# TITLE II PUBLIC HEALTH, SAFETY AND WELFARE

CHAPTER 200: CHIEF OF POLICE AND CITY POLICEMEN

SECTION 200.010: GENERALLY

This Chapter consists of the rules and regulations for the operation of the Police Department of this City. To the extent that this Chapter conflicts with the provisions of Chapter 130 (relating to Personnel) this Chapter shall prevail. To the extent that regulations promulgated by the Mayor or by the Chief of Police under the authority of this Chapter, conflict with the provisions of Chapter 130 (relating to Personnel), then Chapter 130 shall prevail. (Ord. No. 80-10 §1; CC §71.010)

SECTION 200.020: CHIEF OF POLICE; AUTHORITY

The Chief of Police is the director of the Police Department. He shall have immediate and direct control of the department, subject to the supervision of the Mayor, and subject to such other rules, regulations and orders as the Mayor may prescribe. He shall promulgate and enforce orders, rules and regulations (consistent with this Code and with the rules, regulations and orders of the Mayor) for the efficient operation of the Police Department. (Ord. No. 80-10 §1; CC §71.020)

SECTION 200.030: ASSIGNMENT OF PATROLMEN

Assignment of a patrolman is at the discretion of the Chief of Police. For the purpose of this Chapter, all police (including Chief of Police) are considered patrolmen. (Ord. No. 80-10 §1; CC §71.040)

SECTION 200.040: PATROLMEN; DUTIES

Each patrolman shall:

1. Be familiar with every part of town, observing anything unusual to assist in the prevention of crime.
2. Not leave the City limits while on duty except in cases of emergency and in such cases must report of the same with the City Clerk or to the Mayor.
3. Enforce all traffic ordinances in addition to his other duties.
4. Observe and report all violations of City ordinance and State law.
5. Be responsible for the care and operation of the vehicle assigned to him. (Ord. No. 80-10 §1; CC §71.050)

SECTION 200.050: SPECIAL DUTIES AT PUBLIC MEETINGS

It is hereby made the duty of the Police Officers of this City, when directed so to do by the Mayor or acting mayor of said City to enter into and be present at all public, semi-public or private meetings held or conducted in said City at any public meeting hall or other place of assembly commonly used for public, semi-public or private meetings and gatherings and to preserve order at such meetings and to see that the fire regulations of said City are enforced.

1. The Mayor, or acting Mayor, may in his discretion deputize as special Police Officers for the purpose of this Section such number of citizens as in his judgment may be sufficient for the purposes specified herein to attend and be present at such meetings and gathering places commonly used for public, semi­public or private gatherings. Such persons so deputized by the Mayor shall serve only for the occasion of their specific appointment.
2. This Section shall not apply to any gathering held in a private home nor to any church or other purely religious gathering. (Ord. No. 80-10 §1; CC § 71.055)

SECTION 200.060: STANDARD OF CONDUCT

Any of the following is sufficient cause for the suspension or discharge of any member of the Police Department:

1. Drinking intoxicating liquor while on duty or in uniform.
2. Intoxication while either on or off duty.
3. Willful disobedience to any order lawfully issued to him.
4. Disrespect shown to the Mayor or an Alderman.
5. Incompetency in the performance of duties.
6. Any neglect of duty.
7. Making known any investigation or proposed movement of the department to any person not a member of the department or the Board of Aldermen, or for discussing the affairs of the department, in a manner likely to disrupt the movement or discipline of the department, with any person not a member of the department or the Board of Aldermen.
8. Unnecessary and unwarranted violence toward a prisoner.
9. Cowardice or for lack of energy which may be construed as either incompetency or gross neglect of duty.
10. Sleeping while on duty.
11. Violating any of the rules, regulations, or orders of the department or of the Mayor, if same be in writing.
12. Indecent, profane or harsh language while on duty or in uniform.
13. Absence without leave.
14. Conduct unbecoming an officer or a gentleman, whether on duty or off.
15. Conduct detrimental to the good order and discipline of the department.
16. Careless handling of City property, either fixed or movable.
17. Conviction of any felony or misdemeanor.
18. Repeated violation of City ordinances.
19. Failure to cooperate with the City prosecutor in the preparation or trial of any case, or for providing assistance to a defendant or defense counsel in any legal action brought by the City.
20. Loss of firearm or other weapon while on duty. (Ord. No. 80-10 §1; CC §71.060)

SECTION 200.070: RIGHT OF APPEAL

The right of appeal granted City employees by Section 130.130 (7) et seq. is expressly preserved for members of the department. (Ord. No. 80-10 §1; CC §71.070)

SECTION 200.080: CONDUCT AND DEPORTMENT

All members of the department shall be quiet, civil, and orderly in their conduct and deportment, and shall at all times be attentive and zealous in the discharge of their duty, controlling their temper and exercising the utmost patience and discretion. They shall answer any questions put to them with all possible correctness and courtesy (not in a short or careless manner), avoiding at all times unnecessary conversation or argument. (Ord. No. 80-10 §1; CC §71.080)

SECTION 200.090: DISTURBANCES

Any member of the department shall go instantly to the scene of any disturbance or breach of the peace occurring within his vicinity use his best effort to restore peace and quiet, making such arrests as may be necessary, and notify and make necessary reports to the police department. (Ord. No. 80-10 §1; CC §71.090)

SECTION 200.100: TRUTHFULNESS OF MEMBERS

All members of the department are required to speak the truth at all times, and under all circumstances, whether under oath or not. If forbidden by the rules of the department to divulge information, they will state "No Comment." (Ord. No. 80-10 §1; CC § 71.100)

SECTION 200.110: MEMBERS TO GIVE NAME

Any member of the department, when called upon to do so by any person under any circumstances shall give his name in a respectful and courteous manner. (Ord. No. 80-10 §1; CC §71.110)

SECTION 200.120: COOPERATION

Every member of the department is expected to discharge his duties with coolness and firmness in all cases; and in times of extreme peril all available officers shall act together and assist and protect each other in restoring peace and order. Anyone shirking his duty in case of danger or responsibility in an emergency shall be considered unworthy of a place in the department, and may be discharged. (Ord. No. 80-10 §1; CC §71.130)

SECTION 200.130: MEMBERS TO USE JUDGMENT

All members of the department shall be particularly careful not to interfere officiously or unnecessarily in the private business of any person, but when required to act in the discharge of their duty they shall do so with energy and decision, and in the proper exercise of their authority they will receive the fullest support of the department. (Ord. No. 80-10 §1; CC § 71.140)

SECTION 200.140: TESTIMONY

Officers shall appear in court on any case in which they are witnesses. If duty demands their absence from the Municipal Court, they shall report the matter to the Chief of Police in order that the case may be continued. Officers on the witness stand, in response to questions asked, will state in clear and distinct words, truthfully, all they know regarding a matter, without fear or reservation and without any desire or design to influence the result. (Ord. No. 80-10 §1; CC § 71.150)

SECTION 200.150: MEMBERS WILL BE FAMILIAR WITH RULES, ETC.

Each member of the department will be furnished with a copy of any rules, regulations, and orders issued by the Chief of Police or the Mayor, which he shall keep in his possession, and with which he shall be familiar at all times. (Ord. No. 80-10 §1; CC §71.180)

SECTION 200.160: REGULATIONS CONCERNING UNIFORM

1. Every member of the department shall wear the uniform as the Mayor may from time to time prescribe. They shall, when on duty, carry such equipment as the Mayor may prescribe or adopt and when in uniform, keep their badge always in sight. No member of the department shall ever appear for duty in civilian clothing without special permission of the Mayor.
2. No member of the department shall ever wear his uniform or any part of it when off duty, except with the express permission of the Mayor.
3. All members of the department will be required to be neat in appearance and keep their uniforms and equipment in good condition and in perfect order and repair. (Ord. No. 80-10 §1; CC §§71.190-71.210)

SECTION 200.170: RESTRICTIONS APPLYING TO SUSPENDED OFFICERS

No member of the department shall wear his uniform or carry a pistol while under suspension for any cause; and such member shall immediately surrender his badge and police identification to the Mayor when notified of his suspension. (Ord. No. 80-10 §1; CC §71.220)

SECTION 200.180: DUTY HOURS

Although certain hours are required for the performance of duty on ordinary occasions, members must be prepared at all times to act immediately on notice that their service is required. Members of the department shall be considered as always on duty for the purpose of discipline. The hours of duty will be regulated by the Mayor. (Ord. No. 80-10 §1; CC §71.230)

SECTION 200.190: POLICE VEHICLES

Police Officers are not to use police vehicles except in the discharge of their duties. Police vehicles are not available for personal use. (Ord. No. 80-10 §1; CC §71.240)

SECTION 200.200: DUTY TO PRESERVE PEACE

Although regular hours of duty shall be assigned to all members of the department, it shall be the duty of every officer of the department, at all times, day or night, within the City, to preserve the public peace, protect the rights of persons and property, guard the public health, preserve order at all elections and public assemblies; prevent and remove, if possible, nuisances on and in all streets, highways, areas, alleys, and other places, and enforce the criminal law of the State of Missouri and the ordinances of the City. (Ord. No. 80-10 §1; CC §71.250)

SECTION 200.210: USE OF UNNECESSARY VIOLENCE TOWARD PRISONERS

No officer shall willfully mistreat or use unnecessary violence toward any person, prisoner, or otherwise. He shall not strike any prisoner except as a last resort in an effort to overcome resistance or prevent escape. (Ord. No. 80-10 §1; CC §71.260)

SECTION 200.220: QUALIFICATIONS FOR POLICE OFFICERS

All full-time Police Officers employed by the City shall be between the ages of twenty-one (21) years of age and sixty-five ( 65) years of age. They shall be of good moral character and shall not have been convicted of any misdemeanor or felony. They shall be able to write legibly and shall furnish at least three (3) good character references. A written examination for any

applicant for Police Officer for the City shall be discretionary with the Board of Alde1men. Any permanent Police Officer so employed shall not be required to reside within the City. Any of these qualifications may be waived by the Board of Aldermen by resolution. (Ord. No. 80-10 §1; cc §71.270; Ord. No. 2020-01 §3)

SECTION 200.230: BOND

Within fifteen (15) days of appointment, and before entering upon the discharge of the duties of his office, each Police Officer shall execute to the City a bond in the sum of five thousand dollars ($5,000.00). The cost of said bond shall be paid by the City. (Ord. No. 80-10 §1; CC §71.275)

SECTION 200.240: POLICE OFFICERS MAY RESPOND IN AN EMERGENCY SITUATION OUTSIDE CITY LIMITS

1. Any Police Officer of the City of Marble Hill, Missouri, who has completed the basic training program as established by Chapter 590 of the Revised Statutes of Missouri shall have the authority to respond to an emergency situation outside the boundaries of the City of Marble Hill; provided however, that such authorization to respond shall exist only within the jurisdictions described in Section C below. As provided herein, "emergency situation" means any situation in which the Police Officer has a reasonable belief that a crime is about to be committed, is being committed, or has been committed involving injury or threat of injury to any person, property, or governmental interest, and the officer's response is reasonably necessary to prevent or end such emergency situation or mitigate the likelihood of injury involved in such emergency situation. The determination of the existence of any emergency situation shall be in the discretion of the officer.
2. The term response, as used in this Section shall mean to take any and all action which the Police Officer may lawfully take as if exercising normal powers within the City of Marble Hill.
3. The authority contained herein shall permit the response by one or more City of Marble Hill Police Officers in any of the following jurisdictions within the State of Missouri until the emergency situation has been adequately taken into control, in the discretion of the officer, by another appropriate jurisdiction: Bollinger County, Missouri.
4. Every response to an emergency situation outside the City limits of Marble Hill, Missouri, shall be reported by the Chief of Police to the Mayor, with an explanation of the reason for the response. (Ord. No. 88-15 §§1-4)

SECTION 200.250: USE OF EXCESSIVE FORCE DURING NON-VIOLENT CIVIL RIGHTS DEMONSTRATIONS--PENALTY

1. The following rules and regulations are hereby adopted to limit the use of excessive force. The City of Marble Hill, Missouri hereby adopts and will enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations.
2. Any person found to be violating any provision of this Section shall be served by the City with written notice stating the nature of the violation.
3. Any person guilty of this violation shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding one hundred dollars ($100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
4. Any person violating any of the provisions of this Section shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation. (Ord. No. 91-11 §§1-4, 5-13-91)

CHAPTER 205: FIRE DEPARTMENT AND FIRE PREVENTION CODE

SECTION 205.010: FIRE DEPARTMENT ESTABLISHED; COMPOSITION

There is hereby established a Fire Department for the City, which shall consist of a Chief and such organized volunteer firemen as may be enrolled by the Chief with the consent of the Mayor. (Ord. No. 80-10 §1; CC §70.010)

SECTION 205.020: FIRE DEPARTMENT; DUTIES

The Fire Department shall have charge of the fire apparatus and shall keep the same in good order for immediate use, and for more effectually perfecting the firemen in discharge of their duties shall as often as practicable thoroughly test the condition of the fire fighting apparatus. Upon arrival at any fire, the members present shall take all necessary and proper action to extinguish such fire as quickly as possible and with the least damage possible. The department shall take all reasonable steps necessary under the circumstances to prevent the spread of the fire and damage to adjoining property. (Ord. No. 80-10 §1; CC § 70.020)

SECTION 205.030: RURAL FIRE ASSOCIATION

(Reserved)

SECTION 205.040: FIRE CHIEF AUTHORIZED TO ASSIST ANOTHER CITY

The Chief of the Fire Department of the City of Marble Hill, Missouri, is hereby authorized and empowered, with the approval of the Board of Aldermen of said City of Marble Hill, to send such firefighting equipment and personnel from the Fire Department owned and operated by the City of Marble Hill to the assistance of any City or Cities in the case of a major conflagration or disaster, in the event of a call for assistance from any City or Cities, whenever in his best judgment same can be safely spared from the City of Marble Hill at the time and under the circumstances. (Ord. No. 80-10 §1; CC §70.035)

SECTION 205.050: ADOPTION OF FIRE PREVENTION CODE

(Reserved)

SECTION 205.060: COMPENSATION FOR VOLUNTEER FIRE FIGHTERS

1. The Volunteer Fire Department of the City of Marble Hill shall consist of not more than thirty (30) Volunteer Fire Fighters who shall be eligible for compensation from the City of Marble Hill, in addition to the City Fire Chief.
2. The Fire Chief of the City of Marble Hill, Missouri, shall keep an accurate record of the attendance of the Volunteer Fire Fighters to fire meetings and shall further keep an accurate record of Volunteer Fire Fighters of the City of Marble Hill who shall answer a call for fire which occurs within the corporate City limits of the City of Marble Hill, Missouri. The Fire Chief shall submit said attendance records to the City Clerk on a basis of at least once per calendar quarter. The Volunteer Fire Fighters shall be entitled to compensation at the rate of ten dollars ($10.00) per meeting and fire call answered for all fires which occur within the corporate City limits of the City of Marble Hill, Missouri. (Ord. No. 93-6 §§l-2, 5-24-93)

CHAPTER 210: SOLID WASTE MANAGEMENT

*Cross Reference as to utility bills paid with insufficient funds and post-dated checks, penalty for same, see §100.100 of this code.*

SECTION 210.010: DEFINITIONS

For the purposes of this Chapter the following terms shall be deemed to have the meaning indicated below:

1. *APPROVED INCINERATOR*: An incinerator which complies with all current regulations of the responsible local and State air pollution control agencies.
2. *BULKY RUBBISH*: Non-Putrescible solid wastes consisting of combustible and non-combustible waste materials or either of them, from dwelling units, commercial, industrial, institutional, or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors, with the equipment available therefore.
3. *CITY*: The City of Marble Hill, Missouri.
4. *COLLECTION*: Removal of solid waste from its place of storage to the transportation vehicle.
5. *DEMOLITION AND CONSTRUCTION WASTE*: Waste materials from the construction or destruction of residential, industrial or commercial structures.
6. *DIRECTOR*: The Director of the Solid Waste Management Program of the City, or his authorized representative.
7. *DISPOSABLE SOLID WASTE CONTAINERS*: Disposable plastic or paper sacks with a capacity of twenty (20) to thirty-five (35) gallons specifically designed for storage of solid waste.
8. *DWELLING UNIT*: Any room or group of rooms located within a structure, and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.
9. *GARBAGE*: Putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving, or consumption of the food.
10. *HAZARDOUS WASTES*: Including but not limited to: Pathological wastes, explosive wastes, pesticides, pesticide containers, toxic or radioactive materials.
11. *MULTIPLE HOUSING FACILITY*: A housing facility containing more than one dwelling unit under one roof.
12. *OCCUPANT*: Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as owner or as a tenant.
13. *PERSON*: Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision or organization of any kind, or their legal representative, agent or assigns.
14. *PROCESSING*: Incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.
15. *REFUSE*: Solid waste.
16. *SOLID WASTE*: Unwanted or discarded waste materials in a solid or semi-solid state, including but not limited to garbage, ashes, street refuse, rubbish, dead animals, animal and agricultural wastes, yard wastes, discarded appliances, special wastes, industrial wastes, and demolition and construction wastes.
17. Commercial solid waste—Solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment, and multiple housing facilities with more than two (2) dwelling units.
18. Residential solid waste: Solid waste resulting from the maintenance and operation of dwelling units, excluding multiple housing facilities with more than two (2) dwelling units.
19. *SOLID WASTE CONTAINER*: Receptacle used by any person to store solid waste during the interval between solid waste collections.
20. *SOLID WASTE DISPOSAL*: The process of discarding or getting rid of unwanted material. In particular the final deposition of solid waste by man.
21. *SOLID WASTE MANAGEMENT*: The entire solid waste system of storage, collection, transportation, processing and disposal.
22. *STORAGE*: Keeping, maintaining or storing solid waste from the time of its production until the time of its collection.
23. *TRANSPORTATION*: The transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.
24. *YARD WASTES*: Grass clippings, leaves, tree trimmings. (MH/Ord. No. 75-2 §1)

SECTION 210.020: SOLID WASTE STORAGE

1. The occupant of every dwelling unit and of every institution, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of the City, shall provide sufficient and adequate containers for the storage of all solid waste except bulky rubbish and demolition and construction waste to serve each such dwelling unit and establishment or either of them; and to maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times.
2. The occupant of every dwelling unit and of every institution, commercial, industrial, agricultural or business establishment shall place all solid waste to be collected in proper solid waste containers, except as otherwise provided herein, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times.
3. Residential solid wastes shall be stored in containers of not more than thirty-five (35) gallons nor less than twenty (20) gallons in nominal capacity. Containers shall be leak proof, waterproof, and fitted with a fly-tight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails or other suitable lifting devices or features. Containers shall be of a type originally manufactured for residential solid waste, with tapered sides for easy emptying. They shall be of light weight and sturdy construction. The weight of any individual container and contents shall not exceed seventy-five (75) pounds. Galvanized metal containers, or rubber, fiberglass, or plastic containers which do not become brittle in cold weather, may be used. Disposable solid waste containers with suitable frames or containers as approved by the Director may also be used for storage of residential solid waste.
4. Commercial solid waste shall be stored in solid waste containers as approved by the Director. The containers shall be waterproof, leak proof and shall be covered at all times except when depositing waste therein or removing the contents thereof; and shall meet all requirements as set forth by Section 210.070.
5. Tree limbs less than four inches (4”) in diameter and brush shall be securely tied in bundles not larger than forty-eight inches (48”) long and eighteen inches (18”) in diameter when not placed in storage containers. The weight of any individual bundle shall not exceed seventy-five (75) pounds.
6. Yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights-­of-way. The weight of any individual container and contents shall not exceed seventy-five (75) pounds.
7. Solid waste containers which are not approved will be collected together with their contents and disposed of. (MH/Ord. No. 75-2)

SECTION 210.030: COLLECTION OF SOLID WASTE

1. The City shall provide for the collection of all solid waste in the City, provided however, that the City may provide the collection service by contracting with a person, county, or other city or a combination thereof, for the entire City or portions thereof, as deemed to be in the best interests of the City.
2. All solid waste from premises to which collection services are provided by the City shall be collected, except bulky rubbish as defined herein, provided however, that bulky rubbish will be collected if tied securely in bundles not exceeding reasonable limitations of weight and bulk to be fixed by regulations to be made and promulgated by the Director, as hereinafter provided. All solid waste collected shall, upon being loaded into transportation equipment, become the property of the collection agency.
3. Tree limbs and yard wastes, as described in Section 210.020 (E & F) respectively, shall be placed at the curb or alley for collection. Solid waste containers as required by this Chapter for the storage of other residential solid waste shall be placed at the curb or alley for collection. Any solid waste containers, tree limbs, yard wastes, or other solid waste permitted by this Chapter to be placed at the curb or alley for collection shall not be so placed until the regularly scheduled collection day.
4. Bulky rubbish shall be collected by request to the Director. The Director shall establish the procedure for collecting bulky rubbish.
5. Solid waste collectors, employed by the City or a solid waste collection agency operating under contract with the City, are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this Chapter. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste. Commercial solid waste may be removed from within commercial establishments upon written request of the owner and approval by the Director.
6. The following collection frequencies shall apply to collections of solid waste within the City:
	1. All residential solid waste, other than bulky rubbish, shall be collected at least once weekly. At least one hundred and twenty (120) hours shall intervene between collections.
	2. All commercial solid waste shall be collected at least once weekly, and shall be collected at such lesser intervals as may be fixed by the Director or requested by the commercial establishment upon a determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public.
7. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner shall have been granted written permission from the City to use public property for such purposes. The storage site shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel.
8. Solid waste collectors, employed by the City or a solid waste collection agency operating under contract with the City, shall be responsible for the collection of solid waste from the point of collection to the transportation vehicle provided the solid waste was stored in compliance with Section 210.020 (C,D,E and F) of this Chapter. Any spillage or blowing litter caused as a result of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector. (MH/Ord. No. 75-2 §3)

SECTION 210.040: TRANSPORTATION OF SOLID WASTE

1. All transportation vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed with water-tight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or, as an alternate, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers.
2. Permits shall not be required for the removal, hauling or disposal of earth and rock material from grading or excavation activities, however, all such material shall be conveyed in tight vehicles, trucks or receptacles, so constructed and maintained that none of the material being transported shall spill upon the public rights­-of-way.
3. Transportation and disposal of demolition and construction wastes shall be in accordance with Sections 210.050 and 210.060. (MH/Ord. No. 75-2 §4)

SECTION 210.050: DISPOSAL OF SOLID WASTE

1. Solid wastes shall be deposited at a processing facility of disposal area approved by the City and complying with all requirements of the Missouri Solid Waste Management law of 1972, Sections 260.200 to 260.245, RSMo. 1973 Supplement and the rules and regulations adopted there under.
2. The Director may classify certain wastes as hazardous wastes which will require special handling and shall be disposed of only in a manner acceptable to the Director and which will meet all local, State and Federal regulations. (MH/Ord. No. 75-2 §5)

SECTION 210.060: PERMITS

1. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City, without first obtaining an annual permit therefore from the City; provided however, that this provision shall not be deemed to apply to employees of the holder of any such permit.
2. No such permit shall be issued until and unless the applicant therefore, in addition to all other requirements set forth, shall file and maintain with the Director evidence of a satisfactory public liability insurance policy, covering all operations of such applicant pertaining to such business and all vehicles to be operated in the conduct thereof, in the amount of not less than fifty thousand dollars ($50,000.00) for each person injured or killed, and in the amount of not less than one hundred thousand dollars ($100,000.00) in the event of injury or death of two (2) or more persons in any single accident, and in the amount of not less than fifty thousand dollars ($50,000.00) for damage to property. Should any such policy be cancelled, the Director shall be notified of such cancellation by the insurance carrier in writing not less than ten (10) days prior to the effective date of such cancellation, and provisions to that effect shall be incorporated in such policy, which shall also place upon the company writing such policy the duty to give such notice.
3. Each applicant for any such permit shall state in his application therefore;
4. The nature of the permit desired, as to collect, transport, process, or dispose of solid waste or any combination thereof;
5. The characteristics of solid waste to be collected, transported, processed, or disposed;
6. The number of solid waste transportation vehicles to be operated thereunder;
7. The precise location or locations of solid waste processing or disposal facilities to be used;
8. Boundaries of the collection area; and
9. Such other information as required by the Director.
10. If the application shows that the applicant will collect, transport, process or dispose of solid wastes without hazard to the public health or damage to the environment and in conformity with the laws of the State of Missouri and this Chapter, the Director shall issue the permit authorized by this Chapter. The permit shall be issued for a period of one (1) year. If in the opinion of the Director, modifications can be made to the application regarding service, equipment, or mode of operation, so as to bring the application within the intent of this Chapter, the Director shall notify the applicant in writing setting forth the modification to be made and the time in which it shall be done.
11. If the applicant does not make the modifications pursuant to the notice in Subsection D within the time limit specified therein, or if the application does not clearly show that the collection, transportation, processing or disposal of solid wastes will create no public health hazard or be denied and the applicant notified by the Director, in writing, stating the reason for such denial. Nothing in this Section shall prejudice the right of the applicant to reapply--after the rejection of his application provided that all aspects of the reapplication comply with the provisions of this Chapter.
12. The annual permit may be renewed simply upon re-application as designated herein if the business has not been modified. If modifications have been made, the applicant shall reapply for a permit as set forth in Subsections B and C. No permits authorized by this Chapter shall be transferrable from person to person.
13. In order to insure compliance with the laws of this State, this Chapter and the rules and regulations authorized herein, the Director is authorized to inspect all phases of solid waste management within the City of Marble Hill. No inspection shall be made in any residential unit unless authorized by the occupant or by due process of law. In all instances where such inspections reveal violation of this Chapter, the rules and regulations authorized herein for the storage, collection, transportation, processing or disposal of solid waste or the laws of the State of Missouri, the Director shall issue notice for each such violation stating therein the violation or violations found, the time and date and the corrective measure to be taken, together with the time in which such corrections shall be made.
14. In all cases, when the corrective measures have not been taken within the time specified, the Director shall suspend or revoke the permit or permits involved in the violation, however, in those cases where an extension of time will permit correction and there is no public health hazard created by the delay, one extension of time not to exceed the original time period may be given.
15. Any person who feels aggrieved by any notice of violation or order issued pursuant thereto of the Director may, within thirty (30) days of the act for which redress is sought appeal directly to the Circuit of Bollinger County, Missouri, in writing, setting forth in a concise statement the act being appealed and grounds for its reversal. (MH/Ord. No. 75-2 §6)

SECTION 210.070: RULES AND REGULATIONS

1. The Director shall make, amend, revoke, and enforce reasonable and necessary rules and regulations, governing, but not limited to:
2. Preparation, drainage and wrapping of garbage deposited in solid waste containers.
3. Pacifications for solid waste containers, including the type, composition, equipment, size and shape thereof.
4. Identification of solid waste containers and of the covers thereof, and of equipment thereto appertaining, if any.
5. Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers.
6. Storage of solid waste in solid waste containers.
7. Sanitation, maintenance and replacement of solid waste containers.
8. Schedules of and routes for collection and transportation of solid waste.
9. Collection points of solid waste containers.
10. Collection, transportation, processing and disposal of solid waste.
11. Processing facilities and fees for the use thereof.
12. Disposal facilities and fees for the use thereof.
13. Records of quantity and type of wastes received at processing and/or disposal facilities.
14. Handling of special wastes such as toxic wastes, sludge’s, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.
15. The City Clerk or such other City official, who is responsible for preparing utility and other service charge billings for the City, is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste collection and disposal service charges, or either of them hereinafter provided for.
16. A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the City Clerk of the City. (MH/Ord. No. 75-2 §7)

SECTION 210.080: PROHIBITED PRACTICE

It shall be unlawful for any person to:

1. Deposit waste in any solid waste container other than his own, without the written consent of the owner of such container and/or, with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal;
2. Fail to pay the service charge levied in accordance with Section 210.090 of this Chapter for solid waste collection and disposal;
3. Interfere in any manner with solid waste collection and transportation equipment, or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the City, or those of a solid waste collection agency operating under contract with the City;
4. Burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency;
5. Dispose of solid waste at any facility or location which is not approved by the City and the Missouri Department of Natural Resources;
6. Engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City without a permit from the City, or operate under an expired permit, or operate after a permit has been suspended or revoked. (MH/Ord. No. 75-2 §8)

SECTION 210.090: SERVICE CHARGES

1. That the residential rates for the residential solid waste customers shall be six dollars and fifty cents ($6.50) per month.
2. For the purposes of this Section small commercial user classes shall be defined as follows:
3. A Class "A" user shall be defined as a commercial entity who generates less than an average of six (6) bags per week and who is not using a dumpster; and
4. A Class "B" user shall be defined as a commercial entity who generates an average of more than five (5) bags per week but less than an average of eleven bags per week and who is not using a dumpster; and
5. A Class "C" user shall be defined as a commercial entity who generates an average of more than ten (10) bags per week and who is not using a dumpster; and
6. A Class "D" user shall be defined as any multi-unit residential user (i.e. - an apartment building complex) which said multi-unit user does not have individual meters for the respective units and for which said multi-unit for purposes of rate determination shall count each individual occupancy or apartment unit as one separate unit, whether occupied or not and apartment unit as one separate unit, whether occupied or not and which said figure shall be multiplied by the appropriate charge as set forth elsewhere in this Section (i.e. For a multi-unit complex of ten (10) apartments, said base rate shall be ten (10) times the appropriate monthly rate.)
7. Large commercial users shall be defined as those commercial users who will collect their solid waste by use of dumpsters.
8. For small commercial customers of solid waste in the City of Marble Hill, Missouri, the rate shall be as follows:
9. Class "A" users - $15.50 per month; and
10. Class "B" users - $30.00 per month; and
11. Class "C" users - $50.00 per month; and
12. Class "D" users - $ 6.50 per unit.
13. Large commercial customers using dumpsters shall be assessed the following monthly charges:
14. Those large commercial customers requiring one pickup per week - $40.00 per month; and
15. Those large commercial customers requiring two pickups per week - $57.50 per month; and
16. Those large commercial customers requiring three pickups per week - $75.00 per month; and
17. All schools shall be charged $85.00 per month.
18. All large commercial customers using multiple dumpsters shall be assessed monthly charges at the rate of the number of dumpsters times that rate for that number of pickups required by that commercial. For example, a commercial customer having two pickups per week with two dumpsters would pay a monthly charge of one hundred and fifteen dollars ($115.00).
19. Any residential customer who produces an average of more than three (3) bags per week of solid waste shall be assessed an additional charge in the amount of two dollars ($2.00) per month per additional bag based upon a monthly average.
20. All church or religious related buildings excluding church residential property which shall be treated as residential customers shall be assessed a rate of six dollars ($6.00) per month.
21. That any business activity, either commercial or personal services which does not have a trash dumpster shall not be required to pay any solid waste assessment unless the gross receipts, which shall include receipts from all sales of any items together with all amounts payable for labor or other personal services shall exceed the sum of three thousand dollars ($3,000.00). (Ord. No. 89-18 §§1-6; Ord. No. 89-31 §1)

SECTION 210.100: PENALTIES

Any person violating any of the provisions of this Chapter, or any lawful rules or regulations promulgated pursuant thereto, upon conviction, shall be punished by a fine of not less than five dollars ($5.00) nor more than five hundred dollars ($500.00); provided, that each day's violation thereof shall be a separate offense for the purpose hereof. (MH/Ord. No. 75-2 §10)

CHAPTER 215: LITTER

SECTION 215.010: DEFINITIONS

The following words when used in this Chapter shall have the meanings set out herein:

1. SOLID WASTE: Any useless, unwanted, or discarded materials which are not discharged directly into the atmosphere or the sanitary sewer system.
2. GARBAGE: Waste from the preparation, cooking, and serving of food or from handling, storage and sale of produce and meat.
3. LIFTER: Rubbish, straw, hay, grass, paper, lumber, scrap lumber, debris, junk, cardboard, glass, metal objects, used and discarded auto parts, tires, stoves, refrigerators, or other large appliances, large crates, tree branches, or abandoned or discarded automobiles, manure, crop residue, dead animals, or any other item which is unwanted, useless, or discarded. (Ord. No. 80-10 §10; CC §64.010)

SECTION 215.020: LITTER IN PUBLIC PLACES

No person shall throw or deposit solid waste, garbage or litter, including melon rinds, eggs, banana peelings, vegetables, paint, food coloring, ink, or other substance which mars or defaces, in or upon any street, sidewalk or public place in the City except in public receptacles or authorized private receptacles. (Ord. No. 80-10 §1; CC §64.020)

SECTION 215.030: MANNER OF DISPOSING

Persons placing solid waste, garbage or litter in public receptacles or in authorized private receptacles shall do so in such manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. (Ord. No. 80-10 §1; CC §64.030)

SECTION 215.040: SWEEPING SOLID WASTE, GARBAGE, OR LITTER INTO PUBLIC PLACES

No person shall sweep into or deposit in any gutter, street, or other public place within the City of Marble Hill the accumulation of solid waste, garbage, or litter from any building or lot or from any public or private sidewalk or driveway. (Ord. No. 80-10 §1; CC §64.040)

SECTION 215.050: BURNING LITTER, ETC., PROHIBITED

No person shall burn any litter in any street, gutter, or other public place within the City. (Ord. No. 80-10 §1; CC §64.050)

SECTION 215.060: SIDEWALKS TO BE KEPT FREE OF LITTER

Persons owning or occupying property shall keep the sidewalk in front of their premises free of solid waste, garbage, or litter. Persons owning or occupying places of business within the City shall keep the front of their business premises free of solid waste, garbage or litter. (Ord. No. 80-10 §1; CC §64.060)

SECTION 215.070: LITTERING BY PERSONS IN VEHICLES

No person, while a driver or passenger in a vehicle, shall throw or deposit solid waste, garbage or litter upon any street or other public place within the City, or upon any private property. No driver of any vehicle shall allow any passenger in that vehicle to throw or deposit solid waste, garbage or litter upon any street or other public place within the City, or upon private property. (Ord. No. 80-10 §1; CC §64.070)

SECTION 215.080: TRANSPORTATION OF SOLID WASTE, GARBAGE OR LITTER

No person shall drive or move any truck or any other vehicle hauling or transporting solid waste, garbage, or litter within or about the City unless such vehicle is so constructed and the load secured so as to prevent any of the contents therein being blown, dropped or deposited upon any street, alley or other public place. (Ord. No. 80-10 §1; CC §64.080)

SECTION 215.090: SOLID WASTE, GARBAGE, OR LITTER ON ANY PRIVATE PREMISES

No person shall throw or deposit solid waste, garbage, or litter upon any private property within the City, whether owned by such persons or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such manner that solid waste, garbage, or litter will be prevented from being carried or deposited by the elements upon any street, sidewalk, or other public place, or upon any private property owned by another. (Ord. No. 80-10 §1; CC §64.090)

SECTION 215.100: PENALTY

Each person who shall fail, neglect, or refuse to comply with the provisions of this Chapter shall be guilty of a misdemeanor; and upon conviction thereof, shall be punished with a fine of not less than five dollars ($5.00) nor more than three hundred dollars ($300.00), or by imprisonment in a City Jail for a period of not more than thirty (30) days or by both such fine and imprisonment. (Ord. No. 80-10 §1; CC §64.100; Ord. No. 94-29 §1, 7-11-94)

CHAPTER 220: JUNK AUTOS

**SECTION 220.010: DEFINITIONS**

Except where otherwise indicated by the context, the following definitions shall apply in the interpretation and enforcement of this Chapter:

1. *Debris:* Weed cuttings, cut and fallen trees and shrubs, high grass, weeds, overgrown vegetation and noxious weeds which are seven inches or more in height, rubbish and trash, lumber not piled or stacked twelve inches off the ground, rocks or bricks, tin, steel, parts of derelict cars or trucks, broken furniture, and/or any flammable material, household appliances including but not limited to refrigerators, deep freezes, microwaves, televisions, stoves, ranges and ovens. The word “debris” also includes any other material which is found on any lot or land that is unhealthy or unsafe, provided (1) that it is described in detail in the notice that is required in Sections below, and (2) that the definition is not challenged by requesting a formal hearing as provided in Sections below.
2. *Vehicle:* Any machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides, including but limited to automobiles, trucks, trailers, motorcycles, tractors, buggies, motorhomes, mobile homes, trailers, campers and wagons, or any part thereof.
3. *Damaged or Disabled Vehicle:* Any vehicle which is not registered or improperly registered with the State of Missouri; has been inoperable for more than seventy-two (72) hours or is in such a state of repair as to be inoperable, except those on the premises of a duly licensed automobile repair or sales business; or in a duly licensed automobile junking yard.
4. *Junk*: The same meaning as defined in Section 615.010 of this Code. (Ord. No. 80-10 §1; CC §51.500: Repealed and replaced Ord. 2014-11, Section 2)

**SECTION 220.020:** **DEBRIS A PUBLIC NUISANCE**

Any condition on any lot or land that has the presence of debris of any kind is hereby declared to be a public nuisance, subject to abatement (Ord. No. 80-10 § 1, CC §51.510: Replaced by Ord. 2014-11, Section 3)

**SECTION 220.030:** **NOTICE (DEBRIS/GRASS)**

Enforcement of Sections 220.010 through 220.060 shall be the responsibility of the Marble Hill City Police together with the City Administrator and/or the Alderman who oversees the Police Department. Enforcement shall commence by providing notice to the owner of the property or the occupier or the property of the nuisance condition existing on his/her/its property. The notice may be delivered by personal service, by certified mail, or by ordinary mail or by posting such notice on the premises. (If sent by ordinary mail, there will be a refutable presumption that the letter was delivered 5 days after the date it was sent.)

A. The notice shall generally describe the nature of the nuisance, the location of the property (using the mailing or popular address rather than a legal description, when reasonably possible to do so), and ordering the property owner to, within a period of seven days from the receipt of the notice, abate the nuisance.

B. Any owner who wishes to challenge the order of abatement may do so, provided that within the seven day period he/she/it requests a hearing on the validity of the order. If no such request is made within that time period, the order becomes final and is not subject to challenge elsewhere. If such request is made, the hearing shall be conducted by the City Administrator. Should the City Administrator be unable or unwilling for any reason to conduct said hearing, then the Alderman who has been appointed to oversee the police department shall conduct the hearing. The City Attorney shall represent the City during any such hearing. The request for a hearing must be in writing and delivered to the City Clerk, but otherwise no particular formality is required. Notice to the property owner of his right to request such hearing shall be given by including a copy of this ordinance with any notice sent under authority of this section.. (Ord. No. 80-10 §1; CC §51.520: Repealed and replaced by Ord. 2014-11, Section 4)

**SECTION 220.040: ABATEMENT OF NUISANCE**

A. If the nuisance is present on the property seven days after receipt of the notice by the property owner and no hearing has been requested, the City Administrator shall cause the same to be abated. (The costs of abatement may include a fee for the city’s costs in administering this ordinance, which fee shall not exceed $100.00.) The enforcement official shall verify the cost of such abatement to the city clerk or other officer in charge of finance who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the collecting official’s option, and shall be collected in the same manner and procedure as for collecting real estate taxes.

i. The cost to be assessed for the cutting and removal of weeds or the removal of other debris shall be at the following rate: $30.00 per hour for each individual performing such work. (Ord. No. 80-10 §1; CC §51.530: Repealed and Replaced by Ord. 2014-11, Section 5)

**SECTION 220.050:** **VIOLATION IS AN OFFENSE**

1. An owner or occupier of property who fails to remove a nuisance within the time prescribed by Sections 220.010 through 220.060 shall be guilty of an offense and may (at the option of the city) be charged in municipal court with the offense of “failure to abate a nuisance.”
2. The punishment range for the offense of “Failure to Abate a Nuisance” shall be up to 10 days in jail or up to a $1,000 fine. (Ord. No. 80-10 §1; CC §51.540: Repealed and replaced by Ord. 2014-11, Section 6)

**SECTION 220.060:** **DUTY OF OWNER, CUSTODIAN, LESSEE OR OCCUPANT**

1. It shall be the duty of any owner, lessee or occupant of any lot, land or personal property to cut and remove or cause to be cut and removed all such weeds, grass, poisonous or harmful vegetation as often as may be necessary to comply with the provisions of this Chapter.
2. It shall be the duty of any owner, custodian, lessee or occupant of any property that has received notice to comply with the provisions of the notice requiring abatement. (Ord. No. 80-10 §1; CC §51.560: Repealed and replaced by Ord. 2014-11, Section 7)

**SECTION 220.070: RESERVED** (Ord. 2014-11, Section 8)

**SECTION 220.080. PURPOSE AND SCOPE**

It is the purpose of Ordinances 220.080 to 220.190 to provide a just, equitable and practicable method for the repairing, vacation or demolition of buildings or structures that may endanger the life, limb, health, property, safety or welfare of the occupants of such buildings or general public, and this ordinance shall apply to all dangerous buildings, as herein defined, that now are in existence or that may hereafter exist in the City of Marble Hill, Missouri. (Ord. 2014-08, Section 1)

**SECTION 220.090. DANGEROUS BUILDINGS DEFINED.**

All buildings that are detrimental to the health, safety or welfare of the residents of the City of Marble Hill and that have any or all of the following defects shall be deemed “dangerous buildings”:

Those with interior walls or other vertical structural members that list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.

Those that, exclusive of the foundation, show thirty-three (33) percent or more damage or deterioration of the supporting member or members or fifty (50) percent damage or deterioration of the non-supporting enclosing or outside walls or covering.

Those that have improperly distributed loads upon the floors or roofs, or in which the same are overloaded or that have insufficient strength to be reasonability safe for the purpose used.

Those that have been damaged by fire, wind or other causes so as to become dangerous to life, safety or the general health and welfare of the occupants or the people of the city.

Those that are so dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or welfare of those occupying such building.

Those having light, air and sanitation facilities that are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.

Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other adequate means of evacuation.

Those that have parts thereof that are so attached that they may fall and injure members of the public or property.

Those that because of their condition is unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this city.” Ord. 2014-08, Section 2)

**SECTION 220.100. DANGEROUS BUILDINGS DECLARED NUISANCE**

All dangerous buildings, as defined by Section 220.090, are hereby declared to be public nuisances, and shall be repaired, vacated or demolished as provided. (Ord 2014-08, Section 4)

**SECTION 220.110. STANDARDS FOR REPAIR, VACATION OR DEMOLITION**

The following standards shall be followed in substance by the building inspector and the building commissioner, in ordering repair, vacation or demolition of any dangerous building.

If the dangerous building reasonably can be repaired so that it no longer will exist in violation of the terms of this ordinance, it shall be ordered repaired.

If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, it shall be ordered to be vacated and repaired.

In all cases where a building cannot be repaired so that it no longer will exist in violation of the terms of this ordinance, it shall be demolished.

In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this ordinance or any ordinance of this City of Marble Hill or statute of the State of Missouri, it shall be repaired or demolished. (Ord 2014-08, Section 5)

Section 220.120 shall read in its entirety as follows:

**SECTION 220.120. BUILDING INSPECTOR**

All city police officers and all other City of Marble Hill employees so designated by the City Administrator shall be building inspectors within the meaning of this ordinance. (Ord. 2014-08, Section 6)

**SECTION 220.130. DUTIES OF BUILDING INSPECTOR: PROCEDURE AND NOTICE**

The building inspector shall have the duty under this ordinance to:

Inspect, or cause to be inspected, as often as may be necessary, all residential, institutional, assembly, commercial, industrial, garage, special or miscellaneous occupancy buildings for the purpose of determining whether an conditions exist that render such places a dangerous building when he has reasonable grounds to believe that any such building is dangerous.

Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this ordinance, and the building inspector determines that there are reasonable grounds to believe that such building is dangerous.

Inspect any building, wall or structure reported by the fire or police departments of this City of Marble Hill as probably existing in violation of this ordinance.

Notify in writing, either the personal service or by certified mail, return receipt requested, or if service cannot be had by either of these modes of service, then service may be had by publication in a newspaper qualified to publish legal notices for two (2) successive weeks, the owner, person in control of the property, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Bollinger County, of any building found by him to be a dangerous building within the standards set forth in Section 220.090.

The notice required shall state that:

The owner or person in control of the property must vacate, vacate and repair or vacate and demolish said building in accordance with the terms of the notice and this ordinance;

The occupant or lessee must vacate said building or have it repaired in accordance with the notice and remain in possession;

The mortgagee, agent or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the county wherein the land is located, may, at has own risk, repair, vacate or demolish or have such work done, provided that any person notified under this subsection to repair, vacate or demolish any building, shall be given such reasonable time not exceeding thirty (30) days to commence the required work;

The notice provided for in this section shall state a description of the building or structure deemed dangerous, a statement of the particulars that make the building or structure a dangerous building and an order requiring the designated work to be commenced within the time provided for in the above subsection;

Report in writing to the city building commissioner the noncompliance with any notice to vacate, repair or demolish or upon the failure to proceed continuously with the work without unnecessary delay;

Appear at all hearings conducted by the building commissioner and testify as to the condition of dangerous buildings.

Immediately report to the building commissioner concerning any building found by him to be inherently dangerous and that he determined to be a nuisance per se. The building commissioner may direct that such building be marked or posted with a written notice reading substantially as follows:

“This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building until it is repaired, vacated or demolished in accordance wit the notice that has been given the owner, person in control of the property, occupant, lessee, mortgagee or agent of his building, and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Bollinger County. It is unlawful to remove this notice until such notice is complied with.”

Provided, however, that the order by the building commissioner and the posting of said notice, shall not be construed to deprive all persons entitled thereto by this ordinance to the notice and hearing prescribed herein. (Ord. 2014-08, Section 7)

**SECTION 220.140. BUILDING COMMISSIONER**

The City Administrator shall act as building commissioner under this ordinance. (Ord. 2014-08, Section 8)

**SECTION 220.150. DUTIES OF THE BUILDING COMMISSIONER**

The building commissioner shall have the power pursuant to this ordinance to:

1) Supervise all inspections required by this ordinance, and cause the building inspector to make inspections and perform all the duties required of him by this ordinance. Upon receiving a complaint or report from any source, that a dangerous building exists in the city, the building commissioner shall cause an inspection to be made forthwith. If the building commissioner deems it necessary to the performance of his duties and responsibilities imposed herein, the building commissioner may request an inspection and report be made by any other city department or retain services of an expert whenever the building commissioner deems such service necessary.

2) Upon receipt of a report from the building inspector indicating failure by the owner, person in control of the property, lessee, occupant, mortgagee, agent or other person(s) having interest in said building to commence work of reconditioning or demolition within the time specified by this ordinance or upon failure to proceed continuously with work without unnecessary delay, the building commissioner shall hold a hearing giving the affected parties full and adequate hearing on the matter.

Written notice, either by personal service or by certified mail, return receipt requested, or by publication for two (2) successive weeks, in a newspaper qualified to publish legal notices, at least twenty-one (21) days in advance of a hearing date, to the owner, person in control of the property, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the recorder of deeds of the county wherein the land is located, to appear before the building commissioner on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the building inspector’s notice as provided herein.

Any party may be represented by counsel and all parties shall have an opportunity to be heard.

3) Make written findings of fact from the evidence offered at said hearing s to whether or not the building in question is a dangerous building within the terms of Section 220.090.

4) If the evidence supports a finding based upon competent and substantial evidence that the building or structure is a dangerous building, the building commissioner shall issue an order based upon its findings of fact commanding the owner, person in control of the property, occupant, mortgagee, lessee, agent or other person(s) having an interest in said building as shown by the land records of the county wherein the land is located, to repair, vacate or demolish any building found to be a dangerous building, provided that any person so notified, shall have the privilege of either repairing or vacating and repairing said building, if such repair will comply with the ordinances of this City of Marble Hill or the owner, or the person in control of the property, or any person having an interest in said building as shown by the land records of the county wherein the land is located, may vacate and demolish said dangerous building at his own risk to prevent the acquiring by the City of Marble Hill of the lien against the land where the dangerous building stands. If the evidence does not support a finding that a building or structure is a dangerous building, no order shall be issued.

5) If the owner, person in control of the property, occupant, mortgagee or lessee fails to comply with the order within thirty (30) days, the building commissioner may cause such building or structure to be repaired, vacated or demolished as the facts may warrant; and the building commissioner shall certify the cost of the work borne by the City of Marble Hill for such repair, vacation or demolition to the city clerk as a special assessment represented by a special tax bill against the real property affected; said tax bill shall be a lien upon said property and shall be deemed a personal debt against the property owner(s). Except as provided in subsection 6 of this section, at the request of the taxpayer this special tax bill may be paid in installments over a period of not more than ten (10) years; said assessment shall bear interest at the rate of nine (9) percent per annum until paid.

6) As to damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, if an order is issued by the building commissioner as provided in subsection 5 of this section, and a special tax bill or assessment is issued against the property, it shall be deemed a personal debt against the property owner. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, the following procedure is established for the payment of up to twenty five (25) percent of the insurance proceeds, as set forth in subdivisions a and b of this subsection. This subsection shall apply only to a covered claim payment that is in excess of fifty (50) percent of the face value of the policy covering a building or other structure:

a) The insurer shall withhold from the covered claim payment up to twenty-five (25) percent of the covered claim payment, and shall pay such moneys to the city to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under the ordinance.

b) The city shall release the proceeds and any interest that has accrued on such proceeds received under subdivision (a) of this subsection to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after receipt of such insurance moneys, unless the city has instituted legal proceedings under the provisions or subsection (5) of this section. If the city has proceeded under the provisions of subsection. If the city has proceeded under the provisions of subsection (5) of this section, all moneys in excess of that necessary to comply with the provisions of subsection (5) of this section for the removal of the building or structure, less salvage value, shall be paid to the insured.

7) If there are no proceeds of any insurance policy as set forth in subsection (6) of this section, at the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from date of its issuance shall be a lien on the property and a personal debt against the property owner(s) until paid.

8) Subsection (6) of this section shall apply to fire, explosion or other casualty loss claims arising on all buildings and structures.

9) Subsection (6) of this section does not make the city a party to any insurance contract, and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

10) The building commissioner may certify in lieu of payment of all or part of the covered claim under subsection (6) that it has obtained satisfactory proof that the insured has removed or will remove the debris and repair, rebuild or otherwise make the premises safe and secure. In this event, the building commissioner shall issue a certificate within thirty (30) days after receipt of proof to permit covered claim payment to the insured without the deduction pursuant to subsection (6) of this section. It shall be the obligation of the insured or other person making the claim to provide the insurance company with the written certificate provided from this subsection. (Ord. 2014-08, Section 9)

**SECTION 220.160. APPEAL**

Any owner, person in control of the property, occupant, lessee, mortgagee, agent or any other person(s) having an interest in a dangerous building as shown by the land records of the recorder of deeds of the county wherein the land is located, may, within thirty (30) days from the receipt of the order of the building commissioner, appeal such decision to the circuit court of the county wherein the land is located, pursuant to the procedure established in Chapter 536 of the Revised Statues of Missouri. (Ord. 2014-08, Section 10)

**Section 220.170. Emergencies**

In cases where it reasonably appears that there is immediate danger to the health, life or safety of any person unless a dangerous building, as defined herein, is immediately repaired, vacated or demolished, the building inspector shall report such facts to the building commissioner and the building commissioner may cause the immediate repair, vacation or demolition of such dangerous building. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in Section 220.150(5). (Ord 2014-08, Section 11)

**SECTION 220.180 DAMAGED OR DISABLED VEHICLES ARE NUISANCES**

Any damaged or disabled vehicle, part thereof, or junk, located on any property, street, or highway which presents a hazard to children, or harbors tall grass, weeds, or other vegetation, or creates a fire hazard, or affords a breeding place or nesting place for mosquitoes, flies, rodents, rats, or other vermin or any vehicle, part thereof, or junk allowed to remain unmoved on any street or highway for seventy-two (72) hours or on private property in plain view, is a public nuisance.” (Ord. 2014-08, Section 12: Repealed and replaced by Ord. 2014-11, Section 9)

SECTION 220.190: UNLAWFUL TO MAINTAIN

It shall be unlawful for any person to create or maintain a nuisance as defined in Section 220.180. (Ord. 2014-08, Section 13: Repealed and replaced by Ord. 2014-11, Section 10)

SECTION 220.200: NOTICE (JUNK AUTOS)

Whenever the Chief of Police or his duly authorized representative determines that any vehicle or junk is a nuisance as defined herein, he shall cause written notice to be served upon the owner of the vehicle or junk, if he can be located, or the person in custody of such vehicle or junk, by certified mail or by personal service.

A. The notice shall state that the vehicle or junk is deemed to be a nuisance within the provisions of Section 220.180 hereof, and shall briefly state facts deemed to constitute such vehicle or junk a nuisance within the terms of this Chapter, and state that the nuisance shall be abated within seven (7) days from receipt of such notice.

B. The notice shall state that a hearing will be held and give the date and time of said hearing. Any owner who wishes to challenge the order of abatement may do so by attending the hearing. The hearing shall be conducted by the City Administrator. Should the City Administrator be unable or unwilling for any reason to conduct said hearing, then the Alderman who has been appointed to oversee the police department shall conduct the hearing. The City Attorney shall represent the City during any such hearing. After the hearing, the City Administrator or the City Alderman conducting the hearing shall make a determination as to whether or not a nuisance exists on the property at issue. If a nuisance is found to exist, the property owner or occupier shall be given some amount of time in which to remove the nuisance. Failure to abate nuisance within the time period given at the hearing shall be cause for the property owner or occupier to receive a ticket for “Failure to Abate a Nuisance” as described in Section 220.260 and shall give cause for the City to enter onto the property to abate the nuisance as provided for in Ordinances 220.030 through 220.050. (Ord. 2014-11, Section 11)

SECTION 220.210: PROCEEDINGS WHEN OWNER OR CUSTODIAN CANNOT BE LOCATED

When the owner or custodian of any nuisance as defined in Section 220.180 cannot be located by reasonable search, the notice shall be attached to the property, briefly stating facts deemed to constitute the property a nuisance and stating that the nuisance shall be abated within seven (7) days of the date notice was posted, or if the vehicle is on public property, within two (2) days of the date notice was posted. (Ord. 2014-11, Section 12)

SECTION 220.220: DUTY OF THE OWNER OR CUSTODIAN

Any person receiving the notice provided for above shall comply with the provisions of the notice requiring abatement. (Ord. 2014-11, Section 13)

SECTION 220.230: DISPOSITION

If not removed within the time specified in the notice (provided for by Sections 220.200 and 220.210, the vehicle or junk shall be transported to a storage area by or at the direction of the Chief of Police or his duly authorized representative at the expense of the owner or person in custody thereof. It shall then be stored for a period of at least ninety (90) days, and the person entitled to possession thereof may redeem the property by payment to the City of the actual cost of its removal and a reasonable storage fee. If the vehicle or junk is unredeemed after the expiration of the ninety (90) day period, the Chief of Police may sell it to the highest bidder or, if it has no sale value, may otherwise dispose of it. Any money received from disposal of any vehicle or junk shall be applied to the expenses charged to the owner or person in charge thereof, and any excess held in escrow or returned to him. (Ord. 2014-11, Section 14)

SECTION 220.240: NOTICE OF SALE

Prior to the sale of any such property, the Chief of Police shall cause to be posted in the City Hall, place of storage and at least one other public place in the City, a notice of sale stating:

1. The City is selling abandoned property;
2. The color, make, year, motor number, and serial number, if available, and any other information necessary for an accurate identification of the property;
3. The terms of the sale;
4. The date, time, and place of the sale.

This notice shall be published not less than ten (10) nor more than twenty (20) days prior to the date of the sale. (Ord. 2014-11, Section 15)

**SECTION 220.250: ENTRY ONTO PRIVATE PROPERTY**

The Chief of Police or his duly authorized representative may not enter upon private property for inspection or for the purpose of removing any vehicle or junk in accordance with this Chapter unless the Chief or representative has the consent of the private property owner or has obtained a warrant from the proper official and is proceeding in accordance therewith. (Ord. 2014-11, Section 16)

**SECTION 220.260:** **VIOLATION IS AN OFFENSE**

1. through 220.250 shall be guilty of an offense and may (at the option of the city) be charged in municipal court with the offense of “failure to abate a nuisance,
2. The punishment range for the offense of “Failure to Abate a Nuisance” shall be up to 10 days in jail or a $1,000 fine. (Ord. 2014-11, Section 17)

CHAPTER 225: RESERVED

Ord. No. 80-10 §1; CC §65.010: Ord. No. 80-10 §1; CC §65.020: Ord. No. 80-10 §1; CC §65.030: Amended by Ord. 01-11, July 12, 2004. Amended by Ord. 2010-09. November 9, 2010: Ord. No. 80-10 §1; CC §65.040. All repealed by Ord. 2014-11 Section 18.

CHAPTER 230: PUBLIC ACCOMMODATIONS

SECTION 230.010: CITATION OF CHAPTER

This Chapter shall be known as and may be cited as "The Public Accommodations Code." (Ord. No. 80-10 §1; CC §56.010)

SECTION 230.020: POLICY

It is hereby declared to be the policy of this City, in exercise of its licensing and police powers for the preservation of the peace and the protection of the health, welfare, and safety of its citizens to prohibit discriminatory practices in places of public accommodation within the City. (Ord. No. 80-10 §1; CC §56.020)

SECTION 230.030: DISCRIMINATORY PRACTICES PROHIBITED

Discriminatory practices, as hereinafter defined and established, in places of public accommodation are hereby prohibited and declared unlawful.

1. It shall be a discriminatory practice, directly or indirectly, to deny, refuse or withhold from any person, full and equal accommodation advantages, facilities and privileges in places of public accommodation because of race, color, religious affiliation, sex, ancestry, or national origin.
2. It shall be a discriminatory practice for the owner, lessee, manager, proprietor, concessionaire, custodian, agent or employee of a place of public accommodation within the City to treat any person differentially in the sale of a commodity, in the use of a facility or to segregate or require the placing of any person in any separate section of the premises, or facilities, because of race, color, religious affiliation, sex, ancestry, or national origin.
3. It shall be a discriminatory practice to place, post, maintain, display or circulate, or knowingly cause, permit or allow the placing, posting, maintenance, display or circulation of any written or printed advertisement, notice or sign of any kind or description to the effect that any of the accommodations, advantages or facilities of any place of public accommodations, advantages or facilities of any place of public accommodation shall be refused, withheld from, or denied to any person because of race, color, religious affiliation, sex, ancestry or national origin, or that the patronage of any person is unwelcome, objectionable, or not accepted, desired or solicited because of race, color, religious affiliation, sex, ancestry or national origin, or that any person is required or requested to use any separate section or area of the premises or facilities because of race, color, religious affiliation, sex, ancestry or national origin.
4. Provided, that nothing in this Section shall be construed to prohibit separate facilities for the two sexes in toilets or restrooms, where a need for privacy outweighs the policy of equal access to places of public accommodation. (Ord. No. 80-10 §1; CC § 56.040)

CHAPTER 235: FIREWORKS

SECTION 235.010: SALE OF FIREWORKS

It shall be unlawful for any person to sell or offer for sale any type or kind of fireworks or firecrackers within the corporate limits of the City of Marble Hill, except from 8:00 A.M. through 10:00 P.M. of each day from and beginning on the twenty-fifth (25th) day of June through and including the seventh (7th) day of July of each year, except for the Fourth (4th) of July, on which date the closing time shall be 11:00 P.M., during which time fireworks and firecrackers may be sold within the corporate limits of the City of Marble Hill, Missouri. (LU/Ord. No. 84-40; Ord. No. 94-25, §1, 6-23-94)

SECTION 235.020: DISCHARGE PROHIBITED IN CERTAIN AREAS AND AT CERTAIN TIMES

1. It shall be unlawful for any person to discharge or shoot any type of firework or firecrackers within the corporate limits of the City of Marble Hill, Missouri, except as follows:
2. From 8:00 A.M. to 10:00 P.M. beginning the twenty-fifth (25th) day of June through and including the seventh (7th) day of July, on private property only.
3. It shall be unlawful for any person to discharge or shoot any type of fireworks or firecracker on any public street, public sidewalk, public park, or from any motor vehicle, moving or parked, or within the business district of the City, except, that the Board of Aldermen may permit the discharge or shooting of fireworks on public property if the same is sponsored and conducted by a locally approved organization.
4. It shall be unlawful for any person to discharge or shoot any type of fireworks or firecrackers across or along any public street.
5. It shall be unlawful for any person to discharge or shoot any type of fireworks or firecrackers into or onto any building or property without the express consent of the owner thereof.
6. It shall be unlawful for any person to discharge or shoot any type fireworks at another person, or at any animal, or at any motor vehicle. (LU/Ord. No. 84-30; Ord. No. 94-24 §1, 6-15-94)

CHAPTER 240: ANIMALS AND DOGS

SECTION 240.010: DEFINITIONS

*OWNER*: Any person, firm or corporation owning, harboring or keeping a dog, fowl or other animal.

*AT LARGE*: Off the premises of the owner and not under the control of the owner or a member of his immediate family or the person charged with its care either by leash or otherwise. (Ord. No. 80-10 §1; CC §73.010)

SECTION 240.020: RUNNING AT LARGE NOT PERMITTED

No dog, fowl, or other animal shall be permitted to run at large within the City limits of Marble Hill, Missouri. (Ord. No. 80-10 §1; CC §73.015)

SECTION, 240.030: DOGS, OR OTHER DOMESTICATED ANIMALS NOT RUNNING AT LARGE

The restriction imposed by Section 240.020 shall not prohibit the appearance of any dog, or other domesticated animal upon the streets or public property when such dog or domesticated animal is on a leash or is kept under the immediate control of the person charged with its care. (Ord. No. 80-10 §1; CC §73.020)

SECTION 240.040: IMPOUNDMENT; NOTICE OF IMPOUNDMENT, WHERE; POUND FEES

The Chief of Police or such other person as shall be designated by the Mayor shall impound any dog, fowl, or other animal found running at large and written notice of the impounding shall be given to the owner of such dog, fowl, or other animal, if known, and the owner, after receiving notice, shall have ten (10) business days to claim such dog, fowl, or other animal and to pay pound fees. If the owner is unknown, such officer shall post notice at the pound and at the City Hall that if the dog, fowl or other animal is not claimed by a certain time and date, said time and date being ten (10) business days after the impoundment, the said dog, fowl or other animal will be killed. If such dog, fowl or other animal is not claimed within the time specified and all fees and charges paid, the Chief of Police or such other person designated by the Mayor shall kill such dog, fowl or other animal and dispose of its carcass. The impounded dog, fowl or other animal shall be housed and fed in a humane manner at the pound. An impounding fee of twenty- five dollars ($25.00) shall be charged for any dog, fowl or other animal held at the pound. (Ord. No. 87-5 §1: Revised April 13, 2009, Ord. No. 09-04)

SECTION 240.050: NOTICE OF IMPOUNDING

Upon taking up and impounding any dog, fowl or other animal, and if the owner is unknown, the officer impounding such dog, shall immediately post at the pound and at the City Hall a notice of impounding in substantially the following form:

NOTICE OF IMPOUNDING (DOG) (FOWL) (DESCRIPTION OF SUCH OTHER ANIMAL) Date:

Date:

To whom it may concern:

I have this day taken up and impounded in the Pound of the City of Marble Hill, Missouri, a

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ answering to the following description:

 Sex Color

 Breed Approximate Age

 Name of Owner

Notice is hereby given that unless said\_\_\_\_\_\_\_\_ is claimed and redeemed on or before \_\_\_\_\_\_\_\_\_\_\_ o’clock, \_\_M. on the day of \_\_\_\_\_\_\_\_\_\_, 19\_\_, the same will be sold or killed as provided by Ordinance. (Ord. No. 80-10§1; CC§73.040)

SECTION 240.060: POUND LOCATION; POUND MASTER

The City Pound shall be located at\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ . The Chief of Police or such other person as designated by the Mayor shall be the Pound Master and shall attend to the maintenance of such pound, and presenting a proper claim to the Board monthly for the necessary expenses which he may incur in so doing, and if allowed by the Board, shall be paid by the Treasurer. (Ord. No. 80-10 §1; CC §73.040)

SECTION 240.070: BARKING OR CRYING DOGS

1. No person shall keep or harbor a dog which habitually barks or cries between he hours of 10:00 p.m. and 6:00 a.m. (Ord. 09-05, §1, 4-13-09)
2. Whenever any person shall complain to the police department that a dog, which habitually barks, howls or yelps, or a cat, which habitually cries or howls, is being kept by any person in the city, the police department shall notify the owner of such dog or cat that a complaint has been received and that the person should take whatever steps necessary to alleviate the howling, yelping or crying.
3. If the warning given to the person alleged to be keeping a dog or cat as set forth in (A) above is ineffective, then a verified complaint of at least two (2) citizens, not from the same family, may be presented to the police department, alleging that a vicious dog or a dog which habitually barks, howls or yelps, or a cat which habitually cries or howls is being kept by a person within the city. The police department shall inform the owner of such dog or cat that such petition has been received and shall cite the owner of the dog or cat for the violation alleged in the petition. (Ord. No. 80-10 §1; CC §73.045: Revised Ord. No. 06-14; 7-20-06, Revised Ord. No. 09-05, 4-13-09)

SECTION 240.080: UNLAWFUL ENTRY INTO POUND

It shall be unlawful for any unauthorized person to break open the Pound or to attempt to do so, or to take or let out any dogs, fowls, or other animals there from, or to take or attempt to take from any officer any dog, fowl or other animal taken up by such officer in compliance with this Chapter or in any manner to interfere with or hinder such officer in the discharge of his duties under this Chapter. (Ord. No. 80-10 §1; CC §73.050)

SECTION 240.090: POISONED MEAT AND SUBSTANCE

It shall be unlawful to throw or deposit poisoned meat or any poison or harmful substance, in any street, alley or public place, or on any private premises within the City for the purpose of destroying any dog, fowl or other animal. (Ord. No. 80-10 §1; CC §73.055)

SECTION 240.100: HUMANE TREATMENT

1. It shall be unlawful to feed any animal unwholesome or unsuitable food, or unclean water to drink which is likely to cause or produce disease in the animal.
2. No person shall put any push, ashes, hot water, or other torturous materials upon, beat, wound, maltreat, torture, or inflict unnecessary pain or needlessly or cruelly maim, mutilate or kill any animal, nor shall any person give, sell, lend, barter, or otherwise knowingly furnish any instrument, means, compound or other thing to be used for the purpose of maltreating, torturing, maiming or killing any dog, fowl or other animal. (Ord. No. 80-10 §1; CC §73.060)

SECTION 240.110: DISPOSAL OF MANURE OR OFFAL

Every person keeping or harboring any dog, fowl or other animal shall keep or cause to be kept all manure or offal there from which shall be deposited or accumulated from such animal, securely or closely confined in such manner as will prevent it from being scattered from such place of deposit into or upon any street, sidewalk, alley or gutter of the City; and shall so care for it as to prevent any malodorous or offensive condition to exist and to prevent any nuisance to arise there from. (Ord. No. 80-10 §1; CC §73.065)

SECTION 240.120: DISPOSAL OF DEAD ANIMALS IN PUBLIC WAYS

1. No person shall deposit, throw or place any dead or fatally sick or injured dog, fowl or other animal, or part thereof, on any public place or private premises or in any sewer or drainage ditch.
2. It shall be the duty of the City to pick up and dispose of all dead animals and fowls on the public streets or public places. (Ord. No. 80-10 §1; CC §73.070)

SECTION 240.130: DOGS; LICENSE REQUIRED

1. It shall be the duty of any person owning, controlling, possessing or having the management or care, in whole or in part, of any dog to apply to the City Clerk and obtain a dog license tag on or before the first day of July of each and every year, for which license the City Clerk is hereby authorized to charge the sum of three dollars ($3.00) annually for all types of dogs. It is hereby declared a misdemeanor for any such person to neglect, fail or refuse to pay such license fee and secure the metal tag of suitable design and inscribed with the words "Marble Hill D.L.T." with the year of the issuance and to keep the same securely attached to the animal by means of a collar or harness of substantial make and condition, said metal tag to be numbered from one (1) upwards; provided that no metal tag shall be issued unless the applicant therefore presents a certification of inoculation of such dog against rabies from a licensed veterinarian showing inoculation during the previous twelve (12) month period; provided further, that such inoculation requirement shall not apply to any dog less than six (6) months of age.
2. All dogs found within the City without a license tag marked as herein provided and an inoculation tag issued by a duly licensed veterinarian showing vaccination against rabies within the previous twelve (12) months shall be considered as strays and shall be impounded in the City Pound. Notice shall be given to the owner, if known, as provided in Section 240.050. Before the owner of such dog shall be permitted to remove the dog from the Pound, the owner shall obtain a dog license tag and he shall also deposit a sufficient amount of money with the Pound Master to cover the expense of inoculation. Thereafter, the Pound Master shall take the dog to a licensed veterinarian and have the same inoculated against rabies. (Ord. No. 80-10 §1; Ord. No. 87-25 §1; Ord. No. 88-10 §1; CC §73.075)

SECTION 240.140: UNDOMESTICATED ANIMALS

No person shall own, keep, harbor or allow to be in or upon his premises any undomesticated animal. (Ord. No. 80-10 §1; CC §73.085)

SECTION 240.150: DOGS, FOWLS, OR OTHER ANIMALS SUSPECTED OF HAVING RABIES

Any dog, fowl or other animal which bites, scratches, or otherwise injures a person and has not been inoculated against rabies within the twelve (12) month period immediately preceding the date of the injury or is believed to have rabies or has been bitten by an animal suspected of having rabies shall be impounded in the City Pound and shall be placed under observation of a veterinarian at the expense of the owner for a period of two (2) weeks. At its own discretion, the City is empowered to have such dog, fowl or animal placed in a Veterinary Hospital or Clinic and there placed under observation for a period of two (2) weeks at the expense of the owner of such dog, fowl or other animal. (Ord. No. 80-10 §1; CC §73.090)

SECTION 240.160: RABID DOGS, FOWLS, OR OTHER ANIMALS

All dogs, fowls or other animals which are affected with rabies shall be put to death by the Pound Master. (Ord. No. 80-10 §1; CC §73.095)

SECTION 240.170: CRUELTY TO ANIMALS PROHIBITED

No person in this City shall overdrive, overwork, torture, cruelly beat, needlessly wound or kill, or carry or transport in any vehicle or other conveyance in an inhumane manner any animal, or cause any of these acts to be done. (Ord. No. 80-10 §1; CC §73.400)

SECTION 240.180: ABANDONMENT OF ANIMALS PROHIBITED

No person in the City shall abandon any animal or cause any animal to be abandoned. (Ord. No. 80-10 §1; CC §73.430)

SECTION 240.190: ANIMAL FIGHTS PROHIBITED

No person in the City shall maintain any place where fowl or animals are suffered to fight upon exhibition or for sport or upon any wager. (Ord. No. 80-10 §1; CC §73.440)

SECTION 240200: WANTON POISONING OF ANIMALS PROHIBITED

No person in the City shall poison any dog or cat, or any other animal if known to belong to another person, or distribute poison in any manner whatsoever with the intent or for the purpose of poisoning any dog or cat, or any other animal known to belong to another person. (Ord. No. 80-10 §1; CC §73.450)

SECTION 240210: KEEPING OF OTHER ANIMALS

No person, firm or corporation shall keep or maintain any hog or hogs, cow or cows, pony or ponies, horse or horses, sheep, goat or goats within the limits of this City. (Ord. No. 80-10 §1; CC §73.600)

SECTION 240220: KEEPING OF OTHER ANIMALS--NUISANCE

That the keeping or maintaining of such animal or animals within the limits of this City shall constitute a nuisance. (Ord. No. 80-10 §1; CC §73.610)

SECTION 240230: VIOLATION IS A MISDEMEANOR

Any person, firm or corporation violating the provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction shall pay a fine of not less than twenty five ($25.00) dollars or more than two hundred ($200.00) dollars. (Ord. No. 80-10 §1; CC § 73.620)

SECTION 240.240: DANGEROUS DOGS

1. Any dog with the following characteristics shall be classified as dangerous.
2. Any dog which has inflicted a severe or fatal injury on a human being on public or private property. "Severe injury" means any physical injury, resulting directly from a dog's bite, which results in broken bones, or lacerations requiring stitches, or inpatient hospitalization. The victim receiving severe injuries, as defined above, must provide the supervisor of animal control a signed physician's statement documenting injury and treatment qualifying such as a severe injury or sign an authorization for release of such statement.
3. Any dog which has killed a domestic animal, livestock or poultry without provocation, while off the owner's property.
4. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.
5. Any dog which has bitten a human being, without provocation, on public or private property other than the property of the owner.
6. Any dog which, while on the owner's property, has bitten, without provocation, a human being other than the owner or a member of the owner's family who normally resides at the place where the dog is kept.
7. Any dog which, when unprovoked, chases, or approaches a person upon the streets, sidewalks, or any public grounds, or a private property other than that property of the owner, in a menacing fashion or apparent attitudes of attack, regardless of whether or not a person is injured by said dog.
8. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of human beings or domestic animals.
9. If the circumstances surrounding the classification as a dangerous dog under any of the definitions listed in Subsection A are in dispute, then the owner has the option of submitting, within five (5) working days, a written request to the City Administrator or Mayor in the absence of the City Administrator for a hearing and possible appeal.
10. A hearing board, consisting of the City Administrator, an Alderman appointed by the Mayor and the Chief of Police, shall be convened within ten (10) working days after receipt of a bona fide written request.
11. Pending the outcome of such a hearing, the dog must be confined in such a manner so as not to be a threat to any person. The confinement may be on the owner's premises or with a licensed veterinarian.
12. The hearing board shall determine whether to declare the animal to be a "dangerous dog" based upon evidence and testimony presented at the time of the hearing by the owner, in addition to witnesses, animal control personnel, police or any other person possessing information pertinent to such determination.
13. The hearing board shall issue written findings within five (5) days after the hearing. The owner or possessor of the animal found to be dangerous shall be required to maintain the animal as herein provided in this Section.
14. Exemptions to Dangerous Dog Classification are as follows:
15. With the exception of Subsection A (1), no dog may be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog, or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the dog or was committing or attempting to commit a crime.
16. With the exception of Subsection A, the animal warden may, because of extenuating circumstances, determine from the investigation of an incident, that an animal is not dangerous. However, the owner, being responsible for said dog, may be warned of the animal's tendencies and to take appropriate action to prevent subsequent incidence. This, however, does not exempt the owner from being cited for other animal control ordinance violations.
17. Dogs owned by governmental or law enforcement agencies when being used in the services of those agencies are exempt.
18. Actions are to be taken for dangerous dogs causing severe or fatal injuries as follows:
19. A dog responsible for an unprovoked severe or fatal attack shall be humanely destroyed.
20. A dog responsible for provoked severe or fatal attack should be maintained as a dangerous dog.
21. The following actions shall be required of owners of dogs that have been declared dangerous dogs:
22. Any dangerous dog which bites or scratches a human being, or any dog, whose behavior immediately prior to or during an incident resulting in a human being bitten or scratched, which is determined to be dangerous, shall be impounded for ten (10) days rabies quarantine.
23. Any dangerous dog shall wear at all times a bright orange collar with a large brightly colored metal tag attached to the collar so the dog can readily be identified as a dangerous dog.
24. The owner or keeper shall notify the animal warden immediately if a dangerous dog is loose, unconfined, or missing, has attacked another animal or has attacked a human being.
25. The owner or keeper shall notify the animal warden within twenty-four (24) hours if a dangerous dog has died or has been sold or given away. If the dog has been sold or given away, the owner or keeper shall provide the animal warden with the name, address and telephone number of the new owner, and the new owner, if the dog is kept within the City limits of Marble Hill, Missouri, must comply with the requirements of this Chapter.
26. While on the owner's property, a dangerous dog must be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure must have minimum dimensions of five (5) feet by ten (10) feet and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than twelve inches (12"). The enclosure must also provide protection from the elements for the dog. The enclosure, when occupied by a dangerous dog, shall not be occupied by any other animal. If the dangerous dog is a female with a litter of puppies under three (3) months of age, the puppies may occupy the same enclosure as the mother.
27. No dangerous dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own violation. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
28. The owner or keeper shall display a sign on his or her premises that there is a dangerous dog on the property. This sign shall be visible and capable of being read from the public highway or thoroughfare from which the property is entered. In addition, a similar sign is required to be posted on the kennel or pen or fenced yard of such animal
29. A dangerous dog may be off the owner's premises if it is muzzled and restrained by a substantial chain or leash not exceeding six (6) feet in length and under the control of a responsible person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.
30. All owners or keepers of dangerous dogs must within ten (10) days of such declaration provide the City Administrator two color photographs (one showing the left profile, the other showing the right profile) of the animal clearly showing the color and approximate size of the animal.
31. It shall be unlawful for the owner or keeper of a dangerous dog within the City of Marble Hill to fail to comply with requirements and conditions set forth in this Section. Any dog found to be subject of a violation of this Section may be, in addition to other penalties provided by this Section, subject to immediate seizure and impoundment for a minimum of ten (10) days or the time necessary for the owner or keeper to show compliance with this Section, whichever is shorter.
32. Guard Dogs.
33. No person shall own, keep, harbor, maintain or allow to be upon any premises occupied by him or under his charge or control any guard dog (for purposes of this Section here defined as a dog not owned by a governmental unit which dog is used to guard public or private property) without such dog being confined behind a fence from which it cannot escape, or within any part of a house or structure except when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure; and must not be used or maintained in a manner which, as determined by the animal warden, endangers individuals on or off the premises guarded.
34. Any guard dog, including law enforcement dogs, used in the City by virtue of such use is hereby declared to be subject to the license and rabies vaccination requirements of this Chapter.
35. All guard dogs residing in or used as such in the City of Marble Hill must be registered annually with the supervisor of animal control.
36. In addition to the other penalties described in this Section, any owner found in violation of this Section shall be subject to a fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) or can be confined in the municipal jail for a term not to exceed ninety (90) days or shall be subject to any combination of said fine or confinement in the municipal jail not to exceed the above described limits.
37. Any person desiring to keep a dangerous dog within the municipal corporate limits of the City of Marble Hill shall be required to annually license said dog and said annual licensing fee shall be twenty-five dollars ($25.00) per year and shall be due on April 1 of each year. This fee shall be in addition to the fee assessed in Section 240.130 A. (Ord. No. 88-7 §§1-8)

SECTION 240.250: CERTAIN ANIMALS--KEEPING PROHIBITED

It shall be unlawful to keep, harbor, own or in any way possess within the City limits of the City of Marble Hill, Missouri:

1. Any warm-blooded, carnivorous or omnivorous, wild or exotic animals (including but not limited to non-human primates, raccoon, skunks, foxes, and wild and exotic cats; but excluding fowl, ferrets and small rodents of varieties used for laboratory purposes;
2. Any animal having poisonous bites;
3. Any pit bull dog; provided, that pit bull dogs registered with the City on the date of publication of this Section may be kept within the City subject to the standards and requirements set forth in Section 240.260 of this Chapter. bull dog" is defined to mean:
4. The bull terrier breed of dog;
5. Staffordshire bull terrier breed of dog;
6. The American pit bull terrier breed of dog;
7. The American Staffordshire terrier breed of dog;
8. Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers;
9. Any dog which has the appearance and characteristics of being predominantly of the breeds of bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds. (Ord. No. 90-11 §1, 7-9-90)

SECTION 240.260: KEEPING OF REGISTERED PIT BULLS

The provisions of Section 240.250 of this Chapter are not applicable to owners, keepers or harborers of pit bull dogs registered with the City of Marble Hill on July 9, 1990. The keeping of such dogs shall, however, be subject to the following standards:

1. Leash and muzzle. No person shall permit a registered pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull dog to be kept on a chain, rope, or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bull dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
2. Confinement. All registered pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine registered pit bull dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house pit bulls dogs must comply with all Zoning and Building Regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
3. Confinement indoors. No pit bull dogs may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
4. Signs. All owners, keepers or harborers of registered pit bull dogs within the City shall within ten (10) days of July 9, 1990, display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign is required to be posted on the kennel or pen of such animal
5. Insurance. All owners, keepers or harborers of registered pit bull dogs must within ten (10) days of July 9, 1990 provide proof to the Marble Hill City Clerk of public liability insurance in a single incident amount of fifty thousand dollars ($50,000.00) for bodily injury to or death of any person or persons or for damage to property ownership, keeping or maintenance of such animal Such policy will be made unless ten (10) days written notice is first given to the Marble Hill Clerk.
6. Identification photographs. All owners, keepers or harborers of registered pit bull dogs must within ten (10) days of July 9, 1990 provide to the City Clerk two (2) color photographs of the registered animal clearly showing the color and approximate size of the animal.
7. Reporting requirements. All owners, keepers or harborers of registered pit bull dogs must within ten (10) days of the incident, report the following information in writing to the Marble Hill City Clerk as required hereinafter:
8. The removal from the City or death of a registered pit bull dog;
9. The birth of offspring of a registered pit bull dog;
10. The new address of a registered pit bull dog owner should the owner move within the City limits.
11. Sale or transfer of ownership prohibited. Sale - No person shall sell, barter or in any other way dispose of a pit bull dog registered with the City to any person within the City unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog; provided that the registered owner of a pit bull dog may sell or otherwise dispose of a registered dog or the offspring of such dog to a person who does not reside within the City.
12. Animals born of registered dogs. All offspring born of pit bull dogs registered within the City must be removed from the City within six (6) weeks of the birth of such animal.
13. Irrefutable presumptions. There shall be an irrefutable presumption that any dog registered with the City as a pit bull dog or any of those breeds prohibited by Section 240.250 of this Chapter is in fact a dog subject to the requirements of this Section.
14. Failure to comply. It shall be unlawful for the owner, keeper or harborer of a pit bull dog registered with the City of Marble Hill to fail to comply with the requirements and conditions set forth in Sections 240.250-240.270. Any dog found to be the subject of a violation of Sections 240.250-240.270 shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the City. (Ord. No. 90-11 §2, 7-9-90)

SECTION 240.270: VIOLATIONS AND PENALTIES

Any person violating or permitting the violation of any provision of Sections 240.250-240.260 shall upon conviction in Municipal Court be fined a sum not less than two hundred dollars ($200.00) and not more than five hundred dollars ($500.00). In addition to the fine imposed, the Court may sentence the defendant to imprisonment for a period not to exceed thirty (30) days. In addition, the Court shall order the registration of the subject pit bull revoked and the dog removed from the City. Should the defendant refuse to remove the dog from the City, the Municipal Court Judge shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of Sections 240.250-240.260 continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates Sections 240.250-240.270 shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitates by the enforcement of Sections 240.250-240.270. (Ord. No. 90-11 §3, 7-9-90)

CHAPTER 245: RESERVED

Ord. No. 87-17 §1: Ord. No. 87-17 §§2-4: Ord. No. 87-17 §5: Ord. No. 87-17 §6: Revised July 8, 2002, Ord. No. 02-10: Ord. No. 87-17 §7: Ord. No. 87-17 §8: Ord. No. 87-17 §9: All repealed by Ord. 2014-11, Section 19)

CHAPTER 250: MISCELLANEOUS OFFENSES

SECTION 250.010: PASSING BAD CHECKS

A person commits the offense of passing a bad check when, with purpose to defraud, he issues or passes a check or other similar sight order for the payment of money, knowing that it will not be paid by the drawee, or that there is no such drawee.

1. If the issuer had no account with the drawee or if there were no such drawee at the time the check or order was issued, this fact shall be prima facie evidence of his purpose to defraud and of his knowledge that the check or order would not be paid.
2. If the issuer had an account with the drawee, failure to pay the check or order within ten (10) days after notice in writing that it has not been honored because of insufficient funds or credit with the drawee is prima facie evidence of his purpose to defraud and of his knowledge and of his knowledge that the check or order would not be aid. Written notice as used in this Subsection means notice deposited as first class mail in the United States Mail and addressed to the issuer at his address as it appears on the dishonored check or to his last known address. (Ord. No. 80-10 §1; CC §75.010)

SECTION 250.020: TAMPERING

A person commits the offense of tampering if he:

1. Tampers with the property of another for the purpose of causing substantial inconvenience to that person or to another; or

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1. Unlawfully operates or rides in or upon another's automobile, airplane, motorcycle, motorboat, or other motor propelled vehicle; or
2. Tampers or makes connection with property of a utility; or
3. Tampers with the property or facilities of an institution providing health or safety protection. (Ord. No. 80-10 §1; CC §75.030)

SECTION 250.030: PROPERTY DAMAGE

A person commits the offense of property damage if he knowingly damages property of another, or he damages property for the purpose of defrauding an insurer. (Ord. No. 80-10 §1; CC §75.040)

SECTION 250.040: TRESPASS

A person commits the offense of trespass if he enters unlawfully upon real property of another, without license or privilege. (Ord. No. 80-10 §1; CC §75.050)

SECTION 250.050: PEACE DISTURBANCE

1. A person commits the crime of peace disturbance within the City of Marble Hill, if:
2. He unreasonably and knowingly disturbs or alarms another person or persons by:
3. Loud noise; or
4. Offensive and indecent language which is likely to produce an immediate violent response from a reasonable recipient; or
5. Fighting; or
6. Creating a noxious and offensive odor.
7. He is in a public place or on private property of another without the consent and purposely causes inconvenience to another person or persons by unreasonably and physically obstructing:
8. Vehicular or pedestrian traffic; or
9. The free ingress or egress to and from a public or private place.
10. Violation of this Section shall be a misdemeanor and upon conviction of the violation of this Section a person may be fined up to a sum not to exceed five hundred dollars ($500.00) or imprisonment in the County jail for a period not to exceed six (6) months, or by a combination of both such fine and imprisonment. (Ord. No. 86-C §§1,2)

SECTION 250.060: PEACE DISTURBANCE DEFINITIONS

For the purpose of Sections 250.050 the following words shall have the prescribed meanings:

1. *PROPERTY OF ANOTHER*: Any property in which the actor does not have a possessory interest.
2. *PRIVATE PROPERTY*: Any place which at the time is not open to the public. It includes property which is owned publicly or privately.
3. *PUBLIC PLACE*: Any place which at the time is open to the public. It includes property which is owned publicly or privately.

If a building or structure is divided into separately occupied units, such units are separate premises. (Ord. No. 80-10 §1; CC §75.080)

SECTION 250.065: AFFRAYS

It shall be unlawful for two (2) or more persons, in any public place within the city, voluntarily or by agreement, to engage in any fight, or use any blows, violence or mischief toward each other. (Ord. No. 2012-28, §2)

SECTION 250.067: DISORDERLY CONDUCT

1. It is unlawful for any person to engage in disorderly conduct.
2. A person commits the offense of disorderly conduct if, with the purpose of causing public inconvenience, annoyance or alarm, or recklessly creating a risk thereof he/she:
3. Engages in fighting or in violent, threatening or tumultuous behavior;
4. Disturbs or disrupts any lawful assembly or meeting of persons;
5. Knowingly exposes his or her genitals under circumstances which he/she knows that his/her conduct is likely to cause affront or alarm. (Ord. No. 2012-28, §3)

SECTION 250.070: USE OF INTOXICATING SUBSTANCE IN PUBLIC PLACE

A person commits the offense of public use of an intoxicating substance when he shall drink or otherwise consume any alcoholic beverage, intoxicating liquor; or use any controlled substance or narcotic drug in any street, public park or other public place or have in his possession any open container containing any of the above described substances. (Ord. No. 80-10 §1; CC §75.110)

SECTION 250.080: SHOPLIFTING, STEALING

A person commits the offense of stealing if he appropriates property or services of another with the purpose to deprive him thereof, either without his consent or by means of deceit or coercion. (Ord. No. 80-10 §1; CC §75.130)

SECTION 250.090: TRANSPORT OF OPEN CONTAINERS OF ALCOHOLIC BEVERAGES— PROHIBITED

It shall be unlawful for any person to transport an open container of alcoholic beverages upon a public thoroughfare, street, park or sidewalk, or while operating a motor vehicle. (Ord. No. 80-10 §1; CC §75.140; Ord. No. 95-07 §1, 8-14-95)

SECTION 250.100: POSSESSION OF MARIJUANA

Any person who shall be in possession of marijuana weighing less than thirty-five (35) grams by metric weight shall be considered guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) for any first offense. A second or subsequent offense of this section shall carry a maximum fine of up to $2,000 and up to a year in jail. (Ord. No. 80-10 §1; CC §75.150; Ord. No. 95-14 §1, 11-13-95; Ord. No. 2017-07)

SECTION 250.105: DRUG PARAPHERNALIA, POSSESSION, USE, DELIVERY, PENALTY

1. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia, as defined by Section 195.010, RSMo, to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance.
2. It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia as defined by Section 195.010, RSMo, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.
3. PUNISHMENT: Any person who shall be in possession of drug paraphernalia shall be considered guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) for any first offense. A second or subsequent offense of this section shall carry a maximum fine of up to $2,000 and up to a year in jail.

(Ord. No. 00-16, 11-13-2000; Ord. No. 2019-02 §2)

SECTION 250.110: UNLAWFUL USE OF WEAPONS

1. A person commits the offense of unlawful use of weapons if he knowingly;
2. Carries concealed on or about his person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or
3. Sets a spring gun; or
4. Aims a firearm or projectile weapon at another person in an angry or threatening manner, or possesses a knife, firearm, blackjack or any other weapon readily capable of lethal use with purpose to unlawfully use such weapon against another person; or
5. Possesses or discharges a firearm or projectile weapon while intoxicated; or
6. Discharges a firearm within the City limits; or
7. Carries a knife, firearm, blackjack or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any school, or into any election precinct on any election day, or into any building owned or occupied by any agency of the Federal Government, State Government, or political subdivision thereof, or into any public assemblage of persons met for any lawful purpose.
8. Exemptions.
9. Subsections A (1),(3),(5),and (6) of this Section shall not apply to or affect any of the following:
10. Peace officers, or any persons summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer.
11. Wardens and keepers of prisons and jails.
12. Members of the armed forces or National Guard while performing their official duty.
13. Subsection A (1) does not apply when the actor is transporting such weapons in a non-functioning state or when not readily accessible.
14. The defendant shall have the burden of injecting the issue of an exemption under this Subsection B. (Ord. No. 80-10 §1; CC §75.200)

SECTION 250.120: RESISTING OR INTERFERING WITH ARREST

1. A person commits the crime of resisting or interfering with arrest if, knowing that a Law Enforcement Officer is making an arrest, for the purpose of preventing the officer from affecting the arrest, he:
2. Resists the arrest of himself by using or threatening the use of violence or physical force or by fleeing from such officer; or
3. Interferes with the arrest of another person by using or threatening the use of violence, physical force or physical interference.
4. This Section applies to arrest with or without warrants and to arrest for any crime or ordinance violation.
5. T is no defense to a prosecution under Subsection A of this Section that the Law Enforcement Officer was acting unlawfully in making the arrest. However, nothing in this Section shall be construed to bar civil suits for unlawful arrest.
6. Resisting or interfering with arrest is a misdemeanor.
7. Upon being convicted of a violation of this Section, such persons may be fined up to the sum of one thousand dollars ($1,000.00), or imprisoned up to six (6) months in jail, or by both such fine and imprisonment. (MH/Ord. No. 84-9 §11-3; Ord. No. 86-D §1-5)

SECTION 250.130: INDECENT EXPOSURE

1. A person commits the crime of indecent exposure if he knowingly exposes his genitals under circumstances in which he knows that his conduct is likely to cause affront or alarm.
2. Indecent exposure is a misdemeanor.
3. Upon being convicted of a violation of this Section, such persons may be fined up to the sum of five hundred dollars ($500.00), or imprisoned up to three (3) months in jail, or by both such fine and imprisonment. (MH/Ord. No. 84-9 §§1-3; Ord. No. 92-08, §1, 4-13-92)

SECTION 250.140: FIRST AND SECOND DEGREE ASSAULT

1. A person commits the crime of assault in the first degree if:
2. He attempts to cause or knowingly or recklessly causes physical injury to another person; or
3. With criminal negligence, he causes physical injury to another person by means of a deadly weapon; or
4. He recklessly engages in conduct which creates a grave risk/physical injury to another person.
5. Assault in the first degree is a misdemeanor.
6. Upon being convicted of the crime of assault in the first degree, such person may be fined up to the sum of one thousand dollars ($1,000.00), or imprisoned up to six (6) months in jail, or by both such fine and imprisonment.
7. A person commits the crime of assault in the second degree if:
8. He purposely places another person in apprehension of immediate physical injury; or
9. He knowingly causes physical contact with another person, knowing the other person will regard the contact as offensive or provocative.
10. Assault in the second degree is a misdemeanor.
11. Upon being convicted of the crime of assault in the second degree, such person may be fined up to the sum of three hundred dollars ($300.00), or imprisoned up to fifteen (15) days in jail, or by both such fine and imprisonment.
12. For purposes of this Section, the following definitions shall be used:

*PHYSICAL INJURY*: Physical pain, illness or any impairment of physical condition.

*CRIMINAL NEGLIGENCE*: A person acts with criminal negligence when he fails to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow; that such failure constitutes a gross deviation from the standard care which a reasonable person would exercise in that situation.

*DEADLY WEAPON*: Any firearm loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical, injury, may be discharged, or a switch-blade knife, dagger, billy, blackjack or metal knuckles.

*SERIOUS PHYSICAL INJURY*: Injury that creates a substantial risk of death or that causes serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ. (Ord. No. 86-E §1-7)

SECTION 250.150: POSSESSION OR PURCHASE OF INTOXICATING OR NON-INTOXICATING LIQUOR BY PERSON UNDER TWENTY-ONE YEARS OF AGE

1. Any person of the age of seventeen (17) years and under the age of twenty-one (21) who shall represent that he or she has attained the age of twenty-one (21) years for the purpose of purchasing, asking for or in any way receiving any intoxicating or non-intoxicating liquor, except in cases authorized by law, shall upon conviction, be deemed guilty of a misdemeanor. Any person under the age of seventeen (17) years who shall represent that he or she has attained the age of twenty-one (21) years for the purpose of purchasing, asking for or in any way receiving any intoxicating or non-intoxicating liquor, except in cases authorized by law, may be considered a delinquent child and may be dealt with in accordance with the provisions of Chapter 211, RSMo.
2. Any person under the age of twenty-one (21) years, who purchases or attempts to purchase, or has in his possession, any intoxicating or non-intoxicating liquor as defined in Chapter 311 and Chapter 312 of the Missouri State Statutes and as defined by the Code of ordinances of the City of Marble Hill, Missouri, shall be deemed guilty of a misdemeanor.
3. Any person violating the provisions of this Section shall, upon conviction, be deemed guilty of a misdemeanor and shall be fined not less than fifty dollars ($50.00) nor more than two hundred fifty dollars ($250.00), or by confinement in the County jail for a term not to exceed sixty (60) days, or by both such confinement and fine. (MH/Ord. No. 85-4 §1-3)

SECTION 250.160: TAMPERING WITH A VICTIM--PENALTY

A person commits the misdemeanor of tampering with a victim, if he purposely prevents or dissuades, or attempts to prevent or dissuade any person who has been a victim of any crime; or who is acting on behalf of the victim:

1. From making a report of the victimization (crime); or
2. From causing a complaint or information to be sought or to assist in the prosecution;
3. From arresting or seeking the arrest of any person in connection with the crime against the victim. (Ord. No. 90-07 §1, 5-15-90)

SECTION 250.170: TAMPERING WITH A WITNESS--PENALTY

A person commits the misdemeanor crime of tampering with a witness, if he threatens or causes harm to any person or property; or uses force, threats, or deceptions; or offers, confers, or agrees to confer any benefit, direct or indirect, upon any such witness for the purpose of inducing a witness or a perspective witness in a Judicial proceeding to:

1. Disobey a subpoena or legal process; or
2. Absent himself; or
3. Avoid subpoena or other legal process; or
4. Withhold evidence, information or documents; or
5. Testify falsely. (Ord. No. 90-07 §2, 5-15-90)

SECTION 250.180: FALSE REPORT--PENALTY

A person commits the misdemeanor crime of making a false report if he:

1. Knowingly gives false information to a Law Enforcement Officer for the purpose of implicating another in a crime.
2. Knowingly make a false report to a Police Officer that a crime has occurred or is about to occur.
3. Knowingly makes or causes a false report to be made to a Law Enforcement Officer, Security Officer, Fire Department, or other organizations which deals with emergencies that a fire or other emergency has occurred. (Ord. No. 90-07 §3, 5-15-90)

SECTION 250.190: HINDERING PROSECUTION--PENALTY

A person commits the misdemeanor crime of hindering prosecution if he; with the purpose of preventing the apprehension, prosecution, conviction or punishment of the person who has committed a crime:

1. Harbors or conceals a person.
2. Warns the person that he is soon to be discovered and apprehended (unless done in an effort to bring that person into compliance with the law).
3. Provides money, transportation, weapons, disguises, or other means to help the person avoid discovery or apprehension.
4. Prevents or obstructs another by using force, deception, or intimidation to prevent him from doing something to aid the discovery or apprehension of the suspect. (Ord. No. 90-07 §4, 5-15-90)

SECTION 250.200: ENDANGERING THE WELFARE OF A CHILD--PENALTY

A person commits the misdemeanor crime of endangering the welfare of a child if he:

1. Acts with criminal negligence in a manner that creates substantial risk for life, body or health of a child less than seventeen (17) years old.
2. Knowingly encourages, aids or causes a child less than seventeen (17) years old to engage in any conduct which causes or intends to cause the child to come within the provisions of Subsection (1) or (2) of Section 211.031, RSMo.
3. Is a parent, guardian or other person legally charged with the care or custody of a child less than seventeen (17) years old and he recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him from coming within the provisions of Subsection (1) or (2) of Section 211.031, RSMo. (Ord. No. 90-07 §5, 5-15-90)

SECTION 250.210: LOUD AND DISTURBING NOISES—PENALTY

1. No person shall make, aid, countenance or assist in making any noise, disturbance or improper diversion in or upon any street, sidewalk, park, public square or other public place.
2. Subject to the provisions of Subsection (C) of this Section, the creation of any unreasonably loud, disturbing and unnecessary noise in the City is prohibited. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual or which unreasonably interferes with the comfort of any individual, is prohibited.
3. The following acts among others, are declared to be loud, disturbing and unnecessary noises and violation of Subsection (B) of this Section, but such enumeration shall not be deemed to be exclusive, namely:
4. The use of mechanical loud speakers or amplifiers in or upon any store, building or other premises, the effect of which is to extend the sound and noises to the exterior of such premises, irrespective of whether the same be intended for advertising, entertainment, or any other purpose, except were specific license or permit is granted by the Board of Aldermen as provided in Subsection (D) of this Section.
5. The use of mechanical loud speakers or amplifiers on trucks or other motor vehicles or on stationary stands, except where a specific license or permit is granted by the Board of Aldermen as provided in Subsection (D) of this Section.
6. The playing of any radio, phonograph or any musical instrument in such a manner or such a volume, particularly between the hours of 11:00 P.M. and 8:00 A.M. as to annoy or disturb the quiet, comfort or repose of a person in any dwelling or other type of residence. This Section shall apply to any radio, phonograph or other musical reproduction instrument which may be located on any type of motor vehicle.
7. The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle while not in motion, except as a danger signal, if another vehicle is approaching apparently out of control or, at intersections not controlled by traffic lights as a danger signal or warning to pedestrians and or other traffic.
8. The Board of Aldermen may, upon proper application, grant special license or permit for such limited times or in such conditions as it may see fit in the interest of public welfare for the temporary use of loud speakers or amplifiers.
9. Any person who violates any of the Subsections of this Section shall be deemed guilty of a misdemeanor and upon conviction thereof may be assessed a fine not to exceed three hundred dollars ($300.00) or be confined in the County Jail for a period not to exceed ten (10) days or any combination thereof of said fine and or jail confinement. (Ord. No. 90-12 §§1-5, 7-31-90)

SECTION 250.220: RECEIVING STOLEN PROPERTY

1. A person commits the crime of receiving stolen property if, for the purpose of depriving the owner of a lawful interest therein, he receives, retains, or disposes of property of another knowing that it has been stolen or believing it has been stolen.
2. Evidence of the following is admissible in any municipal prosecution under this Section to prove the requisite knowledge or belief of the alleged receiver:
3. That he was found in possession or control of other property stolen on separate occasions from two (2) or more persons;
4. That he received other stolen property in another transaction within the year preceding the transaction charged;
5. That he acquired stolen property for a consideration which he knew was far below its reasonable value.
6. Receiving stolen property is hereby declared to be a misdemeanor and shall, upon conviction thereof, be punished by a fine not to exceed five hundred dollars ($500.00) or by incarceration in the City Jail for a term not to exceed ninety (90) days or by any combination of said fine or incarceration.

(Ord. No. 92-27 §§1-3, 12-28-92)

SECTION 250.230: FAILURE TO RETURN RENTED PERSONAL PROPERTY

1. A person commits the crime of failing to return leased or rented property if, with the intent to deprive the owner thereof, he purposely fails to return leased or rented personal property to the place within the time specified in an agreement in writing providing for the renting or leasing of such personal property. In addition, any person who has leased or rented personal property from another and who conceals the property from the owner, or who otherwise sells, pawns, loans, abandons, or gives away the leased or rented property is guilty of the crime of failing to return leased or rented property. The provisions of this Section shall apply to all forms of leasing and rental agreements, including but not limited to, contracts which provide the consumer options to buy the leased or rented personal property, lease-purchase agreements and rent-to-own contracts. For the purpose of determining if the violation of this Section has occurred, in leasing contracts which provide options to buy, the merchandise is owned by the owner of the property until such time as the owner endorses the sale and transfer of ownership of the lease property to the lessee.
2. It shall be prima facie evidence of the crime of failing to return leased or rented property when a person who has leased or rented personal property of another, willfully fails to return or make arrangements acceptable with the lessor to return the personal property to its owner at the owner's place of business within ten (10) days after proper notice, following the expiration of the lease or rental agreement, except that if a motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, such failure to return the motor vehicle shall be prima facie evidence of the intent of the crime of failing to return leased or rented property. Where the leased or rented property is a motor vehicle, if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, the lessor may notify the local law enforcement agency of the failure of the lessee to return such motor vehicle, and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate State and local computer system. (Ord. No. 94-21 §§1-2, 6-13-94)

SECTION 250.240: URINATION PROHIBITED UPON ANY PUBLIC STREET, PARK, SIDEWALK OR PUBLIC THOROUGHFARE

1. It shall be unlawful for any person to urinate upon any public street, park, sidewalk or public thoroughfare.
2. Upon conviction for a violation of this Section, a person shall be deemed guilty of a misdemeanor and shall be assessed a fine not to exceed five hundred dollars ($500.00) or a sentence in the City Jail for a tern not to exceed ninety (90) days, or by any combination thereof of said fine and sentence. (Ord. No. 98-04 §§1-2, 7-13-98)

CHAPTER 255: PARK REGULATIONS

SECTION 255.010: LITTERING IN PARKS

No litter, trash, paper, refuse, metal, garbage or waste products of any kind in any amount shall be thrown upon, left upon, deposited or allowed to be deposited or left in any manner on public streets, public sidewalks or other public ways of the City of Marble Hill, Missouri, or in any park or public area owned by or under control of the City of Marble Hill in whole or in part. (Ord. No. 87-16 §1)

SECTION 255.020: RIDING OF HORSES

No person shall ride or allow to be ridden any horses at any place or point further than twenty (20) feet off of the roadway of the public road in any public park of the City of Marble Hill, Missouri, or that is under the control of the City such that no horses shall be ridden or allowed to be upon any such area of any public park other than roadways or areas within twenty (20) feet of the roadways, and around the designated horse arena and unloading area. (Ord. No. 87-16 §2, 7-20-87; Ord. No. 95-02 §1, 6-12-95)

SECTION 255.030: RESTRICTION OF MOTOR VEHICLES, ETC.

No motor bikes, motor vehicles, motorcycles or any device propelled by a motor shall be ridden, driven or shall be allowed to be ridden or driven or operated upon any place in public parks in which the City of Marble Hill has any interest or has any control except on paths, roads, and designated public ways. (Ord. No. 87-16 §3, 7-20-87)

SECTION 255.040: LAKE

Fishing is authorized at the lake in Mary Pellegrino Park as permitted and authorized by the Board of Aldermen of the City of Marble Hill, Missouri. (Ord. No. 87-16 §4, 7-20-87; Ord. No. 95-03 §1, 6-12-95)

SECTION 255.050: DAMAGE TO PARK PROPERTY

No person shall deface damage or destroy in any manner any improvement in any park owned by or under control of or in which the City of Marble Hill has an interest in. Any person who damages, destroys or defaces or in any manner causes damage to any improvement of any type or to any of the trees, shrubbery or other physical features of the parks of the City of Marble Hill shall upon conviction be adjudged to be guilty of a misdemeanor and shall be punished as hereafter set forth. (Ord. No. 87-16 §5, 7-20-87)

SECTION 255.060: MOTOR VEHICLES TO BE OPERATED IN PRUDENT MANNER

All motor vehicles, motor bikes, motorcycles and other devices operated by a motor shall be operated on roadways in public parks with the highest degree of care and in agreement with posted speed limits and in a careful and prudent manner as designated by State law. Any person violating this rule of this Chapter upon conviction shall be adjudged guilty of a misdemeanor and punished as is hereafter set forth. (Ord. No. 87-16 §6, 7-20-87)

SECTION 255.070: PENALTY

1. Any person convicted of violating any of the principles of this Chapter relative to littering and any person convicted of violating this Chapter pertaining to the use of the lake in the Mary Pellegrino Park and any person violating the provisions of this Chapter in regard to vehicles in public parks shall upon conviction be adjudged to be guilty of a misdemeanor and will be punished by a fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) or by imprisonment in the County jail for a term not to exceed ninety (90) days or by both such fine and imprisonment.
2. Any person violating the remaining provisions of this Chapter shall upon conviction be adjudged to be guilty of a misdemeanor and shall upon conviction be punished by a fine of not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00) or by imprisonment in the County jail for a term not exceeding ninety (90) days or by both such fine and imprisonment. (Ord. No. 87-16 §7,8, 7-20-87)

SECTION 255.080: HOURS OF OPERATION

All City Parks in the City of Marble Hill shall have as their hours for opening and closing to the use of the general public to be from sunup to sundown. Except however, when the ballpark of the City of Marble Hill is being used for public activities, it shall have as its hours for opening and closing to the use of the general public to be from sunup to the regular curfew deadline for the City of Marble Hill, Missouri. (Ord. No. 88-16 §1, 10-17-88; Ord. No. 95-04 §1, 6-12-95)

SECTION 255.090: PERMIT FOR SPECIAL USES

Any person or group desiring to use the City parks of the City of Marble Hill during any hours that said park is closed or to reserve a shelter shall first apply to the City Clerk of the City of Marble Hill for a special use permit. Any person or group so desiring to apply for said special use permit shall file a written application together with a use permit fee of twenty dollars ($20.00) to the City Clerk of Marble Hill, who thereupon, shall issue said permit, providing no other conflicting permits have been issued. Any person or group applying for and receiving said special use permit and using said park pursuant to the said permit shall be bound and obligated as set forth by the ordinances of the City of Marble Hill and any rules and regulations set forth by the City Park Board. (Ord. No. 88-16 §2, 10-17-88; Amended by Ord. 01-14, August 9, 2004; Amended by Ord. 09-10, June 12, 2009)

SECTION 255.100: PARKING

Parking shall be permitted in the City Parks in the City of Marble Hill, Missouri, in those areas designated for parking, which shall include areas adjacent to the public roadways in the City Parks not to exceed twenty (20) feet from the edge of the roadways. (Ord. No. 88-16 §3, 10-17-88; Ord. No. 95-05 §1, 6-12-95)

SECTION 255.110: CITY CLERK TO AUTHORIZE POSTING SIGNS

The City Clerk for the City of Marble Hill is hereby authorized to purchase any signs necessary to provide adequate notice to the public of these rules and regulations and have said signs posted at appropriate places in the City Park. (Ord. No. 88-16 §4, 10-17-88)

SECTION 255.120: PENALTY AND VIOLATION

Any person who violates Sections 255.080 through 255.110 or any portion thereof, shall be deemed guilty of a misdemeanor and shall pay a fine of not less than fifteen dollars ($15.00) nor more than two hundred dollars ($200.00). (Ord. No. 88-16 §5, 10-17-88)

SECTION 255.130: GLASS BEVERAGE CONTAINERS IN PARK—PROHIBITED

A. No person, corporation, business entity, organization or other entity shall use, distribute, give away or have in their possession any glass beverage containers, whether said containers contain alcoholic, or non-alcoholic beverages in any portion of any City Park located within the corporate Municipal City Limits of the City of Marble Hill, Missouri.

B. Any violation of this Section shall be deemed a misdemeanor and upon conviction thereof, the person shall receive a fine, not to exceed twenty-five dollars ($25.00) per container in violation of this Section. (Ord. No. 91-10 §§1-2, 5-13-91)

CHAPTER 260: REGULATING LOADING AND UNLOADING GASOLINE AND OTHER PETROLEUM PRODUCTS

SECTION 260.010: PROHIBITED DURING "NIGHT-TIME HOURS"

1. There shall be no gasoline, diesel fuel, liquefied petroleum gas, propane or other gaseous or liquid fuels loaded into or out of any fuel transport truck, trailer, or other fuel, transporting equipment within the corporate limits of Marble Hill, Missouri, by any person, firm or corporation in quantities in excess of fifteen hundred (1,500) gallons in "the night-time hours." "The night-time hours" are hereby defined as being between the hour that the sun sets and the hour that the sun rises.
2. There shall be no gasoline, diesel fuel, liquefied petroleum gas, propane or other gaseous or liquid fuels loaded into or out of any storage tank or facility (underground or above ground) within the corporate limits of Marble Hill, Missouri, by any person, firm or corporation, in quantities in excess of fifteen hundred (1,500) gallons in "the night-time hours." "The night-time hours" are hereby defined as being between the hour that the sun sets and the hour that the sun rises.
3. The owners, lessees, operators, persons in possession of or control of storage tanks or storage facilities for gasoline, diesel fuel, liquefied petroleum gas, propane or other gaseous or liquid fuels, located within the corporate limits of Marble Hill, Missouri, shall not permit or allow gasoline, diesel fuel, liquefied petroleum gas, propane or other gaseous or liquid fuels, to be placed into or taken out of said storage tanks in quantities in excess of fifteen hundred (1,500) gallons in the "night-time hours". The "night-time hours" are hereby defined as being between the hour that the sun sets and the hour that the sun rises. (Ord. No. 80-10 §1; CC §§86.010-86.030; Repealed by Ord. 02-01, January 14, 2002)

SECTION 260.020: RESTRICTIONS DUE TO ATMOSPHERIC AND BAROMETRIC CONDITIONS

1. There shall be no gasoline, diesel fuel, liquefied petroleum gas, propane or other gaseous or liquid fuels loaded into or out of any fuel transport truck, trailer or other fuel, transporting equipment within the corporate limits of Marble Hill, Missouri, by any person firm or corporation in any quantities at any time when the atmospheric and barometric conditions are such as to cause hazardous accumulation of fuel fumes.
2. There shall be no gasoline, diesel fuel, liquefied petroleum gas, propane or other gaseous or liquid fuels loaded into or out of any storage tank or facility (underground or above ground) within the corporate limits of Marble Hill, Missouri, by any person, firm or corporation in any quantities at any time when the atmospheric and barometric conditions are such as to cause hazardous accumulation of fuel fumes.
3. The owners, lessees, operators, persons in possession of or control of storage tanks or storage facilities for gasoline, diesel fuel, liquefied petroleum gas, propane or other gaseous or liquid fuels, located within the corporate limits of Marble Hill, Missouri, shall not permit or allow gasoline, diesel fuel, liquefied petroleum gas, propane or other gaseous or liquid fuels, to be placed into or taken out of said storage tanks in any quantities at any time when the atmospheric and barometric conditions are such as to cause hazardous accumulation of fuel fumes. (Ord. No. 80-10 §1; CC §§86.040-86.060 Repealed by Ord. 02-01, January 14, 2002)

SECTION 260.030: RESTRICTIONS WHEN TRANSPORTING EQUIPMENT IS UNATTENDED

1. There shall be no gasoline, diesel fuel, liquefied petroleum gas, propane or other gaseous or liquid fuels loaded into or out of any fuel transport truck, trailer or other fuel transporting equipment within the corporate limits of Marble Hill, Missouri, by any person, firm or corporation at any time when said fuel transport truck, trailer or other fuel transporting equipment is unattended. Said equipment is defined as being unattended when the owner, operator, driver or person in control of or responsible for said fuel transport truck, trailer or other fuel transporting equipment is farther than forty (40) feet from said equipment during the loading and unloading of said equipment.
2. There shall be no gasoline, diesel fuel, liquefied petroleum gas, propane or other gaseous or liquid fuels loaded into or out of any storage tank or facility (underground or above ground) within the corporate limits of Marble Hill, Missouri, by any person, firm or corporation, at any time when said fuel transport truck, trailer or other fuel transporting equipment is unattended. Said equipment is defined as being unattended when the owner, operator, driver or person in control of or responsible for said fuel transport truck, trailer or other fuel transporting equipment is farther than forty (40) feet from said equipment during the loading and unloading of said equipment.
3. The owners, lessees, operators, persons in possession of or control of storage facilities for gasoline, diesel fuel, liquefied petroleum gas, propane or other gaseous or liquid fuels, located within the corporate limits of Marble Hill, Missouri, shall not permit or allow gasoline, diesel fuel, liquefied petroleum gas, propane or other gaseous or liquid fuels, to be placed into or taken out of said storage tanks at any time when said fuel transport truck, trailer or other fuel transporting equipment is unattended. Said equipment is defined as being unattended when the owner, operator, driver or person in control of or responsible for said fuel transport truck, trailer or other fuel transporting equipment is farther than forty (40) feet from said equipment during the loading and unloading. (Ord. No. 80-10 §1; CC §§86.070-86.090)

SECTION 260.040: VALVES TO BE PADLOCKED; WHEN

All loading and unloading valves shall be padlocked by the owner, lessee, operators or persons in possession of or in control of storage tanks or storage facilities for gasoline, diesel fuel, liquefied petroleum gas, propane or other gaseous or liquid fuels located within the corporate limits of the City of Marble Hill, Missouri, during all times that the said owners, lessees, operators, or other persons in possession or in control of said tanks, or their agents or employees are not present or during such times that such business is closed and not open for normal business operations. (Ord. No. 80-10 §1; CC §86.100)

SECTION 260.050: PENALTY

Any person violating the above Chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than five dollars ($5.00), nor more than five hundred dollars ($500.00) for the first offense; and shall be fined not less than one hundred dollars ($100.00), nor more than one thousand dollars ($1,000.00) for any second or subsequent offense. (Ord. No. 80-10 §1; CC §86.110)

CHAPTER 265: CURFEW

*Editor's Note—Ord. No. 94-02 adopted on February 14, 1994 repealed §§265.010-265.020 and enacted the provisions set out herein. The former Sections derived from Ord. No. 80-10 §1; and CC §§77.010-77.020.*

SECTION 265.010: DEFINITIONS

For the purposes of this Chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words in the singular number the plural number. The word "shall" is always mandatory and not merely directory.

*CITY*: The City of Marble, Hill, Missouri.

*CUSTODIAN*: Any person over the age of eighteen (18) who is in loco parentis to a juvenile.

*GUARDIAN*: Any person other than a parent of a minor.

*MINOR*: Any person under the age of seventeen (17) years.

*PARENT*: The natural or adoptive parent of a minor.

*PUBLIC PLACE*: Any street, alley, highway, sidewalk, park, playground or place to which the general public has access and shall be defined to include the front or immediate area in front of any store, shop, restaurant, tavern, bowling alley, cafe, theater, drugstore, poolroom, shopping center and any other place devoted to amusement or entertainment or commercial activity of the general public. (Ord. No. 94-02 §1, 2-14-94)

SECTION 265.012: CURFEW FOR MINORS

It shall be unlawful for any minor to remain, idle, wander, stroll or play in any public place either on foot or to cruise about without a set destination in any vehicle in, about or upon any place in the City between the hours of 10:00 P.M. and 5:00 A.M., Sunday through Thursday, and between the hours of 11:59 P.M. and 5:00 A.M., Friday through Saturday, unless accompanied by a parent, guardian, custodian, or other adult person having custody or control of such minor, or unless the minor is on an emergency errand or special business or activity directed or permitted by his/her parent, guardian or other adult person having the care and custody of the minor or where the presence of such minor is connected with or required by some legitimate employment, trade, profession or occupation. (Ord. No. 94-02 §1, 2-14-94)

SECTION 265.013: RESPONSIBILITY OF PARENTS

It shall be unlawful for the parent, guardian or other adult person having custody or control of any minor to knowingly permit or allow such minor to be on the streets or sidewalks or on or in any public property or public place within the City of Marble Hill between the hours of 10:00 P.M. and 5:00 A.M., Sunday through Thursday, and between the hours of 11:59 P.M. to 5:00 A.M., Friday through Saturday. However, the provisions of this Section do not apply to a minor accompanied by his/her parent, guardian, custodian or other adult person having the care, custody or control of the minor, or if the minor is on an emergency errand or specific business or activity directed by his/her parent, guardian, custodian or other adult having the care and custody of the minor, or if the parent, guardian or other adult person herein has made a missing person notification to the Marble Hill Police Department. (Ord. No. 94-02 §1, 2-14-94)

SECTION 265.014: SPECIAL FUNCTIONS

Any minor attending a special function or entertainment of any church, school, club or other organization that requires such minor to be out at a later hour than that provided for in Section 265.012 shall be exempt from the provisions of Section 265.012 provided the church, school, club or other organization shall register in advance with the Chief of Police or his/her designate to have the minors stay out to this later hour. The registrant shall state the time the function or entertainment shall end, and the minors who attend the function shall be required to be in their homes or usual places of abode within one (1) hour after the function is ended. (Ord. No. 94-02 §1, 2-14-94)

SECTION 265.015: PROCEDURES UPON FINDING A MINOR IN VIOLATION

1. Any Police Officer upon finding a minor in violation of Section 265.012 shall ascertain the name and address of such minor and warn the minor that he/she is in violation of curfew and shall direct the minor to precede at once to his/her home or usual place of abode. The Police Officer shall report such action to the desk officer of the Police Department who in turn shall notify the parent, guardian or person having the care and custody of such minor. If there be no such desk officer available at the time of this matter, the Police Officer may report such action himself/herself directly to the parent, guardian or person having the care and custody of such minor.
2. If such minor refuses to heed such warning or direction by any Police Officer or refuses to give such Police Officer his/her correct name and address, or if the minor has been warned on a previous occasion that he/she is in violation of curfew, he/she shall be taken to the Police Department and the parent, guardian or other adult person having the care and custody of such minor shall be notified to come and take charge of the minor. If the parent, guardian or other adult person above cannot be located or fails to come and take charge of the minor, the minor shall be released to the juvenile authorities of Bollinger County, Missouri. (Ord. No. 94-02 §1, 2-14-94)

SECTION 265.020: PENALTIES

Any minor violating the provisions of this Chapter shall be dealt with in accordance with the juvenile law and procedures as set forth in the Statutes of the State of Missouri and in accordance with the Rules of the Supreme Court of the State of Missouri. Any parent, guardian or other adult person having the care and custody of a minor violating this Chapter shall, after having been previously notified under Section 265.015 of this Chapter, be deemed guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars ($50.00) for each offense. (Ord. No. 94-02 §1, 2-14-94)

SECTION 265.030: HALLOWEEN CURFEW

1. There shall be in effect on October 31, 1987, and on each October 31, in succeeding years, a curfew by which all door-to-door trick or treaters shall cease by 9:30 P.M. on said day and all such door-to-door trick or treaters shall therefore, be off the streets of the City of Marble City, Missouri, at the above mentioned time.
2. Violation of this Section shall be a misdemeanor which shall be punishable by fine of not less than five dollars ($5.00), nor more than five hundred dollars ($500.00). (Ord. No. 87-23 §1)

CHAPTER 270: USE OF PUBLIC AND PRIVATE SEWERS

ARTICLE I. GENERAL PROVISIONS

SECTION 270.010: DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

*BOD* (denoting *Biochemical Oxygen Demand*): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.

*BUILDING DRAIN*: That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

*BUILDING SEWER*: The extension from the building drain to the public sewer or other place of disposal.

*COMBINED SEWER*: A sewer receiving both surface runoff and sewage.

*GARBAGE*: Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

*INDUSTRIAL WASTES*: The liquidated wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

*NATURAL OUTLET*: Any outlet into a watercourse, pond, ditch like or other body of surface or groundwater.

*PERSON*: Any individual, firm, company, association, society, corporation, or group.

*PH*: The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

*PROPERLY SHREDDED GARBAGE*: The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one half (1/2) inch (1.27 centimeters) in any dimension.

*PUBLIC SEWER*: A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

*SANITARY SEWER*: A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

*SEWAGE*: A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

*SEWAGE TREATMENT PLANT*: Any arrangement of devices and structures used for treating sewage.

*SEWAGE WORKS*: All facilities for collecting, pumping, treating and disposing of sewage.

*SEWER*: A pipe or conduit for carrying sewage.

*SHALL*: Is mandatory; MAY is permissive.

*SLUG*: Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty four (24) hour concentration or flows during normal operation.

*STORM DRAIN* (sometimes termed *Storm Sewer*): A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

*SUPERINTENDENT*: The Superintendent of Sewage Works and/or of Water Pollution Control of the City of Marble Hill, or his authorized deputy, agent, or representative.

*SUSPENDED SOLIDS*: Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

*WATERCOURSE*: A channel in which a flow of water occurs, either continuously or intermittently. (Ord. No. 89-28 Article I)

SECTION 270.020: UNLAWFUL PRACTICES -- GENERALLY

1. *Unlawful to Place Objectionable Waste on Public or Private Property*. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner or public or private property within the City of Marble Hill, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.
2. *Unlawful to Discharge into any Natural Outlet*. It shall be unlawful to discharge to any natural outlet within the City of Marble Hill, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.
3. *Unlawful to Construct or Maintain Privy*. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
4. *Toilet Facilities -- Sewer Hookup -- Required*. The owner of all houses, buildings, or properties used for human employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line. (Ord. No. 89-28 Article II §§1-4)

ARTICLE II. PRIVATE SEWAGE DISPOSAL

SECTION 270.030: WHERE PUBLIC SEWER IS NOT AVAILABLE

Where a public sanitary or combined sewer is not available under the provisions of Section 270.020 D, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article. (Ord. No. 89-28 Article II §1)

SECTION 270.040: PERMIT REQUIRED

Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the City, which information as are deemed necessary by the Superintendent. A permit and inspection fee of two hundred dollars ($200.00) shall be paid to the City at the time the application is filed. (Ord. No. 89-28 ArticleIII §2)

SECTION 270.050: SUPERINTENDENT TO INSPECT WORK

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the Superintendent. (Ord. No. 89-28 ArticleIII §3)

SECTION 270.060: MUST COMPLY WITH PUBLIC HEALTH DEPARTMENT

The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Missouri. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 43,560 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet. (Ord. No. 89-28 ArticleIII §4)

SECTION 270.070: CONNECTION TO PUBLIC SEWER TO BE MADE AS SOON AS AVAILABLE

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 270.060, a direct connection shall be made to the public sewer in compliance with this Chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material. (Ord. No. 89-28 ArticleIII §5)

SECTION 270.080: OPERATED AT OWNER'S EXPENSE

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City. (Ord. No. 89-28 ArticleIII §6)

SECTION 270.090: HEALTH OFFICER MAY IMPOSE ADDITIONAL REQUIREMENTS

No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer. (Ord. No. 89-28 ArticleIII §7)

SECTION 270.100: HOOK UP TO BE MADE WITHIN SIXTY DAYS

When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt. (Ord. No. 89-28 ArticleIII §8)

ARTICLE III. PUBLIC SEWER

SECTION 270.110: NO CONNECTION WITHOUT WRITTEN PERMIT

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent. (Ord. No. 89-28 Article IV §1)

SECTION 270.120: CLASSES OF BUILDING SEWER PERMITS

There shall be two (2) classes of building sewer permits:

1. For residential and commercial service, and
2. For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of fifty dollars ($50.00) for a residential or commercial building sewer permit and one hundred dollars ($100.00) for an industrial building sewer permit shall be paid to the City at the time the application is filled. (Ord. No. 89-28 Article IV §2)

SECTION 270.130: ALL COSTS BORNE BY OWNERS

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Ord. No. 89-28 Article IV §3)

SECTION 270.140: SEPARATE BUILDING SEWERS -- EXCEPTION

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. (Ord. No. 89-28 Article IV §4)

SECTION 270.150: OLD BUILDING SEWERS TO MEET REQUIREMENTS

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Chapter. (Ord. No. 89-28 Article IV §5)

SECTION 270.160: SIZE, SLOPE, ALIGNMENT AND MATERIALS

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply. (Ord. No. 89-28 Article IV §6)

SECTION 270.170: BUILDING SEWER SHALL BE BROUGHT IN AT AN ELEVATION BELOW BASEMENT FLOOR

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(Ord. No. 89-28 Article IV §7)

SECTION 270.180: NO CONNECTION TO BE MADE TO PUBLIC SANITARY SEWER

No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. (Ord. No. 89-28 Article IV §8)

SECTION 270.190: CONNECTION TO PUBLIC SEWER TO CONFORM TO BUILDING AND PLUMBING CODES

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the S.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation. (Ord. No. 89-28 Article IV §9)

SECTION 270.200: CONNECTION TO BE MADE UNDER SUPERVISION

The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative. (Ord. No. 89-28 Article IV §10)

SECTION 270.210: EXCAVATIONS TO BE GUARDED

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City. (Ord. No. 89-21 Article IV §11)

ARTICLE IV. USE OF PUBLIC SEWERS

SECTION 270.220: UNLAWFUL TO DISCHARGE STORMWATER, ETC, TO SANITARY SEWER

1. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
2. Upon the City discovering that subsection A is not being complied with, the City shall inform the owners of the residence, by way of certified letter, of the problem and give them seven (7) days in which to respond. Should the owners of the property fail to respond within seven (7) days, the City shall have the right to turn the water off to said property until the problem is cured.
3. Should the owners of the residence respond, the City shall have a meeting with them and determine the amount of time the owners shall have to correct the problem. The problem shall be corrected at the owner's cost and at no cost the City of Marble Hill.
4. In addition to subsections 1, 2, & 3, the City shall also have the option of writing the owner of the house a citation for violation of Subsection 1. The penalty for violation of Subsection 1 shall be determined based on the general penalty ordinance §100.050 of the Ordinances of the City of Marble Hill. (Ord. No. 89-28 Article V §1. Rev Ord. 2011-08, July 11, 2011.)

SECTION 270.230: STORMWATER TO BE DISCHARGED TO STORM SEWERS

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet. (Ord. No. 89-28 Article V §2)

SECTION 270.240 CERTAIN WASTES NOT TO BE DISCHARGED TO PUBLIC SEWER

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/1 as CN in the wastes as discharged to the public sewer.
3. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, mild containers, etc., either whole or ground by garbage grinders. (Ord. No. 89-28 Article V §3)

SECTION 270.250: ADDITIONAL SUBSTANCES NOT TO BE DISCHARGED

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than one hundred fifty (150°) F / 65° C.
2. Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two (32°) and one hundred fifty (150°) F / 65° C.
3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
4. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.
5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
6. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
8. Any waters or wastes having a pH in excess of 9.5.
9. Materials which exert or cause:
10. Slurries, and lime residues) or of dissolved solids (such as, but not limit to. sodium chloride or sodium sulfate).
11. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions)
12. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
13. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
14. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
15. Any waters or wastes having:
16. A five (5) day BOD greater than three hundred (300) parts per million by weight, or
17. Containing more than three hundred (300) parts per million by weight of suspended solids, or
18. Having an average daily flow greater than two percent (2%) of the average sewage flow of the City, shall be subject to the review of the Superintendent.

Where necessary in the opinion of the Superintendent, the owner shall provide at his expense, such preliminary treatment as may be necessary to:

1. Reduce the biochemical oxygen demand to three hundred (300) parts per million by weight, or
2. Reduce the suspended solids to three hundred (300) parts per million by weight, or
3. Control the quantities and rates of discharge of such waters or wastes.

Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing. (Ord. No. 89-28 Article V §4)

SECTION 270.260: SUPERINTENDENT'S POWERS

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 270.260 of this Article, and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the Superintendent may:

1. Reject the wastes,
2. Require pretreatment to an acceptable condition for discharge to the public sewers,
3. Require control over the quantities and rates of discharge, and/or,
4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 270.310 of this Article.

If the Superintendent permits the pre-treatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances and laws. (Ord. No. 89-28 Art V §5)

SECTION 270.270: GREASE, OIL AND SAND INTERCEPTORS

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. (Ord. No. 89-28 Article V §6)

SECTION 270.280: PRELIMINARY TREATMENT AT OWNERS EXPENSE

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. (Ord. No. 89-28 Article V §7)

SECTION 270.290: MANHOLE -- REQUIRED — WHEN

When required by the Superintendent, the owner of any property services by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. (Ord. No. 89-28 Article V §8)

SECTION 270.300: REASONABLE ANALYSES OF SAMPLE WATER

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty four (24) hours composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composites of all outfalls whereas pHs are determined from periodic grab samples.) (Ord. No. 89-28 Article V §9)

SECTION 270.310: SPECIAL AGREEMENT WITH CITY

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the industrial concern. (Ord. No. 89-28 Article V §10)

SECTION 270.320: NO TAMPERING ALLOWED

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. No. 89-28 ArticleVI §1)

SECTION 270.330: INSPECTIONS BY SUPERINTENDENT

1. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
2. While performing the necessary work on private properties referred to in Subsection A hereof, the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 270.290.
3. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. No. 89-28 ArticleVII §§1-3)

SECTION 270.340: VIOLATION AND PENALTY

1. Any person found to be violating any provision of this Chapter except Section 270.230 shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
2. Any person who shall continue any violation beyond the time limit provided for in Subsection A hereof, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding one hundred dollars ($100.00) for each violation. Each twenty-four (24) hour period in which any such violation shall continue shall be deemed a separate offense.
3. Any person violating any of the provisions of this Chapter shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation. (Ord. No. 89-28 Article VIII §§1-3)

CHAPTER 275: SIGN RESTRICTIONS

SECTION 275.010: REPEALED BY ORD. NO. 94-31 §1, 7-11-94

SECTION 275.020: POLITICAL SIGNS TO BE REMOVED; WHEN

Any political signs or advertisements which are posted within the corporate limits of the City of Marble Hill shall be removed no later than seven (7) days after the election for which said sign was erected, posted or displayed. (Ord. No. 88-2 §2)

SECTION 275.030: POLITICAL SIGNS TO BE POSTED; WHERE

No political sign or other political display or advertisement may be erected, posted or displayed on public utility poles, public street signs or any other public property. All such political signs, advertisements or displays shall be posted on private property with the express permission of the owner of said property or lessee of said property. (Ord. No. 88-2 §3)

SECTION 275.035: COMMERCIAL/BUSINESS SIGNS TO BE POSTED; WHERE

No commercial sign, business display or advertisement may be erected, posted or displayed on public utility poles, public street signs or any other public property. All such commercial/business signs, advertisements or displays shall be posted on private property with the express permission of the owner of said property or lessee of said property. (Ord No. 2020-09 §2)

SECTION 275.040: GARAGE AND YARD SALES

No person shall advertise any garage sale or yard sale or any other such type sale by any public display of signs for more than forty-eight (48) hours in advance of said sale. Any such signs which are publicly displayed must be removed within twenty-four (24) hours after the completion of such sale. (Ord. No. 88-2 §4)

SECTION 275.050: GARAGE AND YARD SALE; SIGNS TO BE POSTED, WHERE

1. No garage sale or yard sale or any such other type of sale sign may be erected, posted or displayed on any public property other than such area as the City may designate.
2. The designated public area for placement of yard sale or garage sale signs shall be that area owned by the City between the Eagles club and Crooked Creek." (Ord. No. 2017-02)

SECTION 275.060: VIOLATION AND PENALTY

1. Each sign and each day that a sign shall be displayed in violation of this Chapter shall be considered a separate violation of this Chapter.
2. Any violation of this Chapter as set forth hereinabove shall be a misdemeanor and upon conviction of the same, a person shall receive a fine of not less than ten dollars ($10.00) nor more than thirty dollars ($30.00) for each violation so convicted. (Ord. No. 88-2 §6-7)

CHAPTER 280: FAIR HOUSING

SECTION 280.010: DECLARATION OF POLICY

The Board of Aldermen of the City of Marble Hill hereby declares it to be the public policy of the City to eliminate discrimination and safeguard the right of any person to sell, purchase, lease, rent or obtain property without regard to race, sex, color, religion, handicap, familial status, national origin or ancestry. This Chapter shall be deemed an exercise of the Police powers of the City of Marble Hill, Missouri, for the protection of the public welfare, property, health and peace of the people of Marble Hill. (Ord. No. 90-21 §1, 10-8-90; Ord. No. 96-05 §1, 6-27-96)

SECTION 280.020: DEFINITIONS

For the purpose of this Chapter, the following terms, phrases, words and their derivations shall have the meaning given herein unless the context otherwise indicates.

1. *AGGRIEVED PERSON*: Any person who is attempting to provide housing for himself and/or his family in the City of Marble Hill, Missouri.
2. *DISCRIMINATE*: Distinctions in treatment because of race, sex, color, religion, national origin, handicap, or family status of any person.
3. *PERSON*: Shall include any individual, firm, partnership or corporation. (Ord. No. 90-21 §2, 10-8-90; Ord. No. 96-05 §2, 6-27-96)

SECTION 280.030: DISCRIMINATORY PRACTICES

It shall be a discriminatory practice and a violation of this Chapter for any person to:

1. Refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rent of, or otherwise make unavailable or deny, a dwelling to any person because of race, sex, color, religion, handicap, familial status or national origin of any person.
2. Discriminate against any person in the terms, conditions, privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, sex, color, religion, handicap, familial status or national origin.
3. Make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, sex, color, religion, handicap, familial status or national origin, or an intention to make any such preference, limitation or discrimination.
4. Represent to any person because of race, sex, color, religion, handicap, familial status or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
5. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, sex, color, religion, handicap, familial status or national origin.
6. Bars discrimination in the sale or rental of housing on the basis of a handicap and requires the design and construction of new multi-family with four (4) or more units to meet certain adaptability and accessibility requirements.
7. Bars discrimination in the sale or rental of housing because a family has children, but exempts certain types of buildings that house older persons, e.g. Section 202 housing. (Ord. No. 90-21 §3, 10-8-90; Ord. No. 96-05 §3, 6-27-96)

SECTION 280.040: DISCRIMINATION IN THE FINANCING OF A HOUSE

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan to a person applying therefore for the purpose of purchasing, constructing, repairing or maintaining a dwelling, or to discriminate against any person in the fixing of the amount or conditions of such loan, because of the race, sex, color, religion, handicap, familial status or national origin of such person or of any person associated with him in connection with such financing.

(Ord. No. 90-21 §4, 10-8-90; Ord. No. 96-05 §4, 6-27-96)

SECTION 280.050: EXEMPTIONS

The provisions of this Chapter and particularly Section 280.030 hereof, shall not apply to the following:

1. A rental or leasing of a dwelling unit in a building which contains housing accommodations for not more than two (2) families living independently of each other, if the owner or members of his family reside in such dwelling unit.
2. A rental or leasing to less than five (5) persons living in a dwelling unit by the owner if the owner or members of his family reside therein.
3. Any single-family house sold or rented by an owner provided that such house is sold or rented:
4. Without the use of sales or rental facilities or services of real estate brokers, agents, salesmen, or persons in the business of selling or renting dwellings; and
5. Without the publication, posting or mailing of any advertisement in violation of Section 280.030 (3) of this Chapter;

Provided, however, that:

1. Nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as necessary to perfect or transfer the title; and
2. That any such private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three (3) such single-family houses at any one time.
3. For the purposes of Subsection (D), a person shall be in the business of selling or renting dwellings if:
4. He has, within the preceding twelve (12) months, participated as agent in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein; or
5. He has, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or sales or rental services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein; or
6. He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families. (Ord. No. 90-21 §5, 10-8-90)

SECTION 280.060: ADMINISTRATION

1. There is hereby created a Fair Housing Committee whose membership shall consist of three (3) members who shall be appointed by the Mayor of the City with the approval of the Board of Aldermen.
2. Every complaint of a violation of this Chapter shall be referred to the Fair Housing Committee. The Fair Housing Committee shall forthwith notify the person against whom the complaint is made. The identity of the aggrieved person shall be made known to the person against whom the complaint is made at that time. If the Fair Housing Committee, after investigation, finds there is no merit to the complaint, the same shall be dismissed if the Fair Housing Committee finds that there is merit in the complaint, in their opinion, then and in that event, the Fair Housing Committee will endeavor to eliminate the alleged discriminatory practice by conference and conciliation.
3. If the Fair Housing Committee is unable to eliminate the alleged discriminatory practice by a conference and conciliation, then and in that event, the Fair Housing Committee shall forward said complaint to the City Attorney for handling. The final determination of whether or not to prosecute on said complaint shall be left to the City Attorney. (Ord. No. 90-21 §6, 10-8-90)

SECTION 280.070: ENFORCEMENT

1. Any person convicted of a violation of this Chapter shall be punished by a fine of not more than two hundred dollars ($200.00) or by a confinement in the County Jail for not more than thirty (30) days, or by both such fine and imprisonment.
2. The City Attorney, instead of filing a complaint in Municipal Court of said City, may, as an alternative remedy, seek to have the alleged discriminatory practices abated by an action for an injunction to be maintained in the appropriate Circuit Court of the State of Missouri. (Ord. No. 90-21 §7, 10-8-90)