adopted by the Municipal Judge and by the Missouri Rules of Practice and Procedure in Municipal and Traffic Court and by Statute.
7. Maintain, properly certified by the City Clerk, a complete copy of the ordinances of the City of the municipality which shall constitute prima facie evidence of such ordinances before the Court. Further, to maintain a similar certified copy on file with the Clerk serving the Circuit Court of this County. (Ord. No. 80-10 §1; CC § 72.260)

SECTION 160.230: COURT COSTS

1. In addition to any fine that may be imposed by the Municipal Judge there shall be assessed as costs in all cases the following:
2. Costs of court in the amount of twelve dollars ($12.00).
3. Training of peace officers.
4. Locally. In addition to any fine or other costs that may be imposed by the Municipal Judge, there shall be assessed as costs in all cases, except those for non-moving traffic violations, the sum of two dollars ($2.00) for the training of Peace Officers. This fee shall be transmitted monthly to the Treasurer of the City.
5. Statewide. An additional dollar ($1.00) shall be assessed as costs in all cases, except those for non­moving traffic violations. This fee shall be deposited with the Treasurer of the State in the Peace Officer Standards and Training Commission Fund, to be used Statewide for training of Peace Officers.
6. Other costs, such as for the issuance of a warrant, a commitment, or a summons, as provided before the Associate Circuit Judge in criminal prosecutions.
7. Actual costs assessed against the City by the County Sheriff for apprehension or confinement in the County jail.
8. Mileage, in the same amount as provided to the Sheriff in criminal violations, for each mile and fraction thereof the officer must ravel (both directions) in order to serve any warrant or commitment or order of this Court.
9. The costs of any action may be assessed against the prosecuting witness and judgment be rendered against him that he pay the same and stand committed until paid in any case where it appears to the satisfaction of the Municipal Judge that the prosecution was commenced without probable cause and from malicious motives. (Ord. No. 80-10 §1; CC §§ 72.270-72.280; Ord. No. 89-26 §§1-2; Ord. No. 96-11 §1-2, 12-20-96)

SECTION 160.240: INSTALLMENT PAYMENT OF FINE

When a fine is assessed for violating an ordinance, it should be within the discretion of the judge assessing the fine to provide for the payment of a fine on an installment basis under such terms and conditions as he may deem appropriate. (Ord. No. 80-10 §1; CC § 72.290)

SECTION 160.250: CITY CLERK TO FILE COPY OF CHAPTER WITH CIRCUIT CLERK

The City Clerk is directed to file a certified copy of this Chapter with the Associate Circuit Clerk of this County. (Ord. No. 80-10 §1; CC § 72.300)

SECTION 160.260: SCHEDULE OF FEES FOR REIMBURSEMENT FOR THE COSTS OF ARRESTS FOR ANY ALCOHOL OR DRUG RELATED TRAFFIC OFFENSES

1. Pursuant to Section 577.048, RSMo., the City of Marble Hill, Missouri, hereby establishes the following guidelines for reimbursement of expenses incurred for any alcohol or drug related traffic offenses:
2. Each alcohol or drug related traffic conviction shall be assessed a fee in the amount of fifty dollars ($50.00). However, should any Police Officer expend more than three (3) hours of time which can be reasonably related to said arrest processing, additional charges in an amount equal to twelve dollars fifty cents ($12.50) for each hour over three (3) hours shall be assessed upon said arresting officer's filing with the appropriate court, an Affidavit of Time Expended.
3. For any blood testing of blood alcohol or drug content a fifty dollar ($50.00) fee;
4. For any blood or urine analysis for drug or alcohol a one hundred dollar ($100.00) fee.
5. These charges sought to be assessed under this Section shall be assessed as court costs in addition to any filing or other costs or other restitution that may be ordered by the Municipal Division of the Circuit Court of Bollinger County for Marble Hill, Missouri. Any officer filing for reimbursement of said charges shall file a sworn affidavit establishing what charges are to be assessed under this Section with the Municipal Division of the Circuit Court of Bollinger County and which said case is pending, with said Affidavit to be filed within thirty (30) days after the filing of said charges against an individual. (Ord. No. 92-24 §1, 12-28-92)

**SECTION 160.270: SEARCH WARRANT DEFINED – WHO MAY ISSUE, EXECUTE.**

A. An "administrative search warrant" is a written order of the Municipal Judge commanding the search or inspection of any property, place or thing, and the seizure, photographing, copying or recording of property or physical conditions found thereon or therein, to determine or prove the existence of violations of any ordinance or Code Section of the City of Marble Hill, Missouri, relating to the use, condition or occupancy of property or structures located within the City of Marble Hill, Missouri, or to enforce the provisions of any such ordinance or Code Section relating to building ordinances, housing and zoning codes, utility use requirements and health and safety regulations and nuisance ordinances and any other ordinance relating to health, safety and welfare of residents of the City of Marble Hill, Missouri, or to enforce the provisions of any such ordinance or Code Section.

B. The Municipal Judge having original and exclusive jurisdiction to determine violations against the ordinances of the City of Marble Hill, Missouri, may issue an administrative search warrant when:

1. The property or place to be searched or inspected or the thing to be seized is located within the City of Marble Hill, Missouri, at the time of the making of the application, and

2. The owner or occupant (of the property or place to be searched or inspected or the thing to be seized):

a. Cannot be located after reasonable efforts, or

b. Has abandoned the property, or

c. Has refused to allow the same after official request by the appropriate official/officer of the City of Marble Hill, Missouri.

C. Any search warrant shall be directed to the Chief of Police or any other Police Officer of the City of Marble Hill, Missouri, and shall be executed by the Chief of Police or said Police Officer within the City of Marble Hill, Missouri City limits and not elsewhere. (Ord. 2014-13, Section 1)

**SECTION 160.280: WHO MAY APPLY FOR WARRANT – CONTENTS OF APPLICATION**

A. Any Police Officer, or the City Attorney, or the Building Inspector, or the supervisor of public works of the City of Marble Hill, Missouri, may make application to the Municipal Judge for the issuance of an administrative search warrant.

B. The application shall:

1. Be in writing;

2. State the time and date of the making of the application;

3. Identify the property or places to be entered, searched, inspected or seized in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;

4. State that the owner or occupant of the property or places to be entered, searched, inspected or seized cannot be located after reasonable efforts or the property has been abandoned or has been requested by the appropriate official/officer of the City of Marble Hill, Missouri, to allow such action and has refused to allow such action;

5. State facts sufficient to show probable cause for the issuance of a search warrant, as provided in Section 160.290(A) to:

a. Search or inspect for violations of an ordinance or Code Section specified in the application, or

b. Show that entry for seizure is authorized and necessary to enforce an ordinance or Code Section specified in the application and that any required due process has been afforded prior to the entry or seizure;

6. Be verified by the oath or affirmation of the applicant; and

7. Be signed by the applicant and filed in the Municipal Court.

C. The application may be supplemented by a written affidavit verified by oath or affirmation. Such affidavit shall be considered in determining whether there is probable cause for the issuance of a search warrant and in filling out any deficiencies in the description of the property or place to be searched or inspected. Oral testimony shall not be considered. (Ord. 2014-13, Section 2)

**SECTION 160.290: HEARING AND PROCEDURE – CONTENTS OF WARRANT—EXECUTION AND RETURN**

A. Hearing And Procedure.

1. The Municipal Judge shall hold a non-adversary hearing to determine whether probable cause exists to inspect or search or seize property items for violations of any City of Marble Hill, Missouri, ordinance or Code Section, or to enforce any such ordinance or Code Section.

2. In doing so the Municipal Judge shall determine whether the action to be taken by the City of Marble Hill, Missouri, is reasonable in light of the facts stated. The Municipal Judge shall consider the goals of the ordinance or Code Section sought to be enforced and such other factors as may be appropriate including, but not limited to, the physical condition of the specified property, the age and nature of the property, the condition of the area in which the property is located, the known violation of any relevant ordinances or Code Sections and the passage of time since the property's last inspection. The standard for issuing a warrant need not be limited to actual knowledge of any existing violation of a City of Marble Hill, Missouri, ordinance or Code Section.

3. If it appears from the application and any supporting affidavit that there is probable cause to inspect or search or seize property items for violations of any City of Marble Hill, Missouri, ordinance or Code Section, or to enforce any such ordinance or Code Section, a search warrant shall immediately be issued.

4. The warrant shall issue in the form of an original and two (2) copies, and the application, any supporting affidavit and one (1) copy of the warrant as issued shall be retained in the records of the Municipal Court.

B. Contents Of Search Warrant. The search warrant shall:

1. Be in writing and in the name of the City of Marble Hill, Missouri;

2. Be directed to any Police Officer in the City of Marble Hill, Missouri;

3. State the time and date the warrant was issued;

4. Identify the property or places to be seized, searched, inspected or entered upon and if necessary describe any action to be taken to enforce any ordinance or code in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;

5. Command that the described property or places be searched or entered upon or the described action to be taken and performed and that any evidence of any City of Marble Hill, Missouri, ordinance violations found therein or thereon, or any property seized pursuant thereto, or a description of such property seized, or the description of the action taken be returned, within ten (10) days after filing of the application, to the Municipal Judge who issued the warrant, to be dealt with according to law;

6. Be signed by the judge, with his/her title of office indicated.

C. Execution And Return.

1. A search warrant issued under this Section shall be executed only by a City of Marble Hill, Missouri, Police Officer, provided however, that one (1) or more designated City of Marble Hill, Missouri, officials or other persons as may be identified in the search warrant may accompany the officer, and the warrant shall be executed in the following manner:

a. The warrant shall be executed by conducting the search, inspection, entry, seizure or action performed as commanded and shall be executed as soon as practicable and in a reasonable manner.

b. The officer shall give the owner or occupant of the property searched, inspected or entered upon a copy of the warrant. If no such person is present, the copy of the search warrant shall be posted in a conspicuous place on the property searched.

c. If any property is seized incident to the search, the officer shall give the person from whose possession it was taken, if the person is present, an itemized receipt for the property taken. If no such person is present, the officer shall leave the receipt at the site of the search in a conspicuous place.

d. A copy of the itemized receipt of any property taken shall be delivered to the City Attorney for the City of Marble Hill, Missouri, within two (2) working days of the search.

e. The disposition of the property seized pursuant to a search warrant under this Section shall be in accordance with the applicable City of Marble Hill, Missouri, ordinances or Code Sections, but in the absence of same, then with Section 542.301, RSMo.

f. The officer may summon as many persons as he/she deems necessary to assist him/her in executing the warrant, and such persons shall not be held liable as a result of any illegality of the search and seizure.

g. An officer making a search pursuant to an invalid warrant, the invalidity of which is not apparent on its face, may use such force as he/she would be justified in using if the warrant were valid.

h. A search warrant shall expire if it is not executed and the required return made within ten (10) days after the date of the making of the application.

2. Return.

a. After the execution of the search warrant, the warrant, with a return thereon signed by the officer making the search, shall be delivered to the Municipal Court.

b. The return shall show the date and manner of execution and the name of the possessor and of the owner, when not the same person, if known, of the property or places searched or seized.

c. The return shall be accompanied by any photographs, copies or recordings made and by any property seized, along with a copy of the itemized receipt of such property required by this Section, provided however, that seized property may be disposed of as provided herein, and in such a case a description of the property seized shall accompany the return.

d. The Court Clerk, upon request, shall deliver a copy of the return to the possessor and the owner, when not the same person, of the property searched or seized. (Ord. 2014-13, Section 3)

**SECTION 160.300: WARRANT INVALID, WHEN.**

A. A search warrant shall be deemed invalid:

1. If it was not issued by the Municipal Judge;

2. If it was issued without a written application having been filed and verified;

3. If it was issued without sufficient probable cause in light of the goals of the ordinance to be enforced and such other factors as provided in Section 160.290(A)(2) hereof;

4. If it was not issued with respect to property or places in the City of Marble Hill, Missouri;

5. If it does not describe the property or places to be searched, inspected, entered upon, seized or upon which action is to be taken with sufficient certainty;

6. If it is not signed by the Judge who issued it; or

7. If it was not executed and the required return made within ten (10) days after the date of the making of the application. (Ord. 2014-13, Section 4)

CHAPTER 165: CITY ADMINISTRATOR

*Editor's Note—Ord. No. 94-16 §1, adopted on May 16, 1994, repealed Ch. 165 concerning city administrator and enacted the provisions set out herein. Former Ch. 165 derived from Ord. No. 87-21 §1-10; Ord. No. 89-34 §2; Ord. No. 91-03 §§1-3.New Chapter 165 created by Ord. 2013-09, April 22, 2013.*

165.010: OFFICE OF CITY ADMINISTRATOR

There is hereby created and established the office of City Administrator for the City of Marble Hill, Missouri.

SECTION 165.020: APPOINTMENT AND TENURE

A qualified person shall be appointed City Administrator for the City of Marble Hill, Missouri, by the Mayor; such appointment shall be approved by a majority of the Board of Aldermen. The person so appointed shall serve for an indefinite term.

SECTION 165.030: QUALIFICATIONS

The person appointed to the office of City Administrator shall be at least twenty-one (21) years of age and shall be a graduate of an accredited university or college, majoring in public or municipal administration or shall have the equivalent qualifications and experience in financial, administration and/or public relations fields. (Ord. 2014-01, January 13, 2014)

SECTION 165.040: OATH OF OFFICE

Before entering upon the duties of the office, the City Administrator shall take and subscribe to an oath or affirmation before the City Clerk or someone authorized to administer oaths, that he possesses all qualifications prescribed for the office by law; that he will support the Constitutions of the United States and of the State of Missouri, the provisions of all laws of the State of Missouri and the ordinances of the City of Marble Hill and that he will faithfully demean himself while in Office.

SECTION 165.050: BOND

The City Administrator, before entering upon the duties of his office, shall file with the City a bond in the amount of fifty thousand dollars ($50,000 .00); such bond shall be approved by the Board of Aldermen and such bond shall insure the City of Marble Hill, Missouri, for the faithful and honest performance of the duties of the City Administrator of the City of Marble Hill and for rendering a full and proper account to the City of Marble Hill for funds and property which shall come into the possession or control of the City Administrator. The cost of such bond shall be paid by the City of Marble Hill, however, should the City Administrator be covered by a blanket bond to the same extent such individual bond shall not be required.

SECTION 165.060: COMPENSATION

The City Administrator shall receive such compensation as may be determined from time to time by the Board of Aldermen and such compensation shall be payable semi­ monthly.

SECTION 165.070: REMOVAL OF CITY ADMINISTRATOR

The City Administrator shall serve at the pleasure of the appointing authority. A majority of the Board of Aldermen may remove the City Administrator from office at will and it shall not require the advice and/or consent of the Mayor. If requested, the Mayor and the Board of Aldermen shall grant the City Administrator a public hearing within thirty (30) days following notice of such removal. During the interim, the Mayor, with the approval of a majority of the Board of Aldermen, or by (local preference) vote of the Board of Aldermen without the Mayor's approval, may suspend the City Administrator from duty, but shall continue his salary for two (2) calendar months following the final removal date, provided however, that if the City Administrator shall be removed for acts of dishonesty or acts of moral turpitude, such salary shall not be continued.

SECTION 165.080: DUTIES

1. *Administrative Office*. The City Administrator shall be the chief City Administrator to the Mayor and as such shall be the administrative officer of the City Government. Except as otherwise specified by ordinance or by the law of the State of Missouri, the City Administrator shall coordinate and generally supervise the operation of all departments of the City of Marble Hill, Missouri.
2. *Purchasing*. The City Administrator shall be the purchasing agent for the City of Marble Hill, Missouri, and all purchases amounting to less than two thousand five hundred dollars ($2,500.00) shall be made under his direction and supervision, and all such purchases shall be made in accordance with purchasing rules and procedures approved by the Board of Aldermen.
3. *Budget.* The City Administrator shall serve as Budget Director of the City of Marble Hill and shall assemble estimates of the financial needs and resources of the City for each ensuing year and shall prepare a program of activities within the financial power of the City, embodying in it a budget document with proper supporting schedules and an analysis to be proposed to the Mayor and Board of Aldermen for their final approval as directed by the Code of the City of Marble Hill, for the City of Marble Hill, Missouri.
4. *Annual Report*. The City Administrator shall prepare and present to the Mayor and Board of Aldermen an annual report of the City's affairs, including in such report a summary of reports of department heads and such other reports as the Mayor and Board of Aldermen may require.
5. *Personnel System*. The City Administrator shall act as the personnel officer of the City and shall recommend an appropriate position classification system and pay plan to the Mayor and Board of Aldermen. The Board of Aldermen, after consultation with the City Administrator, shall approve advancements and appropriate pay increases within the approved pay plans and position classification system. The Board of Aldermen shall have the power to appoint and remove (in accordance with Personnel System Regulations approved by the Board of Alde11nen) all subordinate employees of the City of Marble Hill. The City Administrator shall make recommendations of appointment and removal of Department heads to the Board of Aldermen.
6. *Policy Formulations*. The City Administrator shall recommend to the Mayor and Board of Aldermen adoption of such measures as he may deem necessary or expedient for the health, safety or welfare of the City or for the improvement of administrative services for the City.
7. *Boards and Committees*. The City Administrator shall work with all Boards and Committees to help coordinate the work of each.
8. *Attend Board of Aldermen Meetings*. The City Administrator shall attend all meetings of the Board of Aldermen.
9. *Bid Specifications*. The City Administrator shall supervise the preparation of all bid specifications for services and equipment.
10. *State and Federal Aid Programs*. The City Administrator shall coordinate Federal and State programs which may have application to the City of Marble Hill, Missouri.
11. *Conference Attendance*. The City Administrator shall attend State and Regional conferences and programs applicable to his office, and the business of the City of Marble Hill, whenever such attendance is directed and approved by the Board of Aldermen and Mayor.
12. *Press Release*. The Mayor and City Administrator shall be responsible for keeping the public informed in the purposes and methods of City Government through all available news media.
13. *Record Keeping*. The City Administrator shall keep full and accurate records of all actions taken by him in the course of his duties, and he shall safely and properly keep all records and papers belonging to the City of Marble Hill and entrusted to his care; all such records shall be and remain the property of the City of Marble Hill and be open to inspection by the Mayor and Board of Aldermen at all times.
14. *Maintenance*. The City Administrator shall be in charge of and held responsible for the proper operation of the water supply distribution system, the sewage treatment facilities and wastewater collection systems, maintenance and repair of streets and sidewalks, city parks and recreational facilities, and all other property owned by the City of Marble Hill.
15. *Miscellaneous*. In addition to the foregoing duties, the City Administrator shall perform any and all other duties or functions prescribed by the Mayor and Board of Aldermen.

SECTION 165.090: POWERS

* 1. *City Property*. The City Administrator shall have responsibility for all real and personal property of the City of Marble Hill. He shall have responsibility for all inventories of such property and for the upkeep of all such property. Personal property may be sold by the City Administrator only with approval of the Board of Aldermen. Real property may be sold only with the approval of the Board of Aldermen by resolution or ordinance.
	2. *Set Administrative* Policies. The City Administrator shall have the power to prescribe such rules and regulations as he shall deem necessary or expedient for the conduct of administrative agencies subject to his authority, and he shall have the power to revoke, suspend, or amend any rule or regulation of the administrative service except those prescribed by the Board of Aldermen.
	3. *Investigate and Report*. The City Administrator shall have the power to investigate and to examine or inquire into the affairs or operation of any department of the City under his jurisdiction, and shall report on any condition or fact concerning the City Government requested by the Mayor or Board of Aldermen.
	4. *Appear Before the Board of Aldermen*. The City Administrator shall have the power to appear before and address the Board of Aldermen at any meeting.
	5. *Coordinate Departments*. The City Administrator shall have the power to coordinate the work of all the departments of the City, and, at times of an emergency, shall have authority to assign the employees of the City to any department where they are needed for the most effective discharge of the functions of City Government.
	6. Coordinate Officials. The City Administrator shall have the power to overrule any action taken by a department head, and may supersede him in the functions of his office.
	7. At no time shall the duties or powers of the City Administrator supersede the action by the Mayor or Board of Aldermen.

SECTION 165.100: INTERFERENCE BY MEMBERS OF THE BOARD OF ALDERMEN

No member of the Board of Aldermen shall directly interfere with the conduct of any department or duties of employees subordinate to the City Administrator except at the express direction of the Board of Aldermen, or with the approval of the City Administrator.

SECTION 165.110: SEVERANCE CLAUSE

The provisions of this Ordinance are declared to by severable and if any section, sentence, clause or phrase of this Ordinance, shall for any reason be held invalid or unconstitutional, such decision shall not affect the validity of the remaining section, sentences, clauses and phrases of this Ordinance but they shall remain in effect, it being the legislative intent of the Board of Aldermen that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 165.120: REFERENCES TO ADMINISTRATIVE ASSISTANT

Any references in the Ordinances of the City of Marble Hill, Missouri to an Administrative Assistant shall be construed as though the Ordinance references City Administrator.