

outline is defined and used in this document

TITLE I. GOVERNMENT CODE

CHAPTER 100: GENERAL PROVISIONS

SECTION 100.010: CONTENTS OF CODE

This Code contains all ordinances of a general and permanent nature of the City of Scott City, Missouri, and includes ordinances dealing with municipal administration, municipal elections, building and property regulation, business and occupations, health and sanitation, public order, and similar subjects.

1. Ordinances hereafter adopted which are not of a general or permanent nature shall be numbered consecutively, authenticated, published and recorded in the book of ordinances, but shall not be prepared for insertion in this Code, nor be deemed a part hereof.
2. Ordinances which are of a general or permanent nature shall be prepared for insertion in this Chapter and be deemed a part hereof. (CC §10.010)

SECTION 100.020: CITATION OF CODE

This Code may be known and cited as the "Scott City, Missouri, City Code."
(CC §10.020)

SECTION 100.030: OFFICIAL COPY

A copy of such Code shall be kept on file in the office of the City Clerk, preserved in looseleaf form or in such other form as the City Clerk may consider most expedient. It shall be the express duty of the City Clerk, or someone authorized by said officer, to insert in their designated places all amendments and all ordinances or resolutions which indicate the intention of the City Council to make the same part of such Code when the same have been printed or reprinted in page form, and to extract from such Code all provisions which from time to time may be repealed by the City Council. This copy of such Code shall be available for all persons desiring to examine the same.
(Ord. No. 313 §7, 10-1-90)

SECTION 100.040: ALTERING CODE

It shall be unlawful for any person to change or alter by additions or deletions, any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Scott City to be misrepresented thereby. Any person violating this Section shall be punished as provided in Chapter 110 of this Code. (Ord. No. 313 §8, 10-1-90)

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SECTION 100.050: NUMBERING

Each Section number of this Code shall consist of two (2) parts separated by a period; the figure before the period referring to the Chapter number, and the figure after the period referring to the position of the Section in the Chapter. The latter figure shall consist of three (3) digits. (CC §10.050)

SECTION 100.060: AMENDMENTS TO CODE

Any and all additions and amendments to such Code when passed in such form as to indicate the intention of the City Council to make the same a part thereof shall be deemed to be incorporated in such Code so that reference to the "*Code of Ordinances of the City of Scott City*", shall be understood and intended to include such additions and amendments. All amendments to this Code, duly passed by the City Council, shall be prepared by the City Clerk for insertion in this Code.

(CC §10.060; Ord. No. 313 §4, 10-1-90)

SECTION 100.070: DEFINITIONS

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

CITY: The words "the City" or "this City" or "City" shall mean the City of Scott City, Missouri.

CITY COUNCIL: The City Council of the City of Scott City.

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

DAY: A day of twenty-four (24) hours, beginning at twelve o'clock (12:00) midnight.

KEEPER; PROPRIETOR: Shall mean and include persons, firms, associations, corporations, clubs, and partnerships, whether acting by themselves or by a representative, servant or agent.

MAY: The word "may" is permissive.

MAYOR: The Mayor of Scott City, Missouri.

MONTH: A calendar month.

OATH: Shall be construed to include an affirmation in all cases in which an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

OWNER: Applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

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PERSON: Shall include a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word "person" is used in any Section of this Code prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members thereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such Section.

PRECEDING, FOLLOWING: Shall mean next before and next after, respectively.

PROPERTY: Shall include real and tangible and intangible personal property.

PUBLIC WAY: Shall include any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare.

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

SHALL: The word "shall" is mandatory.

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

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

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

STREET: Shall mean and include any public way, highway, street, avenue, boulevard, parkway, alley or other public thoroughfare, and each of such words shall include all of them.

TANGIBLE PERSONAL PROPERTY: Shall include goods, chattels and all personal property, except intangible personal property.

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

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

YEAR: A calendar year, unless otherwise expressed. (CC §11.010)

SECTION 100.080: NEWSPAPER

Whenever in this Code or other ordinances of the City it is required that notice be published in the "official newspaper" or a "newspaper of general circulation published in the City", and if there is no such "newspaper published within the City", the said notice shall be published in a "newspaper of general circulation within the City", regardless of its place of publication. (CC §11.020)

SECTION 100.090: WARDS

A. *Ward I.* Ward I shall consist of the territory within the following boundaries:

Begin at the intersection of the centerline of Lincoln Avenue with the centerline of Main Street, also known as Missouri Route "K"; thence in a Westerly direction along the centerline of Main Street, also known as Missouri Route "K", to its intersection with Wheeler Drive; thence Northerly along the centerline of Wheeler Drive, extended Northward to the North City limits; thence in a North and Easterly direction following the North City limits to the center of the median of United States Interstate I-55; thence in a general Northerly direction following the west boundaries of the City to the Northwest corner of the City limits above Nash Road in Cape Girardeau County, Missouri; thence in a general Easterly direction along the North boundary line of the City in Cape Girardeau County, Missouri to the Northeast corner of the Nash Road Industrial Tract; thence in a general Southerly and then Easterly direction along the East and North boundary line of the City to a point immediately North of Hilleman Drive (it being the intent of the City to include within Ward I all properties annexed to the City with the Nash Road Industrial Park Area); thence in a general Eastwardly then Northerly direction along the City limits line to the centerline of N. Lincoln Avenue as extended Westward to City limits; thence in an Easterly and then Southerly direction along the centerline of Lincoln Avenue to its intersection with Main Street, being the point of beginning.

B. *Ward II.* Ward II shall consist of the territory within the following boundaries:

Begin at the intersection of Lincoln Avenue with Main Street; thence in a general Westerly direction along the centerline of Main Street to its intersection with Wheeler Drive; thence in a general Northerly direction along the centerline of Wheeler Drive, extended Northward, to the North City limits line; thence in a general Southwesterly direction along the North City limits, across Highway M, to a point being the Southwest corner of the City of Scott City, Missouri; thence in a general Eastwardly direction along the South boundary line of the City to its intersection with East Second Street; thence in a general Northerly direction along the centerline of East Second Street to its intersection with the centerline of the St. Louis Southwestern Railroad Tracks; thence Westerly along the centerline of the St. Louis Southwestern Railroad Tracks to its intersection with Oak Street; thence in a Northerly direction along the centerline of Oak Street to its intersection with Main Street, also known as Highway K, being the point of beginning.

C. *Ward III.* Ward III shall consist of the territory within the following boundaries;

Begin at the intersection of the centerline of Lincoln Avenue with the centerline of Main Street, also known as Missouri Route "K"; thence in a general Northerly and then Westerly direction along the centerline of Lincoln Avenue to its intersection with City limits; thence in a Northerly direction to the North City limits line; thence in a general Easterly direction along the North City limits to its intersection with the centerline of Sycamore Street extended Northward; thence in a general Southerly direction along the centerline of Sycamore Street extended Northward, Sycamore Street, and Sycamore Street extended Southward, to its intersection with the St. Louis Southwestern Railroad Tracks; thence in a general Westerly direction along the centerline of the St. Louis Southwestern Railroad Tracks to its intersection with Oak Street; thence in a general Northerly direction to its intersection with Lincoln Street and Main Street, being the point of beginning.

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D. *Ward IV.* Ward IV shall consist of the territory within the following boundaries:

Begin at a point where the centerline of Sycamore Street, as extended Southward abuts the centerline of the St. Louis Southwestern Railroad Tracks; thence in a general Northerly direction along the centerline of Sycamore Street extended Southward, Sycamore Street, Sycamore Street extended Northward, to the North City limits; thence in a general Easterly direction along the North boundary lines of the City to the East boundary line of the City; thence in a general Southerly direction along the East boundary line of the City; thence in a general Westerly and Northerly direction along the South boundary line to its point of intersection with the centerline of East Second Street; thence in a general Southerly direction along the centerline of East Second Street to its intersection with the centerline of the St. Louis Southwestern Railroad Tracks; thence in a general Westerly direction along the centerline of the St. Louis Southwestern Railroad Tracks to a point where said railroad tracks intersect the imaginary centerline of Sycamore Street extended Southward, being the point of beginning. (Ord. No. 10 §1, 4-21-80; Ord. No. 344 §1, 9-3-91; Ord. No. 354 §1, 11-18-91)

SECTION 100.100: FEDERAL OLD-AGE SURVIVORS, DISABILITY AND HEALTH INSURANCE

- A. It is hereby declared to be the policy and purpose of the City of Scott City, Missouri, to extend to all eligible employees and officials of said City who are not excluded by law or by this ordinance, and whether employed in connection with a governmental or proprietary function of said City, the benefits of the system of Federal Old-Age, Survivors, Disability and Health Insurance as authorized by the Sections 105.300 through 105.440 RSMo. 1969, as the same may be now and hereafter in effect.
- B. The Mayor and the City Clerk of the City of Scott City, Missouri, are hereby authorized and directed, on behalf of this City to prepare, execute and submit to the Office of Administration, OASDHI Unit of the State of Missouri, as State Agency of the State of Missouri, a plan and agreement for extending said benefits to said eligible employees and officials of the City of Scott City, Missouri, in the form prepared by the State Agency and hereby approved and adopted by the City Council of this City, which plan and agreement are to become effective upon approval thereof by the State Agency, and are further authorized and directed to execute agreements and modifications and amendments thereof with said State Agency providing for the extension of said benefits to said employees and officials as set forth in said plan and agreement, as provided for in Subsection A hereof, said plan and agreement to provide that said extension of benefits is to be effective on January 1, 1981.
- C. Commencing on the first day of the month following the date of the approval of the plan and agreement of this City by the State Agency, there shall be deducted from the wages of all employees and officials of the City of Scott City, Missouri, to whom the benefits of said system of Federal Old-Age Survivors, Disability and Health Insurance are extended, by virtue of the plan and agreement hereinbefore provided for, the amount of each of said employees' and officials' contributions, as determined by the applicable State and Federal laws and by said plan and agreement, the aggregate amount of said deductions to be paid into the OASDHI Trust Fund created pursuant to Section 105.390 RSMo. 1969; provided however that from the first payment of wages made to each of said employees and officials after the benefits of said system have been extended to such employees and officials, there shall be deducted a sum equal to the amount which would have been due and payable from each said employee and official had said extension of benefits been provided and effective on January 1, 1981.
- D. Commencing on the first day of the month following the date of the approval of the plan and agreement of this City by the State Agency, there is hereby authorized to be appropriated from the General, Park, Street and Water Fund of the City of Scott City, Missouri, and there is, and shall be, appropriated, the sum or sums of money necessary to pay the contributions of the City of Scott City, Missouri, which shall be due and payable by virtue of the extension of the benefits of the Federal Old-Age, Survivors, Disability and Health Insurance System to the eligible employees and officials of said City, said sum or sums of money to be paid into the OASDHI Trust Fund created pursuant to Section 105.390 RSMo. 1969; provided, however, that in making the first payment to said OASDHI Trust Fund, after the benefits of said system have been extended to such employees and officials, said first payment shall include a sum equal to the amount which would have been due and payable had said extension of benefits been provided and effective on January 1, 1981. The fund from which said appropriation is made will, at all times, be sufficient to pay the contributions of the City by this Section directed to be paid to said OASDHI Trust Fund.

- E. The City of Scott City, Missouri, from and after the approval of the plan and agreement of this City by the State Agency, shall fully comply with, and shall keep such records, make such reports and provide such methods of administration of said plan and agreement as may be required by all applicable State and Federal laws, rules and regulations, now and hereafter in effect with respect to the extension of the benefits of the Federal Old-Age, Survivors, Disability and Health Insurance System to the employees and officials of this City. For the purpose of administering said plan and agreement the City Clerk of this City shall be the official who shall make all required reports, keep all records, and be responsible for the administration of said plan and agreement on behalf of this City, and any and all notices and communications from the State Agency to this City with respect to said plan and agreement shall be addressed to: Scott City Clerk, 215 Chester Avenue, Scott City, Missouri, 63780. (Ord. No. 45 §§A-E, 1-5-81; Ord. No. 313 §9, 10-1-90)

SECTION 100.110: ADOPTION OF CODE

- A. Except as hereinafter amended, the code of ordinances, consisting of Titles I through VII, each inclusive, is hereby adopted and enacted as the "*Code of Ordinances of the City of Scott City*," which shall supersede all other general and permanent ordinances of the City passed on or before July 11, 1990, to the extent provided in Section 100.120 hereof.
- B. All provisions of such Code shall be in full force and effect from and after October 1, 1990. (Ord. No. 313 §§1-2, 10-1-90)

SECTION 100.120: EXCEPTIONS TO REPEAL

All ordinances of a general and permanent nature of the City adopted on final passage on or before July 11, 1990, and not included in such Code or recognized and continued in force by reference therein, are hereby repealed from and after October 1, 1990, except those which may be specifically excepted by separate ordinance, and except the following which are hereby continued in full force and effect, unless specifically repealed by separate ordinance.

1. Ordinances promising or guaranteeing the payment of money for the City, or authorizing the issuance of any bonds or notes of the City or any other evidence of the City's indebtedness, or authorizing any contract or obligation assumed by the City;
2. Ordinances levying taxes or making special assessments;
3. Ordinances appropriating funds or establishing salaries and compensation, and providing for expenses;
4. Ordinances granting franchises or rights to any person, firm or corporation;
5. Ordinances relating to the dedication, opening, closing, naming, establishment of grades, improvement, altering, paving, widening or vacating of streets, alleys, sidewalks or public places;
6. Ordinances authorizing or relating to particular public improvements;

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7. Ordinances respecting the conveyance or acceptance of real property or easements in real property;
8. Ordinances dedicating, accepting, or vacating any plat or subdivision in the City or any part thereof, or providing regulations for the same;
9. Ordinances annexing property to the City;

B. The repeal provided for in this Section shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this Section. (Ord. No. 313 §3, 10-1-90)

SECTION 100.130: OFFICE HOURS

All City administrative offices located in City Hall shall be open from 8:00 A.M. until 5:00 P.M. daily, Monday through Friday. (Ord. No. 476 §1, 5-1-95)

SECTION 100.140: MISSOURI LOCAL GOVERNMENT EMPLOYEES' RETIREMENT SYSTEM

The City of Scott City, an employer under the Missouri Local Government Employees' Retirement System, hereby elects the following:

1. To adopt a change in the contributions from covered employees 1994, in accordance with the provisions of Sections 70.705 and 70.730, RSMo., as amended by RSMo. 1998 Supplement.
2. To adopt a change in the method of determining a member employee's final average salary, changing to a sixty (60) consecutive month period for determining a member employee's final average salary in accordance with Sections 70.600 and 70.656, RSMo. 1994, as amended by RSMo. 1998 Supplement.
3. To adopt a change in the benefit program of member employees, keeping Benefit Program L-3 (one and one-fourth percent (1¼%)).
4. To adopt a change in the benefit program of member employees, keeping member employees option of retirement upon attaining minimum service retirement age.
5. The Clerk shall certify this election to the Missouri Local Government Employees' Retirement System within ten (10) days hereof. Such election shall be effective on the first (1st) day of July 2003. (Ord. No. 729, 6-16-03)

CHAPTER 105: CONSTRUCTION OF ORDINANCES

SECTION 105.010: CONSTRUCTION, GENERALLY

All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the City Council may be fully carried out. Technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to the technical import. (CC §12.010)

SECTION 105.020: HEADINGS

The headings of the Chapters and Sections of this Code are intended as guides and not as part of this Code for purposes of interpretation or construction. (CC §12.020)

SECTION 105.030: CONTINUATION OF PRIOR ORDINANCES

The provisions appearing in this Code, so far as they are in substance the same as those of ordinances existing at the time of the adoption of this Code, shall be considered as a continuation thereof and not as new enactments. (CC §12.030)

SECTION 105.040: REPEAL OF ORDINANCES NOT TO AFFECT LIABILITIES

Whenever any ordinance or part of an ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the prior ordinance shall go into effect unless therein otherwise expressly provided; but not suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under any ordinance previous to its repeal shall in anywise be affected, released or discharged but may be prosecuted, enjoyed and recovered as fully as if such ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided. (CC §12.040)

SECTION 105.050: REPEAL NOT TO REVIVE FORMER ORDINANCE

When an ordinance repealing a former ordinance, clause or provision shall itself be repealed, such repeal shall not be construed to revive such former ordinance, clause or provision unless it be expressly so provided and such former ordinance, clause or provision is set forth at length. (CC §12.050)

SECTION 105.060: SEVERABILITY

It is hereby declared to be the intention of the City Council that the Chapters, Sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, Section, or Chapter of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any Court of competent jurisdiction, such unconstitutionality or invalidity shall not affect

any of the remaining phrases, clauses, sentences, paragraphs, Sections, and Chapters of this Code since the same would have been enacted by the City Council without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph, or Section. (CC §12.060)

SECTION 105.070: TENSE

Except as otherwise specifically provided or indicated by the context, all words used in this Code indicating the present tense shall not be limited to the time of adoption of this Code, but shall extend to and include the time of the happening of any act, event, or requirement for which provision is made herein, either as a power, immunity, requirement, or prohibition. (CC §12.070)

SECTION 105.080: NOTICE

Whenever notice may be required under the provisions of this Code or other City ordinance, the same shall be served in the following manner.

1. By delivering the notice to the owner personally or by leaving the same at his residence, office or place of business with some person of suitable age and discretion, or
2. By mailing said notice by certified or registered mail to such owner at his last known address, or
3. If the owner is unknown, or may not be notified under the requirements of Subsection (1) or (2) hereof, then by posting said notice in some conspicuous place on the premises at least five (5) days before the act or action concerning which the notice is given is to take place. No person shall interfere with, obstruct, mutilate, conceal, or tear down any official notice or placard posted by any City Officer, unless permission is given by said Officer. (CC §12.080)

SECTION 105.090: NOTICE, EXCEPTIONS

The provisions of the preceding Section shall not apply to those Chapters of this Code wherein there is a separate definition of notice. (CC §12.090)

SECTION 105.100: COMPUTATION OF TIME

In computing any period of time prescribed or allowed by this Code or by any notice or order issued pursuant thereto, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Sunday nor a legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Sundays and legal holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a legal holiday. (CC §12.100)

SECTION 105.105: EXTENSION OF TIME LIMITS

- A. In the event any person is unable, due to disability or act of God, to procure a license or permit or is unable to complete any act required in the Code within the time specified in the Code, the City Council may, upon written request, extend the time for obtaining the license or permit or the time to complete any required act set forth in the Code.
- B. Any request for extension shall be in writing and shall contain the following:
 - 1. The disability or act of God preventing the completion of the act or the procurement of the license or permit.
 - 2. The period of extension requested.
 - 3. Documentation reflecting the disability or act of God precluding the applicant from completing any act required within the time specified.
- C. The Council, after reviewing the request, may grant an extension to a date certain.
- D. The Council is prohibited from granting an extension in the following cases:
 - 1. Where an extension would jeopardize the public health and safety.
 - 2. With regard to any time limits relating to proceedings in Municipal Court.
 - 3. For violation of the Traffic Code as set forth in Chapters 300–375 of the Code.
 - 4. For violations of offense set forth in Chapter 225 of the Code. (Ord. No. 845 §1, 5-19-08)

Note—This ordinance is retroactive to December 10, 2007.

SECTION 105.110: GENDER

When any subject matter, party or person is described or referred to by words importing the masculine, females as well as males, and associations and bodies corporate as well as individuals, shall be deemed to be included. (CC §12.110)

SECTION 105.120: JOINT AUTHORITY

Words importing joint authority to three (3) or more persons shall be construed as authority to a majority of such persons. (CC §12.120)

SECTION 105.130: NUMBER

When any subject matter, party or person is described or referred to by words importing the singular number, the plural and separate matters and persons and bodies corporate shall be deemed to be included; and when words importing the plural number are used, the singular shall be deemed to be included. (CC §12.130)

CHAPTER 110: PENALTY

Editor's Note—Ord. no. 819 §1, adopted April 2, 2007, repealed sections 110.010 "general penalty" and 110.020 "penalty as to amendments" and enacted the new provisions set out herein. Former sections 110.010–110.020 derived from ord. no. 313 §§5–6, 10-1-90.

SECTION 110.010: GENERAL

- A. Whenever in this Code or any other ordinance of the City, or in any rule, regulation, notice or order promulgated by any officer or agency of the City under authority duly vested in them or if any act is prohibited or is declared to be unlawful or an offense or misdemeanor or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor upon conviction of a violation of any such provision of this Code or of any such ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in the City Jail not exceeding ninety (90) days or by both such fine and imprisonment.
- B. Whenever any act is prohibited by this Code or by an amendment thereof or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of any person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited. (Ord. No. 819 §1, 4-2-07)

CHAPTER 115: OFFICIALS

ARTICLE I. CITY COUNCIL

SECTION 115.010: QUALIFICATIONS OF COUNCILMEN; TERMS OF OFFICE

No person shall be elected for the office of Councilman who is not twenty-one (21) years of age, a citizen of the United States, and an inhabitant of the City for one (1) year next preceding his election, and a resident of the Ward from which he is elected six (6) months next preceding his election; nor shall any person be elected a Councilman who is in arrears for any tax, lien, forfeiture or defalcation in office. All members of the Council shall hold their office for a term of two (2) years. (CC §21.010; Ord. No. 506 §1, 1-2-96)

SECTION 115.020: OATH

Before entering upon the discharge of the duties of his office, each Councilman shall take and subscribe an oath or affirmation before the City Clerk that he possesses all the qualifications prescribed for his office by the laws of the State and this Code or other ordinances of this City; that he will support the Constitution of the United States and of this State, and this Code and other ordinances of this City, and that he will faithfully demean himself in office. (CC §21.020)

SECTION 115.030: MEMBERSHIP

The members of the City Council shall be two (2) in number from each Ward of the City. (CC §21.030)

SECTION 115.035: COUNCILMAN'S COMPENSATION

Each councilman shall receive compensation for his/her services in the sum of thirty dollars (\$30.00) per City Council meeting and ten dollars (\$10.00) per committee meeting attended. Said compensation shall be paid out of the general revenue of the City on a monthly basis. (Ord. No. 573 §2, 8-8-97)

Note—Ord. no. 577 states that the preceding salary shall be in force and effect from and after April 1, 1999.

ARTICLE II. OFFICERS AND EMPLOYEES

SECTION 115.040: OFFICERS ENUMERATED

The Offices of this City shall consist of:

1. The following elective Officers:
 - a. Mayor.
 - b. Councilmen (two (2) from each Ward).

2. And the following appointive Officers:
 - a. City Clerk.
 - b. Municipal Judge.
 - c. City Attorney.
 - d. City Collector.
 - e. Treasurer.
 - f. Chief of Police.
 - g. City Engineer.
 - h. Fire Chief.
 - i. Such other agents as may be appointed from time to time.
(CC §21.100; Ord. No. 167 §1-2, 1-20-86; Ord. No. 313 §9, 10-1-90))

SECTION 115.050: TERM OF APPOINTIVE OFFICERS

All appointive Officers shall be appointed to serve at the pleasure of the Mayor and the City Council. (CC §21.110)

SECTION 115.060: OFFICERS TO BE QUALIFIED VOTERS AND RESIDENTS; EXCEPTIONS

All Officers elected or appointed to offices under the City Government shall be qualified voters under the laws and Constitution of this State and this Code; except, that appointed Police Officers, the City Attorney and other employees having only ministerial duties need not be registered voters of the City. No person shall be elected or appointed to any office who shall at the time be in arrears for any unpaid City taxes, or forfeiture or defalcation in office. All Officers, the City Attorney and other employees having only ministerial duties, shall be residents of the City. The residency of appointed Police Officers shall be governed by Chapter 200 of this Code. (CC §21.120)

SECTION 115.070: OATH OF OFFICE; BOND GENERALLY

Every Officer of the City and his assistants, and every Councilman before entering upon the duties of his office shall take and subscribe to an oath or affirmation before some person authorized to administer oaths, that he possesses all qualifications prescribed for his office by law; that he will support the Constitution of the United States and of this State, the provisions of all laws of this State affecting the City and the Code of Ordinances and other ordinances of the City; and faithfully demean himself while in office, which oath or affirmation shall be filed with the City Clerk. Every Officer of the City, when required by this Code or other law or ordinance, shall, within fifteen (15) days after his appointment or election, and before entering upon the discharge of the duties of his office, give bond to the City in such sum and with such sureties as may be

designated by this Code or other ordinance, conditioned upon faithful performance of his duty, and that he will pay over all money belonging to the City and fully account for the same, as provided by law, that may come into his hands. If any person elected or appointed to any office shall fail to take and subscribe such oath or affirmation, or to give bond as herein required, his office shall be deemed vacant. For any breach of condition of any such bond, suit may be instituted thereon by the City, or by any person in the name of the City to the use of such person. The City may at its option maintain a blanket bond to cover all City employees in the faithful discharge of their duties. (CC §21.130)

SECTION 115.080: FORM OF OATH

The oath required by the preceding Section shall be as follows:

"I do solemnly swear (or affirm) that I possess all the qualifications prescribed for my office by law; that I will support the Constitution of the United States and of the State of Missouri, the provisions of all laws of this State affecting the cities of the Third Class and the ordinances of Scott City, Missouri, and will faithfully demean myself while in office".

Subscribed and sworn to before me this _____ day of _____, 19____.
(CC §21.135)

SECTION 115.090: COMMISSION TO BE DELIVERED

Upon filing of the oath of office and approval of bond, when bond is required, the City Clerk shall deliver to the person elected or appointed a commission signed by the Mayor, and under the Seal of the City, duly countersigned by the Clerk, authorizing the person therein named to discharge the duties of the office therein named for the term for which he was appointed or elected. (CC §21.140)

SECTION 115.100: FORM OF COMMISSION

The commission shall be as follows:

State of Missouri
County of Scott
City of Scott City

The City of Scott City to All Who Shall See These Presents: Greeting

Know ye that in pursuance of _____and in pursuance of the State law and the ordinances of the City of Scott City made and provided, and by virtue of the power and authority in me vested, I do hereby appoint and commission to the office of _____and he is hereby authorized and empowered to discharge the duties of said office, with all the privileges and emoluments to the same right pertaining, unto him the said _____ for and during the term of two (2) years from the date of this commission and until his successor in said office shall be duly qualified.
(CC §21.145)

SECTION 115.110: SALARIES

The City Council shall have the power to fix the compensation of all Officers or employees of the City by ordinance. In addition to the fees allowed by this Code or other law or ordinance the City Officers shall receive such compensation for their services as the City Council shall from time to time provide. (CC §21.150; Ord. No. 573 §3, 8-18-97)

SECTION 115.120: ADMINISTRATION OF OATHS

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

1. The Mayor, to witnesses or other persons concerned with any subject under consideration by the City Council in which the interest of the City is involved.
2. The Municipal Judge, to witnesses, jurors, or other persons relating to any trial or other proceedings within the jurisdiction of his Court.
3. The City Clerk, to any person certifying to any demand or claim against the City concerning the correctness of the same. (CC §21.160)

SECTION 115.130: VACANCIES

Vacancies shall be filled as follows:

1. If a vacancy occurs in any elective office, the City Council shall, upon recommendation by the Mayor, appoint a suitable person to fill the vacancy. The regular successor shall serve until the next regular election.
2. If a vacancy occurs in any office not elective, the Mayor shall appoint a suitable person to discharge the duties of such office until the first regular meeting of the City Council thereafter, at which time such vacancy shall be filled for the unexpired term which was vacated, by the Mayor and with the consent and approval of the majority of the members of the City Council.
3. Immediately upon the suspension of an Officer it shall be the duty of the Mayor to appoint a competent and responsible person to discharge the duties of such Officer for the period of the suspension. (CC §21.170; Ord. No. 313 §9, 10-1-90)

SECTION 115.140: MAY NOT HOLD OTHER CITY JOB

No person occupying the position of Mayor, Councilman, or any other elective City office shall hold any other elective or appointive office, or be an employee of the City.
(CC §21.180)

SECTION 115.150: REMOVAL OF OFFICERS

The Mayor with the consent of a majority of all the members elected to the City Council, remove from office, for cause shown, any elective Officer of the City, such Officer being first given opportunity, together with his witnesses, to be heard before the City Council setting as a Board of Impeachment. Any elective Officer, including the Mayor, may in like manner, for cause shown, be removed from office by a two-thirds ($\frac{2}{3}$) vote of all the members elected to the City Council, independently of the Mayor's approval or recommendation. The Mayor may with the consent of a majority of all the members elected to the City Council, remove from office any appointive Officer of the City at will, and any such appointive Officer may be so removed by a two-thirds ($\frac{2}{3}$) vote of all the members elected to the City Council, independently of the Mayor's approval or recommendation. (CC §21.190)

SECTION 115.160: REQUIRE PRODUCTION OF PAPERS

The Mayor or City Council shall have power as often as they may deem it necessary, to require any Officer of the City to exhibit his accounts or other papers, or records, and to make report to the City Council, in writing, touching any matter relating to his office. (CC §21.195)

ARTICLE III. MAYOR**SECTION 115.170: QUALIFICATIONS OF MAYOR**

The Chief Executive Officer of the City shall be the Mayor, who shall be elected by the qualified voters of the City and shall hold his office for four (4) years and until his successor shall be elected and qualified. No person shall be Mayor unless he be at least thirty (30) years of age, a citizen of the United States, and a resident of the City at the time of and for at least two (2) years next preceding his election. (CC §21.200; Ord. No. 505 §1, 1-2-96)

SECTION 115.180: STANDING COMMITTEES APPOINTED

The Mayor shall, at the first meeting of the City Council after each annual election, name the members of such standing committees as he deems necessary, which shall consist of two (2) or more members of the City Council. (CC §21.210)

SECTION 115.190: PROCLAMATIONS, MEETINGS, ELECTIONS

The Mayor shall have the power to issue proclamations, call mass meetings and regular and special elections in such a manner as this Code or other ordinances or State law may provide. (CC §21.220)

SECTION 115.200: APPOINT CERTAIN OFFICERS; CONTROL POLICE

The Mayor, with the advice and consent of the City Council, shall have the power to appoint all appointive Officers of the City. He shall have authority to give such orders to the Chief of Police and Policemen of the City as in his judgment the public good may require, and it shall be the duty of the Chief of Police and Police Officers to obey such orders. (CC §21.250)

**SECTION 115.210: PRESIDING OVER CITY COUNCIL; VOTING RIGHTS;
SUPERVISION OF CITY AFFAIRS**

The Mayor shall have a seat in and preside over the City Council, but shall not vote on any question, except in case of tie, nor shall he preside or vote in cases when he is an interested party. He shall exercise a general supervision over all the Officers and affairs of the City, and shall take care that this Code or other ordinances of the City, and the State laws relating to such City, are complied with. (CC §21.270)

SECTION 115.220: SIGN COMMISSIONS, CHECKS, APPROVE BONDS

The Mayor shall sign the commissions and appointments of all City Officers, elected or appointed in the City, and shall approve all official bonds unless otherwise prescribed by ordinance. He shall sign all orders, drafts and checks drawn on the City Treasury and cause the City Clerk to keep an accurate record thereof in a book to be provided for that purpose. (CC §21.271; Ord. No. 463 §1, 3-6-95)

SECTION 115.230: ENFORCE LAWS

The Mayor shall be active and vigilant in enforcing all laws and ordinances for the Government of the City, and he shall cause all subordinate Officers to be dealt with promptly for any neglect or violation of duty; and he is hereby authorized to call on every male inhabitant of the City over eighteen (18) years of age and under fifty (50), to aid in enforcing the laws. (CC §21.272)

SECTION 115.240: REMIT FINES

The Mayor shall have power to remit fines and forfeitures and to grant reprieves and pardons for offenses arising under the ordinances of the City; but this Section shall not be so construed as to authorize the Mayor to remit any costs which may have accrued to any Officer of said City by reason of any prosecution under the laws or ordinances of this City. (CC §21.272)

SECTION 115.250: APPOINT OFFICERS

The Mayor, with the consent and approval of the majority of the members of the City Council, shall have power to appoint a Treasurer, Attorney, Clerk, Collector, Fire Chief, Public Works Director and Municipal Judge, Night Watchman and such other Officers

as he may be authorized by ordinance to appoint, and if deemed for the best interests of the City the Mayor and City Council may, by ordinance, employ special counsel to represent the City either in case of a vacancy in the office of City Attorney or to assist the City Attorney, and pay reasonable compensation therefor. (CC §21.275; Ord. No. 313 §9, 10-1-90)

SECTION 115.260: RECEIVE LEGAL PROCESS

Whenever any process or notice shall be served on the Mayor, in any legal or other proceedings against the City, or in which the City is a party, he shall immediately deliver the same or a sufficient notice thereof to the City Attorney for proper and necessary attention. (CC §21.275)

SECTION 115.270: COMMUNICATIONS TO COUNCIL

The Mayor shall from time to time communicate to the City Council such measures as may, in his opinion, tend to the improvement of finances, the Police, health, security, ornament, comfort and general prosperity of the City. (CC §21.280)

SECTION 115.280: APPROVAL OF BILLS; VETO POWER

Every bill presented to the Mayor for his approval shall be returned by him to the City Council, with his approval endorsed thereon, or with his objections thereto, in writing, on or before the next regular meeting of the Council succeeding the date on which the bill was so presented. The Mayor may also veto any portion or all of the general appropriation bill, or any item of the same. (CC §21.290)

SECTION 115.290: COMPENSATION

The Mayor shall receive as compensation for his/her services the sum of two thousand six hundred dollars (\$2,600.00) per year, payable out of the general revenue of the City in monthly installments. (CC §21.295; Ord. No. 573 §1, 8-8-97)

Note—Ord. no. 577 states that the preceding salary shall be in force and effect from and after April 1, 2000.

ARTICLE IV. CITY ATTORNEY

SECTION 115.300: APPOINTMENT; TERM

The Mayor, with the advice and consent of the City Council, at the first meeting after each annual City Election shall appoint a suitable person as City Attorney who shall hold office for one (1) year, unless sooner removed from office, and until his successor is appointed and qualified. (CC §21.300)

SECTION 115.310: QUALIFICATIONS

No person shall be appointed to the office of City Attorney unless he be a licensed and practicing attorney at law in this State. (CC §21.310)

SECTION 115.320: DUTIES; GENERALLY

The City Attorney shall, in addition to his other duties which are or may be required by this Code or other ordinance, prepare all charges or complaints against any party, or parties, charged with violation of this Code or other ordinance of the City, and,

when ordered by the Mayor or City Council to do so, to prosecute or defend all suits and actions originating or pending in any Court of this State, to which the City is a party, or in which the City is interested.

1. It shall be the duty of the City Attorney to prosecute all persons charged with a violation of this Code or other ordinance of the City, when the same is a contested case.
2. The City Attorney shall make, and he is hereby authorized and empowered to make, affidavits on behalf of the City in all cases where the same may be necessary in taking an appeal or change of venue or any other matter necessary to proper legal proceedings.
3. The City Attorney shall give his opinion to all City Officials. (CC §21.320)

SECTION 115.330: REPORT TO CITY COUNCIL

- A. The City Attorney shall attend meetings of the City Council when requested by the Mayor or majority of the City Council. Any member of the City Council may at any time call upon the City Attorney for an oral or written opinion to decide any question of law, but not to decide upon any parliamentary rules or to resolve any dispute over the propriety of proposed legislative action.
- B. The City Attorney shall report to the City Council the condition of any matters pending or unsettled in the City Municipal Court, or any other proceeding pending in any other Court of which he may have charge under orders of the Mayor or City Council.
(CC §21.330)

SECTION 115.340: TEMPORARY ABSENCE; ACTING CITY ATTORNEY

In case of absence, sickness or other inability of the City Attorney to attend Court, or when, before assuming his official duties, he shall have been counsel adverse to the City, he shall inform the Mayor thereof, in writing, and the Mayor shall appoint some other attorney to represent the City in such cases, or during temporary absence, sickness or inability. Should the City Attorney fail, neglect, or refuse to give such notice, as above provided, and the interests of the City in case of such failure, neglect or refusal, need the immediate services of an attorney, then the Mayor may appoint some other attorney to attend to such cases, who shall receive the compensation allowed to the City Attorney for like services. (CC §21.340)

ARTICLE V. CITY CLERK**SECTION 115.350: SELECTION OF CITY CLERK**

When a vacancy arises in the office of City Clerk, the Mayor, with the advice and consent of the majority of the City Council, shall appoint a City Clerk, who shall serve at the pleasure of the Mayor and City Council. (Ord. No. 219 §2, 3-21-88)

SECTION 115.360: QUALIFICATIONS

The City Clerk shall be at least twenty-one (21) years of age, a qualified voter of the City and shall have resided in this City for at least one (1) year prior to his election to be eligible to such office. (CC §21.410)

SECTION 115.370: DUTIES—GENERALLY

The City Clerk shall, in addition to other duties which are or may be required of him by this Code or other ordinance, attend all meetings of the City Council.

1. The City Clerk shall attend all meetings of the City Council; keep and preserve the minutes of the proceedings of the Council, and transcribe the same in full in a well bound book to be known as the "journal" of the City Council. He shall safely keep all records and files belonging to the City deposited with him; he shall keep all accounts between the City, its Officers and employees and all persons having accounts with or claims against the City. He shall charge all City Officers with all money of the City coming into their hands, and credit them with all legal and authorized disbursements upon presentation of proper vouchers therefor; he shall keep the several funds of the City Revenue under appropriate headings in separate accounts, and keep such accounts balanced so that he may, whenever requested, give to the City Council or any Officer authorized to demand a statement an accurate and exact statement of the condition of such fund. He shall attest all warrants drawn upon the Treasury of the City by the authority of the City Council, and shall affix the Seal of the City to all warrants or other papers requiring such Seal.
2. The Clerk shall sign, affix the Seal to, and record in a book kept for that purpose, all ordinances passed by the Council.
3. The Clerk shall make a detailed report in writing at the regular meeting of the Council in each month of all warrants due upon the Treasury, to whom and for what purpose given, and also of all licenses issued, to whom, for what, and amount of license.
4. He shall have custody of the books, records, papers and documents belonging to the City, except for the City personnel records which shall be maintained in the custody of the City Administrator.
5. He shall prepare all certificates of election or appointment of the City Officers, and deliver the same to the persons elected or appointed.

6. He shall countersign all City bonds, drafts, orders and checks drawn upon the City Treasury for money and shall keep a record thereof, showing the number, date and amount thereof, and name of the person to whom, and on what account issued, and when redeemed.
7. He shall record the certificates, oaths and bonds of all the City Officers.
8. He shall keep an index of the records of the proceedings of the City Council.
9. He shall prepare semi-annually a statement of the receipts and expenditures of the City, and cause the same to be published in a newspaper published in the City.
10. He shall copy the tax books of the City, extend the taxes thereon, and turn the same over to the City Collector by August 1, charging the Collector with the amounts of taxes due the several funds as shown by the tax books, and crediting him by amount of taxes turned into the Treasury, his commission, delinquent taxes, errors and rebates.
11. He shall prepare blank licenses for all purposes for which licenses are required to be issued, and when required, shall cause the same to be issued, signing his name and affixing the Seal of the City thereto, and shall keep an account with the Collector for such licenses and the amount of the license tax thereon.
12. He shall furnish without delay to any person, when called upon during business hours to do so, certified copies of any records, books, or papers which are in his custody, for which services a reasonable fee to be set by City ordinance may be charged, and which shall be paid by the person demanding such certified copy into the Treasury of the City.
13. He shall maintain a full record of all special tax bills issued by the City.
14. The City Clerk shall keep and maintain an office open to the public in Scott City, Missouri, so that the public may have access to the public records of the City of Scott City, Missouri, and carry on whatever business is to be carried on with the City Clerk's office, which office shall be open from 8:00 A.M. to 5:00 P.M. daily, Monday through Friday. Such office shall be in the City Hall, unless the City Council shall permit a different location within the City. (CC §21.420; Ord. No. 356 §1, 12-2-91; Ord. No. 464 §1, 3-6-95; Ord. No. 473 §1, 5-1-95; Ord. No. 499 §1, 10-16-95)

SECTION 115.380: COMPENSATION

The salary of the City Clerk shall be such as from time to time as the City Council shall fix by ordinance, payable bi-weekly by warrant on the City Treasury. (CC §21.430; Ord. No. 564 §1, 6-16-97)

SECTION 115.390: DEPUTY CITY CLERK

The Mayor may appoint a Deputy Clerk to be approved by the City Council, who shall possess all the qualifications and powers and be charged with the same duties as the Clerk. Upon the temporary unavailability or inability of the City Clerk to perform his

duties as set forth in this Code or other ordinances of the City due to illness, absence from the City, vacation or other cause, the Deputy City Clerk shall discharge the duties of the City Clerk. (Ord. No. 359 §1, 12-2-91)

SECTION 115.395: FEES FOR COPIES

Every person desiring to secure a copy of any record, in the custody of the City Clerk, shall first pay to the City Clerk the sum of ten cents (\$0.10) for each copy received. All money received by the City Clerk for said photocopying expense shall be deposited into the City's General Revenue Fund. (Ord. No. 433 §1, 5-2-94; Ord. No. 779 §1, 4-4-05)

ARTICLE VI. CITY COLLECTOR

SECTION 115.400: APPOINTMENT

The City Collector shall be appointed by the Mayor, with the advice and consent of the Council, to serve at the pleasure of the Mayor and Council.

SECTION 115.410: OATH

The Collector shall, before entering upon the duties of the office, take and subscribe an oath or affirmation that he possesses all the qualifications prescribed for the office by law, and that he will support the Constitution of the United States and of this State, the provisions of all laws of this State affecting cities of the Third Class, and this Code and other ordinances of this City, and faithfully demean himself in office. (CC §21.510)

SECTION 115.420: DUTIES—GENERALLY—OFFICE HOURS

The Collector of Scott City shall collect all taxes of every kind, including licenses, unless otherwise provided by this Code or other City ordinance, including all water and sewer bills due to the City. He shall account for the same monthly to the City Council, and shall monthly turn all collections over to the Treasurer of Scott City, Missouri.

1. All collections and reports shall be handled by the City Collector on a calendar month basis and the report shall be from the first (1st) of the month to the first (1st) of the following month.
2. The City Collector shall keep and maintain an office open to the public in Scott City, Missouri, so that the public may pay their taxes and carry on whatever business is to be carried on with the Collector's Office, which office shall be kept open from 8:00 A.M. to 5:00 P.M. daily, Monday through Friday. Such office shall be in the City Hall unless the City Council permits a different location within the City.
3. The City Collector shall reconcile the checking accounts of the City. (CC §21.520; Ord. No. 378 §2, 5-16-77; Ord. No. 313 §9, 10-1-90; Ord. No. 465 §1, 3-6-95; Ord. No. 473 §2, 5-1-95)

SECTION 115.430: BOND

Before entering into the discharge of the duties of his office, the Collector shall make bond in the amount of two thousand dollars (\$2,000.00), as required by Statute, conditioned upon the faithful handling of all funds that come into his hands and the proper discharge of his duties. (CC §21.525)

SECTION 115.440: COMPENSATION

The City Collector shall receive as compensation for his services such sum as may, from time to time, be fixed by ordinance. (CC §21.530)

SECTION 115.450: DEPUTY COLLECTOR

The Mayor may appoint a Deputy Collector to be approved by the City Council, who shall possess all the qualifications and powers and be charged with the same duties as the Collector. Upon the temporary unavailability or inability of the City Collector to perform his duties as set forth in this Code or other ordinances due to illness, absence from the City, vacation or other cause, the Deputy City Collector shall discharge the duties of the City Collector. (Ord. No. 360 §1, 12-2-91)

ARTICLE VII. CITY ENGINEER

SECTION 115.460: APPOINTMENT; TERM; QUALIFICATIONS

The Mayor, with the advice and consent of the City Council, at the first (1st) meeting after each annual City Election shall appoint a suitable person as City Engineer who shall hold office for one (1) year and until his successor is appointed and qualified, he shall be a graduate of an accredited engineering school. (CC §21.600)

SECTION 115.470: DUTIES; GENERALLY

It shall be the duty of the City Engineer to make all necessary plats, surveys, drawings and estimates of all public works when requested to do so by the City Council; to make all necessary surveys of streets, alleys, avenues, public squares, lots, blocks, squares or any public or private property in the City, when required to do so by the order of the City Council; to make correct leveling of all streets, alleys or avenues, and make the grade thereof, and report plans and estimates for the grading thereof or paving thereof when required to do so by the City Council; to make out and cause to be opened all streets, alleys, or avenues which are authorized to be opened, when ordered to do so by the City Council; to superintend all public works in the City when ordered to do so by the City Council; to see that all such work is performed according to contract, and from time to time give estimates thereof when required by the Council or by the contractor; to cause to be carried into effect all Sections of this Code or other ordinances concerning streets, alleys and other public places, and to superintend and control the opening, grading and paving thereof, and to prevent and remove obstructions therefrom, when ordered to do so by the City Council; to cause to be removed or abated all encroachments by houses,

fences or other objects, from all streets, alleys, pavements, avenues or other public property of real estate owned by the City, and if he shall consider it necessary or when ordered to do so by the City Council, to report the same to the Council. (CC §21.620)

SECTION 115.480: KEEP RECORDS

Whenever the City Engineer shall make any survey of any subdivision or of any addition to the City, or establish the grade of any street or alley of the City, he shall make a complete record of such survey and also make a record of all grades of any streets, avenues, or alleys that he may establish in a book to be kept by him for that purpose. The City Clerk shall have custody of such records, after the same are made by the City Engineer. (CC §21.640)

SECTION 115.490: COMPENSATION

The City Engineer shall receive such compensation for his services as may, from time to time, be fixed by ordinance of the City Council. (CC §21.650)

ARTICLE VIII. RESERVED**SECTION 115.500–115.550: RESERVED**

Editor's Note—Ord. No. 461 adopted 3-6-95 repealed sections 115.500–115.550 with no replacement provisions. Former §§115.500–115.550 derived from Code §§21.700–21.750.

ARTICLE IX. CITY ADMINISTRATOR**SECTION 115.560: OFFICE OF CITY ADMINISTRATOR**

There is hereby created and established the office of City Administrator for the City of Scott City, Missouri. (Ord. No. 162 §021.010, 8-5-85)

SECTION 115.570: APPOINTMENT AND TENURE

A qualified person shall be appointed City Administrator for the City of Scott City by the Mayor; such appointment shall be approved by a majority of the City Council. The person so appointed shall serve for an indefinite term. (Ord. No. 162 §021.020, 8-5-85)

SECTION 115.580: QUALIFICATIONS

The person appointed to the office of City Administrator shall be at least twenty-one (21) years of age and shall be a resident of the City of Scott City at the time of the effective date of such appointment; and shall be a graduate of an accredited university or college, majoring in public or municipal administration or shall have the equivalent qualifications and experience in financial, administration and/or public relations fields. (Ord. No. 162 §021.030, 8-5-85)

SECTION 115.590: BOND

The City Administrator, before entering upon the duties of his office, shall file with the City a bond in the amount of fifty thousand dollars (\$50,000.00); such bond shall be approved by the City Council and such bond shall insure the City of Scott City for the faithful and honest performance of the duties of the City of Scott City and for rendering a full and proper account to the City of Scott City for funds and property which shall come into the possession or control of the City Administrator. The cost of such bond shall be paid by the City of Scott City; however, should the City Administrator be covered by a blanket bond to the same extent, such individual bond shall not be required. (Ord. No. 162 §021.040, 8-5-85)

SECTION 115.600: COMPENSATION

The City Administrator shall receive as compensation such sum as shall be, from time to time, set by the City Council. (Ord. No. 162 §021.050, 8-5-85; Ord. No. 441 §1, 7-5-94)

SECTION 115.610: REMOVAL OF CITY ADMINISTRATOR

The City Administrator shall serve at the pleasure of the appointing authority. The Mayor, with the consent of a majority of the City Council, may remove the City Administrator from office at will, and such City Administrator may also be removed by a vote of the City Council independently of the Mayor's approval or disapproval. If requested, the Mayor and City Council shall grant the City Administrator a public hearing within thirty (30) days following notice of such removal. During the interim, the Mayor, with the approval of a majority of the City Council, or by vote of the City Council without the Mayor's approval, may suspend the City Administrator from duty, but shall continue his salary for two (2) calendar months following the final removal date; provided however, that if the City Administrator shall be removed for acts of dishonesty or acts of moral turpitude, such salary shall not be continued. (Ord. No. 162 §021.060, 8-5-85)

SECTION 115.620: DUTIES

- A. *Administrative Office.* The City Administrator shall be the Chief Administrative Assistant to the Mayor and as such shall be the Administrative Officer of the City Government. Except as otherwise specified by ordinance or by the law of the State of Missouri, the City Administrator shall coordinate and generally supervise the operation of all departments of the City of Scott City.
- B. *Purchasing.* The City Administrator shall be the purchasing agent for the City of Scott City and all purchases amounting to less than five hundred dollars (\$500.00) shall be made under his direction and supervision, and all such purchases shall be made in accordance with purchasing rules and procedures approved by the City Council.
- C. *Budget.* The City Administrator shall be the Budget Officer of the City of Scott City and shall assemble estimates of the financial needs and resources of the City for each ensuing year and shall prepare a program of activities within the financial power of the City embodying in it a budget document with proper supporting schedules and an analysis to be proposed to the Mayor and City Council for their final approval.
- D. *Financial Reports.* The City Administrator shall make monthly reports to the Mayor and City Council relative to the financial condition of the City. Such reports shall show the financial condition of the City in relation to the budget.
- E. *Annual Report.* The City Administrator shall prepare and present to the Mayor and City Council an annual report of the City's affairs, including in such report a summary of reports of department heads and such other reports as the Mayor and City Council may require.
- F. *Personnel System.* The City Administrator shall act as the Personnel Officer of the City and shall recommend an appropriate position classification system and pay plan to the Mayor and City Council. The City Administrator, after consultation with department heads, shall approve advancements and appropriate pay increases within the approved pay plans and position classification system. The City Administrator shall have the power to appoint and remove (in accordance with Personnel System regulations approved by the City Council) all subordinate employees of the City of Scott City. The City Administrator shall make recommendations of appointment and removal of Department heads.
- G. *Policy Formulation.* The City Administrator shall recommend to the Mayor and City Council adoption of such measures as he may deem necessary or expedient for the health, safety, or welfare of the City or for the improvement of administrative services for the City.
- H. *City Council Agenda.* The City Administrator shall submit to the Mayor and City Council a proposed Agenda for each Council meeting at least forty-eight (48) hours before the time of the regular Council meeting.
- I. *Boards And Committees.* The City Administrator shall work with all City Boards and Committees to help coordinate the work of each.
- J. *Attend City Council Meetings.* The City Administrator shall attend all meetings of the City Council, unless excused therefrom.

- K. *Bid Specifications.* The City Administrator shall supervise the preparation of all bid specifications for services and equipment, and receive sealed bids for presentation to the City Council.
- L. *State And Federal Aid Programs.* The City Administrator shall coordinate Federal and State programs which may have application to the City of Scott City, and administer all grants and public funds bestowed upon the City of Scott City and maintain adequate accounting record thereof, subject to direction of the Mayor and the City Council.
- M. *Conference Attendance.* The City Administrator shall attend State and Regional conferences and programs applicable to his office, and the business of the City of Scott City, whenever such attendance is directed and approved by the City Council and Mayor.
- N. *Record Keeping.* The City Administrator shall keep full and accurate records of all actions taken by him in the course of his duties, and shall safely and properly keep all records and papers belonging to the City of Scott City and entrusted to his care, and shall maintain the personnel records of the City. All such records shall be and remain the property of the City of Scott City and be open to inspection by the Mayor and City Council at all times. In the event of the City Administrator's absence, all records of the City Administrator, including the personnel records, shall be maintained by the Mayor.
- O. *Permits, Etc. Granted By City.* See that all franchises, permits and privileges granted by the City are faithfully followed.
- P. *Miscellaneous.* In addition to the foregoing duties, the City Administrator shall perform any and all other duties or functions prescribed by the Mayor and City Council.
(Ord. No. 162 §021.070, 8-5-85; Ord. No. 499 §2, 10-16-95)

SECTION 115.630: POWERS

- A. *City Property.* The City Administrator shall have responsibility for all real and personal property of the City of Scott City. He shall have responsibility for all inventories of such property and for the upkeep of all such property. Personal property may be sold by the City Administrator only with approval of the City Council. Real property may be sold only with the approval of the City Council by resolution or ordinance.
- B. *Set Administrative Policies.* The City Administrator shall have the power to prescribe such rules and regulations as he shall deem necessary or expedient for the conduct of administrative agencies subject to his authority, and shall have the power to revoke, suspend, or amend any rule or regulation of the administrative service except those prescribed by the City Council. All departments under the control of boards appointed by the City Council, shall not be subject to the general superintending control of the City Administrator. However, the City Administrator shall, upon request of said boards, assist said boards in prescribing such rules and regulations as the boards deem necessary or expedient for the conduct of their affairs.
- C. *Coordinate Departments.* The City Administrator shall have the power to coordinate the work of all the departments of the City, and, at times of an emergency, shall have authority to assign the employees of the City to any department where they are needed for the most effective discharge of the functions of City Government.
- D. *Investigate And Report.* The City Administrator shall have the power to investigate and to examine or inquire into the affairs or operation of any department of the City under

his jurisdiction, and shall report on any condition or fact concerning the City Government, requested by the Mayor or City Council.

- E. *Power To Overrule; When.* The City Administrator shall have the power to overrule any action taken by the head of a department, which is not under the control of a board appointed by the City Council.
- F. *Appear Before The City Council.* The City Administrator shall have the power to appear before and address the City Council at any meeting.
- G. *Powers Shall Not Supersede Mayor; City Council.* At no time shall the duties or powers of the City Administrator supersede the action by the Mayor and City Council.
(Ord. No. 162 §021.080, 8-5-85)

SECTION 115.640: INTERFERENCE BY MEMBERS OF THE CITY COUNCIL

No individual member of the City Council shall directly interfere with the conduct of any department or duties of employees subordinate to the City Administrator except at the expressed direction of the City Council, pursuant to an authorized vote at a Council meeting, or with the approval of the City Administrator. The word "interfere", as used in this Section means any act which tends to countermand an order or direction of the City Administrator or any act which directs an employee to take any action not authorized by the City Administrator. (Ord. No. 162 §021.090, 8-5-85)

ARTICLE X. CONFLICT OF INTEREST

SECTION 115.650: DECLARATION OF POLICY

The proper operation of municipal government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the City. (Ord. No. 343 §1, 8-19-91; Ord. No. 409 §1, 9-8-93; Ord. No. 445 §1, 9-6-94; Ord. No. 498 §1, 9-5-95; Ord. No. 523 §1, 8-5-96; Ord. No. 575 §1, 8-4-97; Ord. No. 632 §1, 6-21-99; Ord. No. 667 §1, 9-5-00; Ord. No. 708 §1, 9-3-02; Ord. No. 738 §1, 9-15-03; Ord. No. 788 §1, 9-5-05; Ord. No. 826 §1, 8-6-07; Ord. No. 848 §1, 7-7-08; Ord. No. 863 §1, 8-17-09; Ord. No. 901 §1, 8-16-10; Ord. No. 927 §1, 8-15-11)

SECTION 115.660: CONFLICTS OF INTEREST

The Mayor or any member of the City Council who has a substantial personal or private interest, as defined by State law, in any bill shall disclose on the records of the City Council the nature of his/her interest and shall disqualify himself/herself from voting on any matters relating to this interest. (Ord. No. 343 §2, 8-19-91; Ord. No. 409 §2, 9-8-93; Ord. No. 445 §2, 9-6-94; Ord. No. 498 §2, 9-5-95; Ord. No. 523 §2, 8-5-96; Ord. No. 575 §2, 8-4-97; Ord. No. 632 §2, 6-21-99; Ord. No. 667 §2, 9-5-00; Ord. No. 708 §2, 9-3-02; Ord. No. 738 §2, 9-15-03; Ord. No. 788 §2, 9-5-05; Ord. No. 826 §2, 8-6-07; Ord. No. 848 §2, 7-7-08; Ord. No. 863 §2, 8-17-09; Ord. No. 901 §2, 8-16-10; Ord. No. 927 §2, 8-15-11)

SECTION 115.670: DISCLOSURE REPORTS

Each elected official, the City Administrator, or in the event the office of City Administrator vacant, the City Clerk, and any and all Council employed on a full-time basis by the City, shall disclose the following information by May first (1st) if any such transactions were engaged in during the previous calendar year:

1. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five thousand dollars (\$5,000.00), if any, that such person had with the City, other than compensation received as an employee or payment of any tax, fee or penalty due to the City and other than transfers for no consideration to the City; and
2. The date and the identities of the parties to each transaction known to the person with a total value in excess of five thousand dollars (\$5,000.00), if any, that any business entity in which such person had a substantial interest, had with the City, other than payment of any tax, fee or penalty due to the City or transactions involving payment for providing utility service to the City and other than transfers for no consideration to the City.
3. The City Administrator, or in the event of vacancy of said office, the City Clerk, shall disclose by May first (1st) for the previous calendar year the following information:
 - a. The name and address of each of the employers of such person from whom income of five thousand dollars (\$5,000.00) or more was received during the year covered by the statement.
 - b. The name and address of each sole proprietorship that he/she owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he/she was a partner or participant; the name and address of each partner or co-participant for each partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent (10%) or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent (2%) or more of any class of outstanding stock, limited partnership units or other equity interest;
 - c. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver. (Ord. No. 343 §3, 8-19-91; Ord. No. 409 §3, 9-8-93; Ord. No. 445 §3, 9-6-94; Ord. No. 498 §3, 9-5-95; Ord. No. 523 §3, 8-5-96; Ord. No. 575 §3, 8-4-97; Ord. No. 632 §3, 6-21-99; Ord. No. 667 §3, 9-5-00; Ord. No. 708 §3, 9-3-02; Ord. No. 738 §3, 9-15-03; Ord. No. 788 §3, 9-5-05; Ord. No. 826 §3, 8-6-07; Ord. No. 848 §3, 7-7-08; Ord. No. 863 §3, 8-17-09; Ord. No. 901 §3, 8-16-10; Ord. No. 927 §3, 8-15-11)

SECTION 115.680: FILING OF REPORTS

The reports, which are on file in the City offices, shall be filed with the City Clerk and the Secretary of State prior to January 1, 2010, and thereafter with the Ethics Commission. The reports shall be made available for public inspection and copying during normal business hours. (Ord. No. 343 §4, 8-19-91; Ord. No. 409 §4, 9-8-93; Ord. No. 445 §4, 9-6-94; Ord. No. 498 §4, 9-5-95; Ord. No. 523 §4, 8-5-96; Ord. No. 575 §4, 8-4-97; Ord. No. 632 §4, 6-21-99; Ord. No. 667 §4, 9-5-00; Ord. No. 708 §4, 9-3-02; Ord. No. 738 §4, 9-15-03; Ord. No. 788 §4, 9-5-05; Ord. No. 826 §4, 8-6-07; Ord. No. 848 §4, 7-7-08; Ord. No. 863 §4, 8-17-09; Ord. No. 901 §4, 8-16-10; Ord. No. 927 §4, 8-15-11)

SECTION 115.690: WHEN FILED

The financial interest statements shall be filed at the following times, but no person is required to file more than one (1) financial interest statement in any calendar year. (Ord. No. 343 §5, 8-19-91; Ord. No. 409 §5, 9-8-93; Ord. No. 445 §5, 9-6-94; Ord. No. 498 §5, 9-5-95; Ord. No. 523 §5, 8-5-96; Ord. No. 575 §§5-6, 8-4-97; Ord. No. 632 §5, 6-21-99; Ord. No. 667 §5, 9-5-00; Ord. No. 708 §5, 9-3-02; Ord. No. 738 §5, 9-15-03; Ord. No. 788 §5, 9-5-05; Ord. No. 826 §5, 8-6-07; Ord. No. 848 §5, 7-7-08; Ord. No. 863 §5, 8-17-09; Ord. No. 901 §5, 8-16-10; Ord. No. 927 §5, 8-15-11)

CHAPTER 120: FINANCES, RECORDS AND TAXES

ARTICLE I. FINANCES AND RECORDS

SECTION 120.010: FISCAL YEAR

The fiscal year of this City shall begin on July 1, and end on June 30 of the next succeeding year. (CC §22.010)

SECTION 120.020: GENERAL INFORMATION

- A. Monthly financial reports including schedules showing comparisons of actual revenue and expenditures to the budget will be presented to the Council at their monthly meeting. A detailed semi-annual financial statement containing statements of receipts, expenditures, and indebtedness of the City should be published to satisfy State statutory requirements.
- B. Loans to City Officials and employees are prohibited.
- C. All persons responsible for City funds will have fidelity bond coverage sufficient to meet State statutory requirements.
- D. Insurance coverage will be reviewed periodically by qualified individuals to determine its adequacy. The comprehensive liability policy should include liability coverage for Council members and City employees.
- E. A double-entry accounting system and adequate records will be maintained.
(Ord. No. 7 §1, 3-27-80)

SECTION 120.030: ANNUAL BUDGET

- A. Prior to the commencement of each fiscal year, a budget for the City shall be prepared, and the same will be presented to or approved by the City Council. The format of the budget shall be illustrated by the sample budget format which is on file in the City Clerk's office.
- B. The annual budget shall present a complete financial plan for the next fiscal year. The following shall be included in the budget.
 - 1. A budget message to describe the important features of the budget and to point out any major changes from the previous year.
 - 2. An estimate of revenues which are expected to be received during the next year from all sources, plus a comparative statement of the revenues for the previous two (2) budget years. These comparisons shall be shown by year, fund, and source.
 - 3. An estimate of the expenditures that are proposed to be spent during the budget year, plus a comparative statement of actual expenditures for the previous two (2) years. These comparisons should be shown by year, fund, activity and object.

4. The amount of money required to pay any interest, amortization, or redemption charges which the municipality will owe during the budget year.
 5. General summary of the total proposed budget.
- C. The Finance Committee of the City Council shall prepare the budget after reviewing the expenditure request and revenue estimates with City Officers. The Finance Committee shall submit the completed budget and supporting schedules and exhibits to the City Council.
- D. The City Council shall by ordinance adopt the City budget.
- E. Expenditure estimates in the budget shall not be larger in amount than the total anticipated revenue for the budget year, plus any surplus from the previous year or less any deficit from the previous year.
- F. The City will not increase the total amount authorized for expenditures from any fund, unless the governing body adopts a resolution setting forth the facts and reasons making the increase necessary and approves or adopts an order, motion, resolution or ordinance to authority the expenditures.
- G. The Finance Committee shall prepare the City budget in accordance with the following calendar.
1. In January of each year, the City Administrator will collect the data necessary, and make preliminary revenue estimates for the coming fiscal year. The Administrator will estimate expenditures for the present year, and note expenditures and revenues for the previous two (2) fiscal years.
 2. In February of each year, the City Administrator will request from each Officer a statement of expenditures requested for the coming fiscal year.

In the absence of the City Administrator, the City Clerk will perform the duties of the City Administrator set forth in Paragraphs (1) and (2) hereof.
 3. In March of each year, the Finance Committee will review the departmental request and make final revenue estimates for the coming fiscal year, and will confer with department heads to discuss these requests.
 4. In April of each year, the Finance Committee will begin assembling the City budget.
 5. In May of each year, the Finance Committee will confer with the Mayor for the preparation of the City budget for the next fiscal year to be submitted to the City Council.
 6. The budget shall be submitted to the City Council at the first (1st) regular meeting in June. (Ord. No. 184 §2, 2-2-87; Ord. No. 629 §1, 6-21-99)

SECTION 120.040: CASH DRAWER AND RECEIPTS

- A. Cash drawer, receipts and deposits thereof will be the sole responsibility of the City Collector.

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- B. The Collector's cash drawer will be closed out before the end of the day's business and a cash count control sheet will be utilized, i.e., beginning balance plus various receipts less deposit equals ending balance.
- C. Collector will deposit receipts intact daily.
- D. City Clerk will periodically compare deposits per cash count control sheets to deposits per bank statement.
- E. Collector will maintain a standard collection summary sheet which will be used to post to the cash receipts book. The summarization of the collection sheets and the time to post will be decided upon by the Clerk, whatever is the most feasible (pref. weekly).
- F. The entries of cash receipts should be divided between Illmo's and Scott City's as separate standard collection summary sheets will be maintained until such time there is one (1) Collector's office.
- G. Source documents i.e., tax bills, debit or credit memos, etc., should be reconciled to the standard collection summary sheet daily.
- H. Source documents should be filed chronologically. A four (4) part tax bill should be utilized so a double set of files can be maintained on the tax collections; one (1) by date paid the other by number or alphabetical order. (Ord. No. 7 §3, 3-27-80)

SECTION 120.050: TAX BOOKS

- A. The City Clerk should prepare the tax books, which should be in total agreement with the list furnished by the County Assessor.
- B. The tax book should be turned over to the City Collector after it is completed by the Clerk.
- C. Any additions or deletions thereto should have back up approval from the Council and should be duly recorded in the minutes.
- D. If any properties on the assessment sheet are outside the City limits, they should be reviewed by the Council before eliminating them.
- E. A delinquent tax bill list will be prepared after March 15 and before April 1 of each preceding tax year. This list will be presented to the Council for review. Monthly lists thereafter should also be presented. Second tax bills should be sent after a reasonable time.
- F. The Collector should get the approval of the Council before writing off any uncollectible tax bills. (Ord. No. 7 §4, 3-27-80)

SECTION 120.060: PURCHASE ORDER SYSTEM

- A. Department heads will fill out a three (3) part purchase order in requisitioning materials, supplies and equipment of small nature for items costing over fifty dollars (\$50.00).

- B. Purchase orders will be kept at City Hall and will be distributed to department heads one at a time as the need for them arises. The Clerk's office will handle the ordering. The bid process should be used for items costing over two thousand dollars (\$2,000.00).
- C. A file will be maintained for all open purchase orders and commitments.
- D. Goods should be shipped to department locations. Department heads should acknowledge receipt and good condition of goods on the shipping copy and send the shipping copy to the Clerk's office, signed by the Department head.
- E. Clerk's office should match the purchase order and the invoice; compare quantities, prices and text extensions. Upon proper verification, a voucher should be prepared with the purchase order and invoice attached. (Ord. No. 7 §5, 3-27-80; Ord. No. 744 §1, 12-15-03)

SECTION 120.070: PAYING BILLS

- A. All checks written upon the City Treasury shall be signed by the City Clerk and the Mayor.
- B. The City Clerk will prepare the check for signing from voucher before the City Clerk and the Mayor sign the same.
- C. The City Clerk will enter checks into the City's cash disbursement journal.
- D. The City Clerk will write the check number on voucher as each check is signed by the City Clerk and the Mayor, before the City Clerk mails the same.
- E. The checking account shall be reconciled by the City Collector. (Ord. No. 7 §6, 3-27-80; Ord. No. 466 §1, 3-6-95)

SECTION 120.080: MERCHANT'S LICENSES

- A. Merchant's licenses will be prenumbered and therefore accounted for each month.
- B. Merchant's licenses are sold duly throughout the year on a pro-rated basis and become due July 1 of the tax year.
- C. Notices will be mailed out on the fifteenth (15th) of the month preceding the due date. Licenses become delinquent thirty (30) days from the due date. A ten percent (10%) per month penalty is cumulated thereafter up to one hundred percent (100%) per year.
- D. Delinquent licenses are handled on a month to month basis. (Ord. No. 7 §7, 3-27-80)

SECTION 120.090: PAYROLLS

- A. Personnel records including wage and salary data will be maintained for all employees.
- B. Any name added to the payroll should be backed up by an authorization in the minutes.
- C. Any wage or salary rate changes should be backed up by an authorization in the minutes.
- D. All wage and salary rates should be formally approved in the minutes.

- E. A separate payroll register apart from the cash disbursements will be maintained with the total checks cut for payroll to be entered into the Disbursement Journal in the aggregate.
- F. Payroll advances to City employees should be prohibited or adequately controlled.
- G. The City will prohibit discrimination based on race, sex etc., in its employment practices. (Ord. No. 7 §8, 3-27-80)

SECTION 120.100: RECORDS MANAGEMENT

- A. *City Clerk To Keep Records.* The records of the City shall be kept in the custody of the City Clerk.
 - 1. As used in this Section, the word "*record*" or "*records*" shall mean any document, book, paper, photograph, map, sound recording or other material, regardless of physical form or characteristics, made or received pursuant to law or in connection with the transaction of official business. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of records as used in this Section, and are hereinafter designated as "non-record" materials.
 - 2. The City Clerk may delegate to a subordinate or to another City Official authority to have temporary custody of City records, after satisfying himself as to the safety of said records.
- B. *Destruction of Records and Non-record Materials.* All records made or received by or under the authority of or coming into the custody, control or possession of local officials in the course of their public duties are the property of the City and shall not be mutilated, destroyed, transferred, removed or otherwise damaged or disposed of, in whole or in part, except as provided by law.
 - 1. No record shall be destroyed or otherwise disposed of unless it is determined that the record has no further administrative, legal, fiscal, research or historical value.
 - 2. Non-record materials or materials not included within the definition of records may, if not otherwise prohibited by law, be destroyed at any time, if same have the approval of the Missouri Local Records Board.
 - 3. Records of the City may be disposed of or destroyed without the approval of the Missouri Local Records Board, if the same is permitted by the State Municipal Records Manual. Records may be retained for a period of time longer than the minimum retention period required by the State Municipal Records Manual, at the discretion of the City Clerk. (CC §§22.200—22.210)

ARTICLE II. CITY SALES TAXES

SECTION 120.110: CITY SALES TAX

- A. A City Sales Tax, at the rate of one percent (1%) on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the City of Scott City, Missouri, is hereby imposed on all sellers within the City of Scott City, Missouri, for the

privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in Sections 144.010–144.525, RSMo., as amended, and the rules and regulations of the Director of Revenue of the State of Missouri issued pursuant thereto.

- B. Such City Sales Tax is hereby imposed, levied, submitted to the voters and shall be collected now that the voters have approved said tax by majority vote on April 5, 1977, all subject to and in the manner provided by the City Sales Tax Act of the State of Missouri, as provided in Sections 94.500–94.550, RSMo., as amended, and all such tax received by the City of Scott City shall be placed in the General Fund for general municipal expenses and uses.
- C. All persons who do not pay their City sales tax through the State of Missouri shall file with the City Clerk a quarterly statement of gross receipts of such person or entity for the quarter immediately preceding the date of statement, clearly showing the gross receipts as calculated from the sale of tangible personal property or tangible services at retail as defined by Chapter 144 of the Missouri Statutes. Such statement shall be verified by affidavit of an individual person or, in the case of a firm or corporation, by the principal officer thereto. At the time of the filing of the monthly statement required, the person or entity shall pay the City the sales tax required under this Section. (Ord. No. 369 §1, 1-17-77; Ord. No. 374 §1, 4-11-77; Ord. No. 680 §1, 4-16-01)

SECTION 120.120: TRANSPORTATION TAX

The City of Scott City, Missouri, hereby imposes a one-half of one percent (.5%) sales tax on all retail sales made within the City limits of Scott City, Missouri, which are subject to taxation under the provisions of Section 144.010 to 144.525, RSMo., for the purpose of street paving and improvement. (Ord. No. 492 §1, 8-21-95; Ord. No. 502 §1, 11-20-95)

SECTION 120.125: SALES TAX—CAPITAL IMPROVEMENTS

The City of Scott City, Missouri, does hereby impose a one-fourth of one percent (.25%) sales tax on all retail sales made within the City limits of Scott City, Missouri, which are subject to taxation under the provisions of Sections 144.010 to 144.525, RSMo., for the purpose of funding capital improvements. This existing sales tax is hereby extended through March 31, 2021. (Ord. No. 602 §1, 6-1-98; Ord. No. 754 §1, 5-17-04; Ord. No. 765 §§1–3, 9-7-04; Ord. No. 900 §1–2, 8-16-10)

ARTICLE III. MISCELLANEOUS PROVISIONS

SECTION 120.130: PRIOR TO ISSUANCE OF LICENSE OR PERMIT, ALL FEES AND TAXES MUST BE PAID

No person applying for any City license or permit including, but not limited to, merchant's license, animal license, fireworks license, building permit, special use permit, subdivision plat approval, electrical, plumbing or mechanical license permit, contractor's license, excavation permit, sale of alcohol license, junk yard license, public amusement permit, permits for connection to City water and sewer, shall be issued such permit or license unless the person requesting the same is current on all real estate taxes, personal property taxes or any other legitimate debt due the City of Scott City. (Ord. No. 724 §1, 4-21-03; Ord. No. 727 §1, 5-19-03)

PURSUANT TO

ARTICLE IV. REDEVELOPMENT PLANS AND TAX ABATEMENT

CHAPTER 353, RSMO.

SECTION 120.140: PROCEDURE FOR CONSIDERING REDEVELOPMENT PLANS AND TAX ABATEMENT OR EXEMPTION PURSUANT TO CHAPTER 353, RSMO.

Not less than ten (10) days before a public hearing to consider a redevelopment plan that provides for tax abatement or tax exemption pursuant to Chapter 353, RSMo., the City shall furnish to the political subdivisions whose boundaries for ad valorem taxation purposes include any property to be affected by tax abatement:

1. Notice of the scheduled public hearing, which shall include:
 - a. The time, date, and place of the public hearing;
 - b. A general description of the boundaries of the proposed redevelopment area;
 - c. A general description of the proposed redevelopment plan;
 - d. An invitation to submit comments to the City Council prior to the date of the public hearing concerning matters that will be discussed at the public hearing, and to appear at the public hearing and provide comments; and
 - e. A statement that all interested persons and all political subdivisions will have the opportunity to be heard on such grant of tax abatement or exemption; and
2. A written statement of the impact on ad valorem taxes such tax abatement or exemption will have on the political subdivisions, which shall be prepared by or at the direction of the applicant and shall include an estimate of the amount of ad valorem tax revenues of each political subdivision which will be affected by the proposed tax abatement or exemption, based on the estimated assessed valuation of the real property involved as such property would exist before and after it is redeveloped. (Ord. No. 933 §1, 10-3-11)

CHAPTER 125: PERSONNEL CODE

SECTION 125.010: PROBATIONARY PERIOD

Each employee receiving an appointment or a promotion to a position in the service of the City must serve a probationary period of ninety (90) days before his appointment or promotion shall be considered permanent. During the employee's ninety (90) day probationary period, the employee's work habits, abilities, attitude, promptness and other pertinent characteristics will be observed and evaluated by his supervisor, department head or other appropriate City Officials. If the probationary employee fails to meet required standards of performance, he is to be dismissed, or if he is a promoted regular employee, he may be restored to the position from which he was promoted or to a comparable position. Wages for designated holidays falling within the probationary period will be paid to probationary employees. (Ord. No. 101 §4, 4-4-83; Ord. No. 694 §1, 9-4-01)

SECTION 125.020: DISCHARGE OF EMPLOYEES

If at any time, during the probationary period, the supervisor determines that the services of a City employee have been unsatisfactory, the employee may be separated from his position, except as provided by this code, Federal law or State law. Any employees hired by the City are hired at will and may be discharged from his employment without the right of hearing or appeal. (Ord. No. 101 §4, 4-4-83; Ord. No. 840 §1, 3-3-08)

SECTION 125.030: EXTENSION OF PROBATIONARY PERIOD

At the end of an employee's probationary period if there is reason to believe that the employee may develop the ability to perform satisfactorily by an extension of the probation period, the department head may grant an extension, not to exceed sixty (60) days. (Ord. No. 101 §4, 4-4-83)

SECTION 125.040: TERMINATION OF PROBATIONARY PERIOD

At the end of each employee's ninety (90) day probationary period or extension granted under the authority of Section 125.030, the supervisor of the employee shall complete a probationary report and notify the Mayor and City Administrator in writing that either:

1. The employee has successfully completed his probationary period and is capable of performing the duties of the position satisfactorily, and is henceforth to be considered a regular employee with all rights and privileges due him; or
2. The employee has not demonstrated ability to perform satisfactorily the duties of the position and is to be separated from City Government, or if promoted from another position returned to the previous or a similar position. (Ord. No. 101 §4, 4-4-83; Ord. No. 694 §2, 9-4-01)

SECTION 125.050: APPOINTMENT AND PROMOTION

Appointments and promotions to all classified positions shall be solely on the basis of merit, which shall be determined by evaluation of the applicant's:

1. Training, education, experience and physical fitness,

2. Oral interview, and
3. Whenever practical, an examination or demonstration test. (Ord. No. 101 §4, 4-4-83)

SECTION 125.060: AGE

The minimum age for employment as a probationary employee shall be eighteen (18) years of age, unless the Mayor shall in writing waive the requirement. The minimum age for employment of seasonal employees shall be sixteen (16) years of age.
(Ord. No. 101 §4, 4-4-83)

SECTION 125.065: EDUCATION

All employees, other than laborers and unskilled laborers, hired after July 19, 1999 shall have either a high school degree or shall have obtained their G.E.D. Any laborers or unskilled laborers hired without a G.E.D. or high school degree shall not be promoted to a higher P.S. level until said employee has obtained a G.E.D. or high school diploma at the employee's expense. (Ord. No. 591 §1, 12-1-97; Ord. No. 634 §1, 7-19-99)

SECTION 125.070: RESIDENCE

Applicants for positions in the service of the City need not reside within the City to be considered for employment. Those applicants that do reside in the City may receive more consideration for open job positions than applicants who reside outside the City. Although residency within the City limits is not required, all employees of the City of Scott City must meet a minimum response-to-work time of thirty (30) minutes or less. Applicants that agree to relocate within the City limits may be eligible for financial incentives as determined by the City Council. (Ord. No. 101 §4, 4-4-83; Ord. No. 548 §1, 3-17-97; Ord. No. 650 §1, 2-7-00; Ord. No. 903 §1, 9-20-10)

SECTION 125.080: RELATIVES IN THE CITY SERVICE

- A. Except as hereinafter provided, two (2) members of an immediate family shall not be employed at the same time, regardless of the Administrative Department, if such employment will result in an employee supervising a member of his/her immediate family. *"Immediate family"* is defined as wife, husband, mother, father, brother, sister,

son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, grandchild, stepmother, stepfather, brother-in-law, sister-in-law, uncle and aunt.

B. The above prohibition shall not be applicable to the following officers or employees:

1. Members of the Volunteer Fire Department, and volunteer members of other departments not employed on a full-time basis.
2. Appointed members of City Boards.
3. Emergency hire personnel. (Ord. No. 101 §4, 4-4-83; Ord. No. 434 §1, 6-8-94; Ord. No. 503 §1, 1-15-96; Ord. No. 515 §1, 8-5-96)

SECTION 125.090: POLITICAL ACTIVITIES

City employees shall not be appointed or retained on the basis of their political activity. City employees shall not be coerced to take part in political campaigns, to solicit votes, to levy, contribute or solicit funds or support, for the purpose of supporting or opposing the appointment or election of candidates for any Municipal office. (Ord. No. 101 §4, 4-4-83)

SECTION 125.100: INDIVIDUAL POLITICAL ACTIVITIES

No City employee shall actively advocate or oppose the candidacy of an individual for nomination or election to any Municipal office, but an employee may participate in political affairs at other levels of Government, provided such participation does not adversely affect his performance as a City employee. Employees are expected to exercise their right to vote in Municipal elections, but shall not engage in, or participate in any other way in any Municipal election. (Ord. No. 101 §4, 4-4-83)

SECTION 125.110: INDIVIDUAL POLITICAL ACTIVITIES—PENALTY

Failure to comply with the requirements of Sections 125.100 and 125.110 shall be grounds for immediate dismissal. Any person who attempts to coerce or does coerce any City employee to take part in activity prohibited by Sections 125.100 and 125.110 may be punished as provided in Chapter 110 of this Code. (Ord. No. 101 §4, 4-4-83)

SECTION 125.120: OUTSIDE EMPLOYMENT

No full-time employee of the City shall accept outside employment, whether part-time, temporary, or permanent, without prior written approval from the Mayor. Each change in outside employment shall require separate approval. Approval shall not be granted when such outside employment conflicts or interferes, or is likely to conflict or interfere, with the employee's Municipal service. Such approval, however, shall not be arbitrarily withheld. Employees may not engage in any private business or activity while on duty. No employee shall engage in or accept private employment or render any service for private interest when such employment or service is incompatible or creates a conflict of interest with his official duties. (Ord. No. 101 §4, 4-4-83)

SECTION 125.130: EVALUATION

Every department head shall evaluate the job performance of every employee in his/her department and submit his/her evaluations to the City Council. The department head's evaluation of his/her employees shall be submitted to the City Council at such time and on such date as the City Council may from time to time designate, but not less than semi-annually. The City Clerk shall provide the department heads with a standard evaluation sheet, approved by the City Council, to assist the department heads in evaluating the job performance of his/her employees. (Ord. No. 101 §4, 4-4-83)

SECTION 125.140: OVERTIME

- A. The standard work week of employees and all full-time appointed officials, other than department heads, shall be forty (40) hours per week.
- B. Department heads are to report for work no later than 8:00 A.M., Monday through Friday, work a minimum of eight (8) hours each day and work such additional hours as are necessary to assure the satisfactory performance of their department, but not less than the standard forty (40) hour work week. Department heads should not be entitled to overtime pay under the provisions of this Section.
- C. For the purpose of this Section, a department head is defined as a City Officer in charge of a separate City department having under his or her supervision two (2) or more people.
- D. For the purpose of this Section, an employee or full-time appointed official holding more than one (1) position with the City shall be entitled to overtime compensation if the total hours from all appointed positions with the City exceeds forty (40) hours per week.
- E. The department head shall assign to each employee regular work duties and responsibilities which can normally be accomplished within the established work day and work week. However, occasionally some overtime work may be necessary for proper performance of work duties and responsibilities. This will always be at the discretion of the department head. No overtime will be paid without proper authorization from the department head or supervisor. (Ord. No. 146 §2, 4-1-85; Ord. No. 357 §§1-2, 12-2-91; Ord. No. 475 §1, 5-15-95; Ord. No. 588 §1, 10-20-97)

SECTION 125.150: HOLIDAYS

All regular employees of the City shall receive normal compensation for the eight (8) legal holidays listed below and any other days or part of a day during which the public offices of the City shall be closed by special proclamation of the Mayor with approval of the Council. All regular part-time employees shall receive compensation in proportion to the average number of hours normally scheduled to work. Probationary employees shall be considered for purposes of this Section to be regular employees. Legal holidays to be observed are:

New Year's Day	January 1
Martin Luther King Jr.'s Birthday	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday of September
Veterans Day	November 11

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Thanksgiving	Last Thursday in November
Friday after Thanksgiving	Friday Following Last Thursday in November
Christmas Eve	December 24, provided it falls on a Monday, Tuesday, Wednesday or Thursday
Christmas	December 25

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

4. An employee absent without authorized leave on the day preceding and/or the day following a holiday shall not receive regular compensation for the holiday.
5. Any regular employee in the City service who shall be required to perform work or render services on a regularly scheduled holiday shall receive a day off at his regular pay rate in lieu of the holiday missed. (Ord. No. 101 §4, 4-4-83; Ord. No. 320 §1, 11-19-90; Ord. No. 598 §1, 2-17-98; Ord. No. 620 §1, 12-21-98; Ord. No. 816 §1, 3-5-07)

SECTION 125.160: VACATION

- A. Employees in the City service who have completed their probationary period shall be entitled to earn vacation pay. Vacation leave shall be granted on the following basis:
 1. One (1) week of vacation upon completion of the first (1st) year of employment.
 2. Two (2) weeks of vacation upon completion of the third (3rd) year of continuous employment.
 3. Three (3rd) weeks of vacation after completion of ten (10) years of continuous employment.
 4. Four (4) weeks of vacation pay after completion of fifteen (15) years of continuous employment.
- B. Vacation leave shall be taken during the calendar year following its accumulation.
- C. Vacation leave may not be carried from one year to the next, except for newly hired employees hired in the last quarter of the year who are unable to take all of their vacation time within the year following their hire. Such employees shall be entitled to one (1) additional quarter to take vacation time earned during the first (1st) year of employment.
- D. Absence because of sickness, injury or disability in excess of that hereinafter authorized for such purposes may, at the request of the employee and within the discretion of the department head, be charged against vacation leave allowance.
- E. Records of vacation leave allowance and use shall be kept by the person responsible for the employee's payroll payment. Vacation leave scheduled shall be in relation to the

seniority of employees, to accord with operating requirements and, insofar as possible, with the requests of the employees.

- F. When a regularly scheduled holiday occurs during the period of an employee's vacation, an additional day of vacation shall be granted.
- G. Vacation buyout shall be allowed as provided in the Employee Personnel Handbook prepared by the City Administrator and approved by the City Council. (Ord. No. 128, 5-21-84; Ord. No. 835 §1, 2-4-08)

SECTION 125.165: RESERVED

Editor's Note—Ord. No. 508 §1, adopted on 2-5-96 repealed §125.165 which originally derived from ord. no. 423 §1, 3-7-94.

SECTION 125.170: SICK LEAVE

- A. All full-time City employees shall earn sick leave with full pay at the following rates:
 - 1. For employees with less than ten (10) years consecutive employment with the City, sick leave shall accrue at the rate of one-half ($\frac{1}{2}$) of one (1) workday for each calendar month of service.
 - 2. For employees with more than ten (10) years but less than fifteen (15) years of consecutive employment with the City, sick leave shall accrue at the rate of three-fourths ($\frac{3}{4}$) of one (1) workday for each calendar month of service.
 - 3. For employees with more than fifteen (15) years of consecutive employment with the City, sick leave shall accrue at the rate of one (1) workday for each calendar month of service.
- B. Sick leave shall accrue from the date of employment. Sick leave shall never be taken in advance of earning the time. Sick leave may be accumulated up to sixty (60) days.
- C. An employee may be eligible for sick leave for the following reasons:
 - 1. Personal illness or physical incapacity.
 - 2. Quarantine of an employee by a physician.
- D. An employee who is unable to report to work because of the above reasons shall report the reason for his/her absence to his/her supervisor before the time he/she is expected to report for work.
- E. Sick leave with pay in excess of three (3) working days shall be allowed only after presenting a written statement by a physician certifying that the employee's condition prevented him/her from appearing for work.
- F. An employee terminating from City service shall not be allowed the use of sick leave in the last two (2) calendar weeks of employment, except upon approval of the City Council.

Unused sick leave will not be compensated for in any way at the time of resignation or dismissal of an employee. (Ord. No. 101 §4, 4-4-83; Ord. No. 558 §1, 5-5-97)

Note—Per ord. no. 558 §2, all sick leave accrued by any employee prior to May 5, 1997, shall not be affected by the passage of this section.

SECTION 125.180: FAMILY AND MEDICAL LEAVE

- A. An employee shall be entitled to a total of twelve (12) work weeks of leave without pay during any twelve (12) month period for any one (1) of the following:
1. Because of the birth of a son or daughter of the employee and in order to care for such son or daughter.
 2. Because of placement of a son or daughter with the employee for adoption or foster care.
 3. In order to care for a spouse, or a son, daughter or a parent of the employee, if such spouse, son, daughter or parent has a serious health condition.
 4. Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee. However, if the employee elects unpaid leave due to a serious health condition under this paragraph, all unearned sick leave for said period accumulated under Section 125.170 shall be forfeited.
- B. With regard to a foreseeable expected birth or placement, the employee shall provide the City not less than thirty (30) days' notice before the date the leave is to begin of the employee's intention to take leave. In all other instances, the employee shall give the City such notice as soon as practicable under the circumstances.
- C. This Section shall be construed to compliment the provisions of the Family and Medical Leave Act as set forth in Chapter 29 Section 2612 of the Federal Code. (Ord. No. 101 §4, 4-4-83; Ord. No. 641 §1, 11-1-99; Ord. No. 718 §1, 3-17-03)

SECTION 125.190: EDUCATION LEAVE

The City Council may authorize special leaves of absence with or without pay, for any period not to exceed six (6) calendar months in any one (1) calendar year for attendance at a school or university for the purpose of training in subjects relating to the work of the employee and which will benefit the employee and the City service. The City may share in up to one hundred percent (100%) of the tuition costs if the course is completed successfully. If the City shares in the cost, the employee must remain in the City service for one (1) year, after completion of the course. If the employee fails in this obligation, the City's portion of the tuition will be deducted from the employee's last pay check. (Ord. No. 101 §4, 4-4-83)

SECTION 125.200: FUNERAL LEAVE

An employee may be granted up to three (3) working days leave as needed in the event of the death of his spouse, child, mother, father, sister, brother, mother-in-law, father-in-law, grandmother, grandfather, or any other close relative. Such leave shall not be

deducted from either sick leave or vacation leave. An employee may be compensated for the funeral leave, at the discretion of the City. (Ord. No. 101 §4, 4-4-83)

SECTION 125.210: JURY LEAVE

An employee shall be granted leave with pay when required to be absent from work for jury duty or as a trial witness. Compensation for such leave shall be limited to the difference between pay received for this service and normal duty pay.
(Ord. No. 101 §4, 4-4-83)

SECTION 125.215: YEARLY LEAVE

Two (2) days leave with pay shall be granted to each regular employee per calendar year, who has worked for the City for a period in excess of one (1) year, upon written approval of the supervisor. Requests for the leave set forth in this Section shall be made by the employee in writing and delivered to the supervisor. If the leave set forth in this Section is not taken during the calendar year, it shall be forfeited, without compensation given therefor. (Ord. No. 316 §1, 10-1-90)

SECTION 125.220: SPECIAL LEAVE

Special leave may be granted with or without pay to an employee for reasons not previously covered, on an individual basis and upon approval of the City Council.
(Ord. No. 101 §4, 4-4-83)

SECTION 125.225: DISCRIMINATION PROHIBITED

- A. Neither the City, nor any of its authorized agents empowered to recruit, process, hire, promote, authorize leave, overtime, outside employment, vacation time, or empowered to perform any other act as a supervisor of City employees shall discriminate against any employee on the basis of race, color, religion, national origin, sex, ancestry, handicap, or age in violation of the Missouri Human Rights Act, Chapter 213, RSMo. In addition, the City and all of its officers shall make its premises available for the use of any of its employees without regard to race, color, religion, national origin, sex, ancestry, handicap, or age, and that there shall be no discrimination against employees on said grounds with respect to use of facilities of the City.
- B. In addition, no person shall be discharged, demoted, dismissed or otherwise discriminated against for reporting to appropriate authorities criminal conduct of his or her superior. (Ord. No. 304 §1, 5-7-90; Ord. No. 717 §1, 3-17-03)

SECTION 125.230: EXCEPTIONS TO THIS CHAPTER

The provisions of this Chapter shall not apply to uniformed employees, to the extent that the personnel policies of those departments conflict with this Chapter. Chapter 205, entitled "Fire Department" and Chapter 200, entitled "Police Department" shall apply to those employees of those departments. (Ord. No. 101 §4, 4-4-83)

SECTION 125.240: EMPLOYEE COMPENSATION GUIDELINES

A. *Positions and Starting Salaries* *Starting Salary* *Overtime Pay*

1. *Administrative Department.*

City Administrator	\$36,000.00	Executive exempt	
City Clerk	\$20,800.00	Non-exempt	
City Collector	\$19,240.00		Non-exempt
Court Clerk	\$17,680.00	Non-exempt	
Water Billing Clerk	\$16,640.00		Non-exempt

2. *Police Department.*

Chief	\$28,000.00	Administrative exempt	
Lieutenant	\$22,880.00	Non-exempt	
Sergeant	\$21,320.00	Non-exempt	
Patrolman	\$18,200.00	Non-exempt	
Dispatcher/Clerk	\$17,160.00	Non-exempt	
Dispatcher	\$15,600.00	Non-exempt	

3. *Public Works Department.*

Director	\$28,000.00	Administrative exempt	
Foreman	\$24,440.00	Non-exempt	
Water/Wastewater Operator	\$20,880.00		Non-exempt
Equipment Operator/Training Specialist	\$18,720.00		Non-exempt
Water Crew	\$16,640.00	Non-exempt	
Operator	\$16,640.00	Non-exempt	
Mechanic/Maintenance Worker	\$20,800.00		Non-exempt
Laborer	\$15,600.00	Non-exempt	
Part-time Laborer	\$14,560.00	Non-exempt	

4. *Fire Department.*

Chief (Part-time)	TBD	TBD	
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5. *Building and Code Enforcement Department.*

Building Inspector (Part-time)	TBD	TBD	
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6. *Park Department (Governed by Park Board).*

Director	\$22,000.00	Non-exempt	
Superintendent	\$16,640.00	Non-exempt	
Maintenance Assistant	\$13,520.00		Non-exempt

B. *Official Listing.*

1. All full-time hourly employees' time shall be figured on the basis of two thousand eighty hours per year (2,080).
2. Each position as stated herein shall be used to designate such position in all budget estimates, payrolls and other official records, documents, vouchers and communications and in all personnel processes.

C. *Temporary/Part-Time Employees.* Temporary and part-time employees shall be paid hourly wages set by Department Heads with approval of Mayor and City Council and Administrator.D. *Advancement With Pay.* All increases in salary for City employees shall be granted on the basis of satisfactory rating by the Department Head. Such increases shall be granted based on the dollar amount recommended by the Department Head and agreed upon by the Mayor and City Council.E. *Promotions.* Whenever an individual is promoted to a new position, their new salary shall be determined by the Department Head and City Administrator, with approval of the Mayor and City Council.F. *Department Heads.* Department Heads such as the City Administrator, Police Chief and Director of Public Works may be recommended for an upgrade by the Mayor and approved by the City Council. Increase in salary shall be determined on the basis of a satisfactory rating by the Mayor and City Council.G. *Pay Increases.* Pay increases, where due under Subsection (D) of this Section, shall be granted on July first (1st) of each year. Those employees who are promoted will receive their initial increase upon promotion and all salary increases due thereafter will be received on July first (1st) of each year.H. *Cost Of Living Increases.* The Mayor and City Council may negotiate a cost of living pay increase prior to July first (1st) of each year.I. *Exception To Starting Salary.* When an employee is hired who does not meet all the job qualifications and/or experience for their position level, they may be started at a lower pay rate while in training or on probation.J. *Temporary Assignment.* The City Administrator or Department Head with the consent of the Mayor, may temporarily assign an employee to any job position the employee is capable of performing. The employee will be paid the minimum hourly rate for the hours worked at the temporary assignment.K. *Starting Rate Of Pay.*

1. The normal entry level for appointment will be the minimum hourly/salary rate of the position with the exception of Subsection (I) of this Section.
2. The City Administrator may recommend a higher initial compensation with the Mayor and Council's approval for any position authorized when deemed necessary if one (1) or more of the following conditions are met/appropriate:
 - a. Difficulty of recruitment indicates payment of a higher hourly/salary rate is required.
 - b. The applicant is a former employee.

- c. Specific or special qualifications are required for the position.
 - d. Preferred/best candidate(s) background, experience and/or special qualifications result in extreme difficulty in recruiting at the regular entrance rate.
 - e. The current local compensation trend for the skills required is substantially greater than the published beginning rate.
3. A former employee may be non-competitively re-appointed to his/her former position and salary at the discretion of the City Administrator with Mayor and Council approval. Such appointment must be made within a reasonable amount of time from the employee's last date of employment with the City. Determination to re-instate with no loss in benefits (i.e., Employee Health Plan, Lagers, Vacation, Sick time accrual) will be at the discretion of the City Council.
- L. *Pay Rate After Completion Of Initial Employment Period.* With the successful completion of the initial employment period (no less than three (3) months and up to six (6) months) as indicated by an individual performance evaluation, the employee may receive an initial employment increase of up to six percent (6%). This will be determined by the Department Head and the City Administrator.
- M. The salaries for City personnel, subject to review and approval by Council are on file in the City offices and incorporated herein by reference. (Ord. No. 127 §§1-10, 5-21-84; Ord. No. 130 §1, 6-18-84; Ord. No. 136 §1, 8-20-84; Ord. No. 145 §1, 2-18-85; Ord. No. 186 §§1-6, 2-2-87; Ord. No. 203 §1, 7-6-87; Ord. No. 204 §1, 7-6-87; Ord. No. 272 §1, 8-21-89; Ord. No. 361 §§1-2, 12-2-91; Ord. No. 363 §§1-2, 2-1-92; Ord. No. 375 §1, 8-17-92; Ord. No. 455 §1, 12-5-94; Ord. No. 457 §§1-2, 1-16-95; Ord. No. 462 §§1-2, 2-6-95; Ord. No. 467 §1, 2-21-95; Ord. No. 471 §§1-2, 4-3-95; Ord. No. 477 §1, 5-15-95; Ord. No. 565 §§1-5, 6-16-97; Ord. No. 582 §1, 9-15-97; Ord. No. 616 §1, 9-21-98; Ord. No. 635 §§1-2, 7-19-99; Ord. No. 639 §1, 10-4-99; Ord. No. 655 §1, 3-20-00; Ord. No. 657 §§1-3, 4-17-00; Ord. No. 659 §1, 6-19-00; Ord. No. 688 §1, 7-16-01; Ord. No. 717 §1, 3-17-03; Ord. No. 748 §1, 2-2-04; Ord. No. 906 §1, 10-18-10)

SECTION 125.250: EDUCATIONAL EXPENSES REIMBURSED—HOW

- A. Any full-time City employee who attends any school, seminar or other training paid by the City, or receives reimbursements for any meals, lodging or travel expenses for attendance at any such school seminar or training, shall be required to sign a promissory note obligating said employee to repay the City its costs for said school seminar or training, or meals, lodging and travel expenses related thereto, in the event the employee leaves the City's employment within one (1) year from the date of payment by the City.
- B. Said promissory note shall be in substantially the same form as set forth in Exhibit "A" which is on file in the City Clerk's office and is incorporated herein by reference.
- C. This Section shall not apply to in-house training provided within the employee's department or any training or schooling required for an employee to maintain his or her present position and pay grade. (Ord. No. 389 §§1-3, 11-2-92; Ord. No. 528 §1, 9-3-96)

SECTION 125.260: LEGAL EXPENSES REIMBURSED—HOW

Any City employee governed by this Chapter of the Code and any City Official governed by Chapter 115 of the Code may be entitled to be reimbursed for his/her actual out of pocket legal expenses incurred in defending a civil or criminal action brought as a result of the officer or employees discharge of his duties with the City, provided:

1. The legal action is resolved in favor of the officer or employee, and
2. The officer or employee has executed with the City an indemnity agreement prior to the act or omission of the officer or employee which gave rise to the legal action, and
3. The indemnity agreement shall be in the same form as set forth in Exhibit A to this Ordinance 615, which is on file with the office of the City Clerk and is incorporated herein by reference. (Ord. No. 615 §1, 9-21-99)

SECTION 125.275: SEXUAL HARASSMENT POLICY

A. *Policy Statement.*

1. It is the policy of the City of Scott City that sexual harassment by any employee, commission member, board member, Mayor, member of the public or employees of outside organizations will not be tolerated. Sexual harassment is generally considered

- to be a violation of the sex discrimination provisions of Title VII of the 1964 Civil Rights Act and subsequent amendments. Under no conditions will verbal and/or physical conduct of sexual nature toward any employee be condoned; nor the creation of a hostile work environment based on items, materials, speech, or action of a sexual nature. This includes such situations as employment, promotions, wage and salary increases, and any other circumstances that might contribute to an intimidating, hostile, or offensive work environment.
2. Unwelcome sexual advances, request of sexual favors, verbal or physical conduct of a sexual nature, or display of sexually explicit materials constitutes sexual harassment when:
 - a. Submission to such conduct is made a term or condition of an individual's employment,
 - b. Submission to or rejection of such conduct by an employee is used as a basis for employment decisions affecting the individual, or
 - c. Such conduct creates an intimidating, hostile, or offensive working environment.
 3. Any employee who sexually harasses another or one who falsely accuses someone of sexually harassing another shall be subject to appropriate disciplinary action. (See City discipline policy for possible actions.)
- B. *Employees Duties.* Any employee who feels that they are the victim of sexual or any other form of harassment should take the following steps:
1. Make your feelings known in clear terms to the person who you feel is harassing you. Also advise them that you are required to document the circumstances and the conversation. It is best to address the problem at the onset, rather than waiting until it escalates.
 2. Immediately advise your supervisor; or notify another supervisor of equal or greater authority within your department, if your immediate supervisor is responsible for the alleged harassment. This does not violate the change of command principle.
 3. Employees who observe prohibited conduct being exhibited toward another employee have the same responsibility to report in to the management. Remember, the victim may be too frightened to make the complaint themselves.
- C. *Supervisor's Duties.* If an employee makes a complaint, the supervisor is required to begin an immediate investigation that includes a complete statement from the victim and a statement from the alleged perpetrator(s). The supervisor will also include his statement of counseling to both parties.
1. The victim will be offered to include counseling, if desired. The victim will also be directed to note and report any further complaints. The supervisor will assure the victim that the department will not tolerate any forms of reprisal and that any complaint made in good faith will be addressed and not held against the complainant.
 2. The employee alleged to have committed the harassment will be counseled as to the possible results of their actions, including possible termination and possible civil action by the victim.

3. The supervisor will then advise the victim of the results of the investigation.
 4. The final report will be forwarded directly to the City Administrator and/or Mayor for review.
 5. If any employee persists in prohibited conduct, after being counseled by the supervisor, he/she will be ordered to the City Administrator for action as directed by the policy on discipline.
- D. *Confidentiality.* All internal investigations taken to resolve complaints of sexual harassment shall be conducted confidentially and shall be closed records under the Missouri Sunshine Law. Parties required to make statements will refrain from discussing the situation to fellow employees, other City Officials or the public. (Ord. No. 637 §1, 9-7-99)

CHAPTER 130: ELECTIONS

SECTION 130.010: ELECTION DAY

The General Election shall be held for the elective offices of this City on the first (1st) Tuesday after the first (1st) Monday in April of each year. The candidate receiving a plurality of the votes at said General Election shall be elected to the office for which he ran.

1. During even numbered years, the qualified voters of each Ward in the City shall elect one (1) City Councilman from each Ward and during odd numbered years, the qualified voters of each Ward shall elect one (1) City Councilman from each Ward. City Councilmen so elected shall hold their respective offices for a term of two (2) years until their successors shall be elected and qualified.
2. The Mayor shall be elected by the qualified voters of the City in 1996 and every fourth (4th) year thereafter. (Ord. No. 44 §1, 12-15-80; Ord. No. 168 §2, 1-20-86; Ord. No. 404 §2, 7-6-93; Ord. No. 408 §1, 8-2-93; Ord. No. 524 §1, 8-19-96; Ord. No. 576 §1, 8-18-97)

SECTION 130.012: FILING PERIOD

The filing period shall open sixteen (16) Tuesdays before the election and will close eleven (11) Tuesdays before the election. (Ord. No. 524 §2, 8-19-96; Ord. No. 749 §1, 3-1-04)

SECTION 130.020: DECLARATION OF CANDIDACY

Any person desiring to become a candidate for any elective office may do so by filing a Declaration of Candidacy with the City Clerk at any time during regular office hours in the month of January preceding the General Election. The City Clerk shall keep a permanent record of the names of the candidates, the offices for which they seek election, and the date of their filing, and their names shall appear on the ballots in that order. The aforesaid Declaration of Candidacy shall contain the full name of the candidate, his address and age, the office for which he proposes to be a candidate, the date of filing, and if nominated and elected to such office that said candidate will qualify. Such Declaration of Candidacy shall be in substantially the following form:

"I, the undersigned, a resident and qualified elector in Ward No. ____ of the City of Scott City, Missouri, residing at _____ Street in said City in the County of Scott and State of Missouri, do announce myself as a candidate for the office of _____ to be voted on at the General Election to be held on the first (1st) Tuesday after the first (1st) Monday in April, and am eligible therefor, and I hereby request that my name be printed upon the official General Election Ballot for such office, and that I will serve as such Officer, if elected. (Ord. No. 44 §2, 12-15-80; Ord. No. 139 §1, 11-5-84; Ord. No. 404 §4, 7-6-93; Ord. No. 408 §2, 8-2-93; Ord. No. 576 §2, 8-18-97)

SECTION 130.030: QUALIFICATIONS

Any person who is not qualified for his office as provided by this Code, or other ordinances, shall not be entitled to have his name printed on the ballot. The

qualifications of a candidate for the office shall be determined by the City Council upon a hearing given, and upon its own motion, or upon written affidavit by some person that a named candidate is not qualified as such for the office sought. (Ord. No. 44 §3, 12-15-80)

SECTION 130.040: WITHDRAWAL OF CANDIDACY

- A. Any person who has filed a Declaration of Candidacy for an elective office and wishes to withdraw as a candidate shall, not later than the Friday before the seventh (7th) Tuesday prior to the day of the General Election for which he has filed, file a written sworn statement of withdrawal in the presence of the City Clerk.
- B. The name of a person who has properly filed a Declaration of Candidacy, or who has not given notice of withdrawal as provided in Subsection (A) of this Section, shall, except in case of death or disqualification, be printed on the official Election Ballot.
(Ord. No. 44 §4, 12-15-80; Ord. No. 404 §5, 7-6-93)

SECTION 130.050: CONFORMANCE WITH STATUTES

All City Elections shall be conducted and held in conformance with the provisions of the Statutes of the State of Missouri. (Ord. No. 44 §4, 12-15-80)

SECTION 130.060: COUNTY CLERK CONDUCTS ELECTION; WHEN

Whenever an overlapping political subdivision conducts an election on the same day as the City Election, the County Clerk, as the designated election authority, shall conduct the City Election. (Ord. No. 44 §6, 12-15-80)

SECTION 130.070: CITY CLERK TO CONDUCT ELECTION; WHEN

- A. If there is no overlapping political subdivision conducting an election on the same day as the City Election and if directed to do so by the City Council or by appropriate election ordinance passed prior to 8:00 A.M. on the Friday before the seventh (7th) Tuesday prior to the City Election, and if the notification is timely received by the County Clerk, the City Clerk shall conduct the City Election in accordance with the appropriate provision of the Statutes of the State of Missouri.
- B. Unless the City Council, by an appropriate election ordinance, directs the City Clerk to conduct an election when there is no overlapping political subdivisions conducting an election on the same day, the County Clerk shall conduct said City Election as made and provided in the Statutes of the State of Missouri. (Ord. No. 44 §7, 12-15-80)

SECTION 130.080: NOTICE OF ELECTION

In City Elections conducted by the County Clerk, the City Clerk shall notify the County Clerk prior to 5:00 P.M. on the tenth (10th) Tuesday prior to any City Election of the forthcoming City election. The notice shall be in writing, and shall specify that the City is calling the election, the purposes of the election, the date of the election, and shall include a certified copy of the legal notice to be published and the sample ballot. (Ord. No. 44 §8, 12-15-80; Ord. No. 524 §3, 8-19-96)

SECTION 130.090: VOTERS MUST BE REGISTERED

All residents of the City who are qualified, timely and properly registered voters in accordance with the Statutes of the State of Missouri shall be entitled to vote in the City Election. In order to vote at any City Election, a person must be registered no later than 5:00 P.M. on the third (3rd) Wednesday prior to the election.

(Ord. No. 44 §9, 12-15-80)

SECTION 130.100: ADMINISTRATION

The Election Authority shall designate the polling places in all City Elections in accordance with the provisions of the Statutes of the State of Missouri. The Election Authority shall appoint all Election Judges in accordance with the provisions of the Statutes of the State of Missouri. The City shall pay all election costs as required by the Statutes of the State of Missouri to the Election Authority conducting its election. (Ord. No. 44 §10, 12-15-80)

SECTION 130.110: POLICE OFFICER TO ASSIST

It shall be the duty of the City Police Officer to give any assistance or protection required by the Election Authority, any employee of the Election Authority, or any Election Judge, and to comply with all lawful requests and directions of the Election Authority relating to such assistance. (Ord. No. 44 §11, 12-15-80)

SECTION 130.120: DATES FOR ELECTIONS

Authorized dates for Special City Elections are the first (1st) Tuesday after the first (1st) Monday in March, August, and November of each year. (Ord. No. 44 §12, 12-15-80; Ord. No. 524 §4, 8-19-96)

SECTION 130.130: VACANCY IN OFFICE

Any person appointed to fill a vacancy in an elective office shall serve until the regular election, at which time the vacancy shall be filled.

SECTION 130.140: VERIFICATION BOARD

As soon as practicable after each City Election, the Election Authority shall convene a Verification Board in accordance with the Statutes of the State of Missouri to verify the account and certify the results of the election. Not later than the second (2nd) Tuesday after the election, the Verification Board shall issue a statement announcing the results of each election and shall certify the returns to the City Clerk. The City Clerk shall issue to each person elected a certificate of election.

(Ord. No. 44 §14, 12-15-80)

CHAPTER 135: CITY COUNCIL

SECTION 135.010: REGULAR MEETINGS

- A. The City Council of the City shall meet in regular session in the Council room of the City Hall at the hour of 7:00 P.M. on the first (1st) and third (3rd) Monday of each month.
- B. If any regular session falls on a holiday, as designated in Section 125.150 of the Code, the session shall not be held at said time. Instead, the session shall be held on the following Tuesday at 7:00 P.M.
- C. The City Council may, by motion, dispense with any regular session, but at least one (1) session must be held in each calendar month. (Ord. No. 83 §2, 6-21-82; Ord. No. 443 §1, 9-6-94; Ord. No. 511 §1, 6-17-96; Ord. No. 781 §1, 5-2-05)

SECTION 135.020: SPECIAL MEETINGS

Special meetings may be called by the Mayor or by any two (2) members of the Council by written request filed with the City Clerk, who shall thereupon prepare a notice of such special meeting, stating time, place and object thereof, which notice shall be serviced personally upon each member of the Council or left at his usual place of residence at least twenty-four (24) hours before the time of the meeting. It shall also be the duty of the City Clerk, immediately upon receipt of the request for the meeting, to make diligent effort to notify each member of the Council in person, either by telephone or otherwise, of such special session.

- 1. The City Clerk shall make a diligent effort to notify those members of the mass media who customarily attend meetings of the City Council of the special session, in the same manner as described above.
- 2. Failure to comply with the requirements of this Section shall not invalidate any action taken at a special meeting of the City Council. (CC §24.020)

SECTION 135.030: QUORUM

A quorum of the City Council shall consist of a majority of the full membership (including vacancies and the Mayor of the City). (CC §24.030)

SECTION 135.040: COMPELLING ATTENDANCE

In case that a lesser number than a quorum shall convene at a regular or special meeting of the City Council, the majority of the members present are authorized to direct the Chief of Police or other City Officer to send for and compel the attendance of any or all absent members upon such terms and conditions and at such time as such majority of the members present shall agree. (CC §24.040)

SECTION 135.050: EFFECT OF ADJOURNED MEETINGS

All adjourned meetings of the Council shall, to all intents and purposes, be continuations of the meetings of which they are adjournments, and the same proceedings may be had at such adjourned meetings as at the meeting of which they are adjournments.

(CC §24.045)

SECTION 135.060: DUTIES OF MAYOR AS PRESIDENT OF COUNCIL

- A. At the hour designated for Council meetings, the Mayor shall call the City Council to order, and he shall act as President of the Council.
- B. The Mayor shall appoint all Committees, subject to the concurrence of the City Council, the appointment of election of which is not otherwise provided for by this Code or other ordinance. (CC §24.050)

SECTION 135.070: ACTING PRESIDENT; ELECTION

In the absence of the Mayor, the Council shall elect one (1) of their own number to occupy the place temporarily, who shall be styled "Acting President of the City Council". (CC §24.055)

SECTION 135.080: ACTING PRESIDENT; DUTIES

When any vacancy shall happen in the office of Mayor by death, resignation, removal from the City, removal from office, refusal to qualify or from any other cause whatever, the Acting President of the City Council shall, for the time being, perform the duties of Mayor, with all the rights, privileges, powers and jurisdiction of the Mayor, until such vacancy is filled or such disability is removed; or, in case of temporary absence, until the Mayor's return. (CC §24.060)

SECTION 135.090: RULES OF ORDER

Except as otherwise provided by law or ordinance, the proceedings of the City Council shall be controlled by Robert's Rules of Order, as revised. (CC §24.065)

SECTION 135.100: DECORUM

The Presiding Officer of the City Council shall preserve decorum and shall decide all questions of order subject to appeal to the City Council. Any member may appeal to the Council from a ruling of the Presiding Officer upon a question of order. If the motion for an appeal is seconded, the member making the appeal may briefly state his reason for the same and the Presiding Officer may briefly express his ruling, but there shall be no debate on the appeal and no other member shall participate in the discussion. The

Presiding Officer shall then put the question to vote as to whether the decision of the chair shall be sustained. If a majority of the members present vote "aye", the ruling of the chair is sustained; otherwise, it is overruled. (CC §24.070)

SECTION 135.110: PASSAGE OF ORDINANCES, ETC.

A majority of the entire Council shall be required to vote in favor of any ordinance before it shall be passed and a majority of the whole Council shall be required to vote in favor of the expenditures of any amount of money in excess of three thousand dollars (\$3,000.00); however, such other business of the City may be conducted by a majority vote of those present at the meeting. (CC §24.076; Ord. No. 718 §2, 3-17-03)

SECTION 135.120: CONSIDER ITEMS OUT OF ORDER

Any business may be called up out of the regular order by the consent of a majority of the members present. (CC §24.077)

SECTION 135.130: ALL MEMBERS VOTE

Every member of the City Council shall be required to vote on all questions stated by the chair unless he be excused from voting by permission of the Council or unless he be directly or indirectly interested in the question stated. (CC §24.078)

SECTION 135.140: ARRIVAL OR DEPARTURE OF MEMBER

If a member of the City Council shall appear at the meeting after the roll call or shall leave the meeting before the meeting is adjourned, the fact that such occurred shall be noted by the Clerk upon the record. (CC §24.079)

SECTION 135.150: PERMISSION REQUIRED FOR MEMBERS TO LEAVE CHAMBER

No member of the City Council may leave the Council chamber while in regular or special session without permission from the Presiding Officer. (CC §24.080)

SECTION 135.160: RESERVED

Editor's Note—Ord. no. 534 enacted October 7, 1996, repealed section 135.160 without any provisions for its replacement. Said former section derived from CC §24.090 and ord. no. 313 §9, 10-1-90. We have left this section reserved for the city's future use.

SECTION 135.170: EXPRESSION OF DISSENT OR PROTEST BY MEMBER

Any member of the City Council shall have the right to express dissent from or protest against any ordinance or resolution of the Council and to have the reason therefor entered upon the journal. Such dissent or protest must be filed in writing and presented

to the Council not later than the next regular meeting following the date of the passage of the ordinance or resolution to which objection is taken. (CC §24.100)

SECTION 135.180: PUBLIC MEETINGS

All meetings of the Council shall be open to the public, except when permitted by law the Council may hold a closed meeting. (CC §24.110)

SECTION 135.190: PROCEDURE AS TO ORDINANCES, RESOLUTIONS, ETC.

- A. All ordinances and resolutions shall be introduced in the City Council in written form with the name of the Councilman introducing the same endorsed thereon. All proposed ordinances shall be prepared by the City Attorney or bear his certification that they are in correct form. A copy thereof shall be sent to each member of the City Council in advance of the meeting, to which copy shall be attached a brief resume of the bill together with the reasons for the introduction thereof (as prepared by the proponent thereof), and if any amendment of an existing ordinance is proposed, the nature of the change sought to be made. Failure to follow the procedure shall not invalidate any ordinance or resolution adopted by the City Council.

B. Whenever this Code shall be amended, the title of each amendatory ordinance, adapted to the particular circumstances and purposes of the amendment, shall be substantially as follows:

1. To amend any Section,

"AN ORDINANCE TO AMEND SECTION _____ (or SECTIONS _____ AND _____) OF THE CODE OF THE CITY OF _____."

2. To insert a new Section, Article, Chapter or Title:

"AN ORDINANCE TO AMEND THE CODE OF THE CITY OF _____ BY ADDING A NEW SECTION (or NEW SECTIONS, A NEW ARTICLE, A NEW CHAPTER, or A NEW TITLE, as the case may be) WHICH NEW SECTION (SECTIONS, ARTICLE, CHAPTER or TITLE) SHALL BE DESIGNATED AS SECTION _____ (or SECTIONS _____ AND _____) OF CHAPTER OF TITLE _____(or proper designation if a Chapter or Title is added) OF SAID CODE."

3. To repeal a Section, Chapter or Title:

"AN ORDINANCE TO REPEAL SECTION _____ (SECTIONS _____ AND _____, CHAPTER _____, TITLE _____, etc., as the case may be) OF THE CODE OF THE CITY OF _____." (CC §24.120)

SECTION 135.200: PROCEDURE AS TO OBJECTIONS UPON SECOND READING OF BILL

Upon the announcement of a second (2nd) reading of any bill, if there are objections to it, the question shall be put by the Chairman, "Shall the proposal be rejected?" If a majority of the Council vote in favor of rejection, the bill shall be defeated.
(CC §24.130)

SECTION 135.210: WHEN BILLS MAY BE AMENDED

Any bill shall be subject to amendment until the vote upon final passage.
(CC §24.140)

SECTION 135.220: RECORDATION OF "AYES" AND "NAYS" ON FINAL PASSAGE

On the final passage of every ordinance, the "ayes" and "nays" shall be recorded in the record. (CC §24.150)

SECTION 135.230: SPECIAL COMMITTEES

All special committees shall be appointed by the Mayor of the City unless otherwise ordered by a majority of the Council. By consent of a majority of the Council, a special committee may be appointed at any time to hold public hearings for the Council

upon any matter pending before it. A special committee is a committee composed of members of the City Council; the concurrence of the Council shall not be required as to the membership of the special committee, unless the Council shall order otherwise. (CC §24.160)

SECTION 135.240: JOURNAL TO BE KEPT

The City Council shall cause to be kept a journal of its proceedings, and the "ayes" and "nays" shall be entered on any question at the request of any member.
(CC §24.170)

SECTION 135.250: RULES OF PROCEDURE

The City Council may by resolution prescribe and enforce such rules as it may find necessary for the expeditious transaction of its business, but such rules shall not contravene the requirements of this Code or other ordinance. (CC §24.180)

SECTION 135.260: ATTENDANCE AND OATH OF WITNESSES; FEE FOR EXECUTION OF PROCESS

The City Council shall have power to compel the attendance of witnesses and the production of papers and records relating to any subject under consideration in which the interest of the City is involved, and shall have power to call on the proper Officers of the City, or of the County in which such City is located, to execute such process. Such Officer (other than a City Officer) shall receive therefor such fees as are allowed by law in the Circuit Court for similar services, to be paid by the City. The Mayor or Acting President of the City Council shall have power to administer oaths to witnesses. (CC §24.190)

SECTION 135.270: AMENDMENT OR SUSPENSION OF RULES

Any rule of the Council may be repealed, altered or amended by a majority vote of the members. Every amendment offered shall lie on the table until the next meeting of the Council before being voted upon except by the unanimous consent of all elected members of the City Council (including the Mayor). Any rule may be suspended by a majority vote of the members of the Council, or quorum being present by unanimous consent. (CC §24.200)

SECTION 135.280: RIGHT TO ATTEND BOARD MEETINGS

The Mayor, City Administrator and all members of the City Council may attend all meetings of any boards, committees, or commissions appointed by the Mayor and/or approved by the City Council. No City board, committee or commission shall prohibit attendance of the City Administrator, Mayor or Council members at any meetings closed to the public under the provision of Chapter 610 of the Missouri Statutes. The Chairman of any board, committee or commission holding a closed meeting shall determine whether or not the City Administrator, Mayor or Council persons shall be allowed to be heard if they so desire. (Ord. No. 669 §1, 9-18-00)

CHAPTER 140: PROCUREMENT, CONFLICT OF INTEREST

SECTION 140.010: PURCHASING AGENT DESIGNATED

- A. The City Administrator is hereby designated as Purchasing Agent for the City. The City Administrator, when authorized, shall procure for the City, bids for the supplies and services needed by the City, in accordance with procedures prescribed by this Chapter or as required by law. In the event of a vacancy in the office of City Administrator or in the event of the City Administrator's temporary absence, the Mayor shall appoint a Purchasing Agent with all the power and authority granted to the Purchasing Agent under this Chapter.
- B. Except as provided in this Chapter, it shall be unlawful for any City Officer or employee to order the purchase of any supplies or make any contract within the purview of this Chapter other than through the Purchasing Agent, and any purchase ordered or contract made contrary to the provisions hereof shall not be approved by City Officials, and the City shall not be bound thereby. (CC §25.010; Ord. No. 589 §1, 10-20-97)

SECTION 140.020: DUTIES; GENERALLY

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

1. Act to procure for the City the highest quality in supplies and contractual services at the least expense to the City.
2. Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases and sales.
3. Keep informed of current developments in the field of purchasing, prices, market conditions and new products, and secure for the City the benefits of research done in the field of purchasing by other governmental jurisdictions, national technical societies, trade associations, and by private businesses and organizations.
4. Prepare, adopt and maintain a vendor's catalog file. Said catalog shall be filed according to materials and shall contain descriptions of vendor's commodities, prices and discounts.
5. Exploit the possibilities of buying "in bulk" so as to take full advantage of discounts.
6. Act so as to procure for the City all Federal and State tax exemptions to which it is entitled.
7. Have the authority to declare vendors who default on their quotations irresponsible bidders and to disqualify them from receiving any business from the municipality for a stated period of time. (CC §25.020)

SECTION 140.030: REQUISITIONS AND ESTIMATES

Each City department or agency shall file with the Purchasing Agent detailed requisitions or estimates of their requirements in supplies and contractual services in such manner, at such times, and for such future periods as the Purchasing Agent shall prescribe.

1. A City department or agency shall not be prevented from filing, in the same manner, with the Purchasing Agent at any time a requisition or estimate for any supplies and contractual services, the need for which was not foreseen when the detailed estimates were filed.
2. The Purchasing Agent shall examine each requisition or estimate and shall have the authority to revise it as to quantity, quality, or estimated cost. (CC §25.030)

SECTION 140.040: CONFLICT OF INTEREST

No Officer or employee of the City shall transact any business in his official capacity with any business entity of which he is an officer, agent or member or in which he owns a substantial interest; nor shall he make any personal investments in any enterprise which will create a substantial conflict between his private interest and the public interest; nor shall he or any firm or business entity of which he is an officer, agent or member, or the owner or substantial interest, sell any goods or services to any business entity which is licensed by or regulated in any manner by the City.

(CC §25.040)

SECTION 140.050: CONFLICT OF INTEREST; OFFICERS AND EMPLOYEES NOT TO DEAL WITH CERTAIN ENTITIES

No Officer or employee of this City shall enter into any private business transaction with any person or entity that has a matter pending or to be pending upon which the Officer or employee is or will be called upon to render a decision or pass judgment. If any Officer or employee is already engaged in the business transaction at the time that a matter arises, he shall be disqualified from rendering any decision or passing any judgment upon the same. (CC §25.050)

SECTION 140.060: CONFLICT OF INTEREST; PENALTIES

Any person who violates the provisions of Section 140.040 or Section 140.050 shall, upon conviction thereof, be punished as provided in Chapter 110 of this Code.

(CC §25.060)

SECTION 140.070: GIFTS AND REBATES

The Purchasing Agent and every other Officer and employee of the City are expressly prohibited from accepting, directly or indirectly, from any person, company, firm, or corporation to which any purchase order or contract is, or might be awarded, any rebate, gift, money, or anything of value whatsoever, except where given for the use

and benefit of the City. Violation of the provisions of this Section shall upon conviction thereof be punished as provided in Chapter 110 of this Code.
(CC §25.070)

SECTION 140.080: COMPETITIVE BIDDING REQUIRED

All purchases of, and contracts for supplies and contractual services, and all sales of personal property which has become obsolete and unusable shall, except as specifically provided herein, be based wherever possible on competitive bids. (CC §25.080)

SECTION 140.090: FORMAL CONTRACT PROCEDURE

All supplies and contractual services, except as otherwise provided in this Chapter, when the estimated cost thereof shall exceed ten thousand dollars (\$10,000.00), shall be purchased by formal, written contract from the lowest responsible bidder, after due notice inviting proposals. All sales of personal property which has become obsolete and unusable, when the estimated value shall exceed five thousand dollars (\$5,000.00), shall be sold by formal written contract to the highest responsible bidder, after due notice inviting proposals. (CC §25.090; Ord. No. 744 §2, 12-15-03)

SECTION 140.100: NOTICE DEFINED

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

1. Notice inviting bids shall be published once in at least one (1) official newspaper of the City and at least five (5) days preceding the last day set for the receipt of proposals. The newspaper notice required herein shall include a general description of the articles to be purchased or sold, shall state where bid blanks and specifications may be secured, and the time and place for opening bids.
2. The Purchasing Agent shall also solicit sealed bids from all responsible prospective suppliers who have requested their names to be added to a "Bidder's List" which the Clerk shall maintain, by sending them a copy of such newspaper notice or such other notice as will acquaint them with the proposed purchase or sale. In any case, invitations sent to the vendors on the bidder's list shall be limited to commodities that are similar in character and ordinarily handled by the trade group to which the invitations are sent.
3. The Purchasing Agent shall also advertise all pending purchases or sales by a notice posted on the public bulletin board in the City Hall.
4. The Purchasing Agent shall also solicit sealed bids by:
 - a. Direct mail request to prospective vendors, and
 - b. by telephone,

as may seem to him to be in the best interest of the City. (CC §25.100)

SECTION 140.110: BID OPENING PROCEDURE

Bids shall be submitted sealed to the Purchasing Agent and shall be identified as bids on the envelope. They shall be opened in public at the time and place stated in public notices. A tabulation of all bids received shall be posted for public inspection.

(CC §25.110)

SECTION 140.120: LOWEST RESPONSIBLE BIDDER

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

1. The ability, capacity and skill of the bidder to perform the contract or provide the service required;
2. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
3. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
4. The quality of performance of previous contracts or services;
5. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
6. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
7. The quality, availability and adaptability of the supplies, or contractual services to the particular use required;
8. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
9. The number and scope of conditions attached to the bid. (CC §25.120)

SECTION 140.130: BIDS ACCEPTED

All bids shall be accepted or rejected by the City Council. When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be entered upon the journal of the Council. (CC §25.125)

SECTION 140.140: TIE BIDS

- A. If all bids received or the lowest bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to a local bidder.

- B. Where there is no local low bidder, the award shall be made on the basis of a drawing of lots, to be held in public. (CC §25.130)

SECTION 140.150: OPEN MARKET PROCEDURE

All purchases of supplies and contractual services, and all sales of personal property which has become obsolete and unusable for which competitive bidding is not required by Section 140.090 of this Code shall be made in the open market, without newspaper advertisement and without observing the procedure prescribed by Section 140.110 for the award of formal contracts.

1. All open market purchases shall, whenever possible, be based on at least three (3) competitive bids, and shall be awarded to the lowest responsible bidder in accordance with the standards set forth in Section 140.120.
2. The City shall solicit bids by,
 - a. Direct mail request to prospective vendors,
 - b. By telephone, and
 - c. By public notice posted on the bulletin board of the City Hall.
3. The Purchasing Agent shall keep a record of all open market orders and the bids submitted in competition thereon, and such records shall be open to public inspection. (CC §25.140)

SECTION 140.160: EMERGENCY PURCHASES

In case of an apparent emergency which requires immediate purchase of supplies or contractual services, the City Council may authorize the purchase at the lowest obtainable price, any supplies or contractual services regardless of the amount of the expenditure. A full explanation of the circumstances of an emergency purchase shall be recorded in the journal of the City Council. (CC §25.150)

SECTION 140.170: COOPERATIVE PROCUREMENT

To the maximum extent practicable, the purchases of this City shall be made under the provisions of the Missouri State–Local Technical Services Act. The provisions of this Chapter requiring competitive bidding at the local level shall not apply to such purchases. (CC §25.160)

SECTION 140.180: PERSON CONTRACTING WITH CITY MUST PAY LEGAL FEES INCURRED

- A. Any party who enters into a contract with the City of Scott City, Missouri, shall be required to pay the legal fees incurred in drafting the contract.

B. However, notwithstanding the provision of Subsection (A) of this Section, the City Council of Scott City, Missouri, may direct the City Attorney to prepare the contract and bill the City for all or part of the legal fees incurred in drafting the contract between the City and the other party under the following circumstances:

1. If, in the City Council's judgment the party entering into a contract with the City is unable to pay the legal fees for the contract.
2. If, in the City Council's judgment, it is in the best interest of the City that the City be billed for the legal services in preparing the contract.
(Ord. No. 64 §§1-2, 6-15-81)

CHAPTER 145: PARKS AND PARK BOARD

SECTION 145.010: PARK BOARD ESTABLISHED

A Park Board is hereby established to supervise and control all public parks within City limits. The Park Board shall consist of nine (9) Directors appointed by the Mayor, with the approval of the City Council. The Directors shall be chosen from the citizens of the City at large with reference to their fitness for such office. No member of the Municipal Government shall be a member of the Park Board. (CC §26.010)

SECTION 145.020: TERMS OF INITIAL DIRECTORS

The initial nine (9) Directors of the Park Board shall hold office, one-third ($\frac{1}{3}$) for one (1) year, one-third ($\frac{1}{3}$) for two (2) years and one-third ($\frac{1}{3}$) for three (3) years. At the first regular meeting of the Park Board following its establishment, the initial nine (9) Directors shall cast lots for their respective terms. (CC §26.020)

SECTION 145.030: APPOINTMENT OF SUCCESSOR MEMBERS

Before June 1, 1976, and before June 1 of each year thereafter, the Mayor shall, with the approval of the City Council, appoint three (3) Directors to the Park Board, who shall hold office for three (3) years and until their successors are appointed.
(CC §26.030)

SECTION 145.040: REMOVAL OF DIRECTOR

The Mayor may, with the consent of the City Council, remove any Director from the Park Board for misconduct or neglect of duty. (CC §26.040)

SECTION 145.050: HOW VACANCIES FILLED

Vacancies in the Board of Directors of the Park Board, occasioned by removal, resignation or otherwise, shall be reported to the Mayor and City Council and shall be filled in the same manner as original appointments. (CC §26.050)

SECTION 145.060: NO COMPENSATION

No Director of the Park Board shall receive compensation as such. (CC §26.060)

SECTION 145.070: ORGANIZATION OF THE BOARD

The Park Board shall have a President and such other Officers as the Directors deem necessary. The Board of Directors shall elect its officers from among its members. The Directors shall make and adopt such by-laws, rules and regulations for the guidance of the Park Board and for the supervision and control of all public parks

within the City limits as may be expedient, not inconsistent with the laws of the United States and the State of Missouri and the ordinances of the City. (CC §26.070)

SECTION 145.080: PARK FUND ESTABLISHED

A Park Fund is hereby established within the City Treasury for the maintenance of said public park. All money received for said public park shall be deposited in the City Treasury to the credit of the Park Fund. The Park Fund shall be kept separate and apart from other money of the City. (CC §26.080)

SECTION 145.090: PARK FUND EXPENDITURES

The Park Board shall have exclusive control of the expenditure of all money collected to the credit of the Park Fund. The money deposited to the credit of the Park Fund shall be drawn upon by the proper Officers of the City upon the properly authenticated vouchers of the Park Board. (CC §26.090)

SECTION 145.100: BOARD'S DUTIES AND RESPONSIBILITIES

The Park Board shall have primary responsibility for the improvement, development, management, supervision, operation, maintenance and repair of all public parks within the City limits. The Park Board shall have power to appoint and fix the compensation of a suitable person and necessary assistants to supervise and care for said park. Such appointees may be removed by the Park Board. (CC §26.100)

SECTION 145.110: ANNUAL REPORT

On or before the second (2nd) Monday in June of each year, the Board of Directors of the Park Board shall make an annual report to the Mayor and City Council stating the condition of their trust on the first (1st) day of May of that year, the various sums of money received from the Park Fund and other sources, the amounts of money expended and the purposes for which expended, and such other statistics, information and suggestions as the Directors deem of general interest. All portions of such report relating to the receipt and expenditures of money shall be verified by affidavit.

(CC §26.110)

**CHAPTER 150: MUNICIPAL JUDGE AND MUNICIPAL
COURT PROCEDURES**

SECTION 150.010: COURT ESTABLISHED

There is hereby established in the City a court to be known as the Municipal Court of the City of Scott City, Missouri. Said court shall be a division of the 33rd Judicial Circuit and shall have original jurisdiction to hear and determine all violations against the ordinances of the City. (Ord. No. 73 §1, 1-4-82; Ord. No. 432 §1, 5-16-94)

SECTION 150.020: JUDGES—SELECTION

- E. The Judge of the City's Municipal Court shall be known as the Municipal Judge. The Municipal Judge shall be appointed by the Mayor, with the consent and approval of the City Council, for a term as specified herein. The Municipal Judge shall be designated as the Chief Municipal Judge and shall have general administrative authority over any Special Municipal Judge.
- F. The Municipal Judge shall hold office for a period of four (4) years, and shall take office for quadrennial terms from April, 1994, and shall be paid for his/her services at a rate established by the City Council. If for any reason a Municipal Judge vacates the office, the successor shall complete the term of office, even if the same shall be less than four (4) years.
- G. The Mayor, with the consent and approval of the City Council, may also appoint a Special Municipal Judge, who shall be known as the Special Municipal Judge, and who shall hear particular cases where the Municipal Judge has been disqualified from acting by virtue of the Missouri Supreme Court Rules. In all cases where the Special Municipal Judge is disqualified from acting pursuant to the Missouri Supreme Court Rules, the Chief Municipal Judge shall request the Presiding Judge of the Circuit Court to assign another Judge to hear the case or to request that the Presiding Judge direct a request to the Missouri Supreme Court to assign a Judge for that purpose. A Special Municipal Judge shall hold office for a period of two (2) years from the date of his/her appointment, and shall be paid for services rendered at a rate established by the City Council.
(Ord. No. 73 §2, 1-4-82; Ord. No. 432 §2, 5-16-94)

SECTION 150.030: VACATION OF OFFICE—WHEN

The Municipal Judge or any Special Municipal Judge shall vacate their office upon the following circumstances:

1. Upon removal from office by the State Commission on Retirement, Removal and Discipline of Judges, as provided in Missouri Supreme Court Rule 12, or
2. Upon attaining his/her seventieth (70th) birthday. (Ord. No. 73 §3, 1-4-82; Ord. No. 432 §3, 5-16-94)

SECTION 150.040: QUALIFICATIONS

The Municipal Judge shall possess the following qualifications before he shall take office:

1. He must be a licensed attorney, qualified to practice law within the State of Missouri.
2. He must be a resident of the State of Missouri.
3. He must be between the ages of twenty-one (21) and seventy (70) years.
4. He may serve as Municipal Judge for any other municipality.
5. He may not hold any other office within the City Government.
6. The Municipal Judge shall be considered holding a part-time position, and as such may accept (within the requirements of the Code of Judicial Conduct, Missouri Supreme Court Rule 2) other employment. (Ord. No. 73 §4, 1-4-82; Ord. No. 172 §1, 5-5-86; Ord. No. 432 §4, 5-16-94)

SECTION 150.050: MUNICIPAL COURT SUBJECT TO HIGHER COURT DIRECTIVES

The Municipal Court of the City shall be subject to the rules of the Circuit Court of which it is a part, and to the rules of the State Supreme Court. The Municipal Court shall be subject to the general administrative authority of the presiding Judge of the Circuit Court, and the Judge and Court personnel of said Court shall obey his directives. (Ord. No. 73 §5, 1-4-82)

SECTION 150.060: DOCKET TO BE KEPT

The Municipal Judge shall be a conservator of the peace. He shall keep a docket in which he shall enter every case commenced before him and the proceedings therein and he shall keep such other records as may be required. Such docket and records shall be records of the Circuit Court of Scott County. The Municipal Judge shall deliver the docket and records of the Municipal Court, and all books and papers pertaining to his office, to his successor in office or to the presiding Judge of the Circuit. (Ord. No. 73 §5, 1-4-82)

SECTION 150.070: POWERS AND DUTIES OF MUNICIPAL JUDGE

The Municipal Judge shall be and is hereby authorized to:

1. Establish a Traffic Violations Bureau as provided for in the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and Section 479.050, RSMo.
2. Administer oaths and enforce due obedience to all orders, rules and judgments made by him, and may fine and imprison for contempt committed before him while holding Court, in the same manner and to the same extent as a Circuit Judge.
3. Commute the term of any sentence, stay execution of any fine or sentence, suspend any fine or sentence, and make such other orders as the Municipal Judge deems necessary relative to any matter that may be pending in the Municipal Court.

4. Make and adopt such rules of practice and procedure as are necessary to implement and carry out the

provisions of this Section, and to make and adopt such rules of practice and procedure as are necessary to hear and decide matters pending before the Municipal Court and to implement and carry out the provisions of the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts. Any and all rules made or adopted hereunder may be annulled or amended by an ordinance limited to such purpose; provided, that such ordinance does not violate, or conflict with, the provisions of the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts, or State Statutes.

5. The Municipal Judge shall have such other powers, duties and privileges as are or may be prescribed by the laws of this State, and other ordinances of this City.
(Ord. No. 73 §7, 1-4-82)

SECTION 150.080: TRAFFIC VIOLATIONS BUREAU

- A. Should the Municipal Judge determine that there shall be a Traffic Violations Bureau, the City shall provide all expenses incident to the operation of same. The City Collector is hereby designated as the Traffic Violations Clerk for said Bureau, if established.
- B. The Traffic Violations Clerk will accept the appearance, waiver of trial and plea of guilty and payment of fine and costs in Traffic Violation Bureau cases or as directed by the Municipal Judge. (Ord. No. 73 §8, 1-4-82)

SECTION 150.090: WARRANTS

All warrants issued by a Municipal Judge shall be directed to the Chief of Police, or any other Police Officer of the municipality or to the Sheriff of the County. The warrant shall be executed by the Chief of Police, Police Officer, or Sheriff any place within the limits of the County. (Ord. No. 73 §9, 1-4-82)

SECTION 150.100: TRIAL BY JURY

Any person charged with a violation of a Municipal ordinance of this City shall be entitled to a trial by jury, as in prosecutions for misdemeanors before an Associate Circuit Judge. Whenever a defendant accused of a violation of a municipal ordinance demands trial by jury ten (10) days prior to the hearing date, the Municipal Judge shall certify the case to the presiding Judge of the Circuit Court for reassignment, as provided in Rule 37.61 of the Missouri Rules of Procedure. (Ord. No. 73 §10, 1-4-82)

SECTION 150.110: JUDGE MAY DEFER TO CIRCUIT COURT; WHEN

If, in the progress of any trial before a Municipal Judge, it shall appear to the Judge that the accused ought to be put upon trial for an offense against the criminal laws of the State and not cognizable before him as Municipal Judge, he shall immediately stop all further proceedings before him as Municipal Judge and cause the complaint to be made before some Associate Circuit Judge within the County. (Ord. No. 73 §11, 1-4-82)

SECTION 150.120: JUDGE TO COMMIT DEFENDANT TO SAFE PLACE

If in the opinion of the Municipal Judge, the City has no suitable and safe place of confinement, the Municipal Judge may commit the defendant to the County Jail, and it shall be the duty of the Sheriff, if space for the prisoner is available in the County Jail, upon receipt of a warrant of commitment from the Judge to receive and safely keep such prisoner until discharged by due process of law. The municipality shall pay the board of such prisoner at the same rate as may now or hereafter be allowed to such Sheriff for the keeping of such prisoner in his custody. The same shall be taxed as cost.

(Ord. No. 73 §12, 1-4-82)

SECTION 150.130: JUDGE MAY ISSUE PAROLE OR PROBATION

Any Judge hearing violations of Municipal ordinances may, when in his judgement it may seem advisable, grant a parole or probation to any person who shall plead guilty or who shall be convicted after a trial before said Judge.

(Ord. No. 73 §13, 1-4-82)

SECTION 150.135: JUDGE MAY STAY ASSESSMENT OF POINTS, WHEN

Effective January 1, 1984, the Municipal Court may, in connection with the disposition of any offense which is a "point offense" resulting in the assessment of one (1), two (2), three (3), or four (4) points by the State Director of Revenue under the provisions of RSMo., §302.302 (1), (2), or (4), order the staying of the assessment of points upon satisfactory completion of a driver improvement program approved by the State Director of the Department of Public Safety, as provided by RSMo. §302.320.4.

(Ord. No. 90 §2, 10-4-82)

SECTION 150.140: TRIAL DE NOVO

The defendant shall have a right to a trial de novo, except a plea of guilty or a case which has been tried by a jury, before a Circuit Judge or an Associate Circuit Judge. Such application for a trial de novo shall be filed within ten (10) days after the judgment and shall be in the form as provided by Supreme Court rules. (Ord. No. 73 §14, 1-4-82)

SECTION 150.150: JURY TRIAL RECORDS

In all cases in which a jury trial has been demanded, a record of the proceedings shall be made, and appeals may be had upon that record to the appropriate Appellant Court. (Ord. No. 73 §15, 1-4-82)

SECTION 150.160: BREACH OF RECOGNIZANCE

- A. In the case of a breach of any recognizance entered into before a Municipal Judge or an Associate Circuit Judge hearing a Municipal ordinance violation case, the same shall be deemed forfeited and the Judge shall cause the same to be prosecuted against the principal and surety, or either of them, in the name of the municipality as plaintiff. Such action shall be prosecuted before a Circuit Judge or Associate Circuit Judge, and in the event of cases caused to be prosecuted by a Municipal Judge, such shall be on the transcript of the proceedings before the Municipal Judge.

- B. All monies recovered in such actions shall be paid over to the Municipal Treasury to the General Revenue Fund of the municipality. (Ord. No. 73 §16, 1-4-82)

SECTION 150.170: DISQUALIFICATION OF JUDGE; WHEN

A Municipal Judge shall be disqualified to hear any case in which he is in anywise interested, or if before the trial is commenced, the defendant or the prosecutor files an affidavit that the defendant or the municipality, as the case may be, cannot have a fair and impartial trial by reason of the interest or prejudice of the Judge. Neither the defendant, nor the municipality shall be entitled to file more than one (1) affidavit or disqualification in the same case. (Ord. No. 73 §17, 1-4-82)

SECTION 150.180: ABSENCE OF MUNICIPAL JUDGE

If a Municipal Judge be absent, sick or disqualified from acting, the Mayor may designate some competent, eligible person to act as Municipal Judge until such absence or disqualification shall cease. (Ord. No. 73 §18, 1-4-82)

SECTION 150.190: CLERK OF MUNICIPAL COURT—APPOINTMENT AND DUTIES

The Clerk of the Municipal Court shall be appointed by the Mayor and approved by the Council. The duties of said Clerk may be as follows:

1. To collect such fines for violations of such offenses as may be described, and the Court costs thereof.
2. To take oaths and affirmations.
3. To accept signed complaints, and allow the same to be signed and sworn to or affirmed before him.
4. Sign and issue subpoenas requiring the attendance of witnesses and sign and issue subpoenas duces tecum.
5. Perform all other duties as provided for by ordinance, by rules of Practice and Procedure in Municipal and Traffic Courts and by Statutes.
6. Maintain, properly certified by the City Clerk, a complete copy of the ordinances of the City or the municipality which shall constitute prima facie evidence of such ordinance before the Court. Further, to maintain a similar certified copy on file with the Clerk serving the Circuit Court of this County. (Ord. No. 73 §19, 1-4-82; Ord. No. 172 §2, 5-5-86)

SECTION 150.200: COURT COSTS

In addition to any fine that may be imposed by the Municipal Judge, there is assessed Court costs in the amount of twelve dollars (\$12.00), which shall be collected by the Municipal Court, plus an additional two dollars (\$2.00) in Court costs, provided said additional two dollars (\$2.00) in Court costs shall not be collected from non-moving traffic violations, which said costs are in addition to service costs, witness fees, jail costs, alcohol-

related processing costs, and costs of victims of domestic violence, as otherwise provided by State Statute and Municipal Ordinances. (Ord. No. 172 §3, 5-5-86; Ord. No. 432 §5, 5-16-94; Ord. No. 491 §1, 8-7-95)

SECTION 150.205: RESERVED

Editor's Note—Ord. no. 775 §1, adopted April 4, 2005, repealed section 150.205 "judgments—alcohol-related traffic offenses" in its entirety. Former section 150.205 derived from ord. no. 691 §1, 9-4-01. At the editor's discretion, this section has been reserved for the city's future use.

SECTION 150.210: FINES

When a fine is assessed for violating an ordinance, it should be within the discretion of the Judge assessing the fine to provide for the payment of a fine on an installment basis under such terms and conditions as he may deem appropriate. (Ord. No. 73 §21, 1-4-82)

SECTION 150.220: ADDITIONAL COURT COSTS

- A. The Scott City Municipal Court is hereby directed to collect from each defendant convicted of a moving traffic violation an additional seven dollars fifty cents (\$7.50) in costs to cover the Crime Victims' Compensation Fund.
- B. The Municipal Court is further directed to pay seven dollars thirteen cents (\$7.13) of the additional seven dollars fifty cents (\$7.50) collected from each defendant to the Missouri Department of Revenue and to pay the remaining thirty-seven cents (\$.37) into the City Treasury.
- C. *Costs For Domestic Violence.*
1. In addition to all other Court costs authorized by State Statutes or by the City Code of Scott City, Missouri, the Scott City Municipal Court is hereby directed to collect from each defendant the sum of two dollars (\$2.00) for each Court proceeding filed for violation of the ordinances of the City.
 2. The Judge may waive assessment of the costs in those cases where a defendant is found by the Judge to be indigent or unable to pay.
 3. Such costs shall be collected by the Clerk and disbursed as directed by the City Council monthly.
 4. The City shall use such additional costs only for the purpose of providing operating expenses for shelters for battered persons as defined in Sections 455.200—455.230, RSMo.
- D. *Cost For Training Fund.* In addition to all other costs authorized by the State Statutes or the City Code of Scott City, Missouri, the Scott City Municipal Court is hereby directed to collect from each defendant the sum of three dollars (\$3.00) for each Court proceeding filed for violation of the ordinances of the City, one dollar (\$1.00) of said costs

shall be sent to the State Treasury for the credit of the Peace Officers Standards and Training Commission Fund created in Section 590.178, RSMo. The Clerk shall disburse the funds to the State Treasury as provided by Section 514.015, RSMo. Two dollars (\$2.00) of said costs shall be distributed to the local training fund maintained by the Municipal Police Department. (Ord. No. 244 §§1—2, 11-7-88; Ord. No. 397 §1, 3-1-93; Ord. No. 532 §1, 10-7-96; Ord. No. 651 §1, 2-25-00; Ord. No. 693 §1, 9-4-01)

SECTION 150.225: WARRANT FEES

In all cases brought before the Judge in Municipal Court for violation of any ordinances of the City, the sum of twenty dollars (\$20.00) shall be taxed as costs for the issuance of warrants. (Ord. No. 520 §1, 8-5-96)

SECTION 150.230: BOARDING FEE FOR PRISONERS—ASSESSMENT

- A. The City hereby assesses a boarding fee of fifteen dollars (\$15.00) per day for all prisoners incarcerated in the City Jail on charges relating to municipal ordinance violations and twenty-five dollars (\$25.00) per day for all prisoners incarcerated in the City Jail on charges relating to violations of State or Federal law.
- B. The Municipal Judge, upon a finding of guilty against any defendant, shall assess as additional costs the cost of boarding said defendant as set forth in Subsection (A) of this Section. The Municipal Judge may require payment of said boarding cost as a condition of probation.
- C. The City Attorney is hereby authorized to collect, through appropriate legal action, any delinquent boarding cost incurred in the City Jail by any person, which was assessed by the Municipal Judge upon a finding of guilty. (Ord. No. 285 §§1—3, 11-20-89; Ord. No. 527 §1, 9-3-96)

CHAPTER 155: CITY CEMETERY

SECTION 155.010: DEFINITIONS

As used in this Chapter, the following words and phrases will have the following meanings, unless the context clearly indicates a different meaning.

CEMETERY OR CITY CEMETERY: The cemeteries owned and managed by the City, including Lightner's Cemetery, Mt. Zion Cemetery, and Old Eislebin Cemetery, including any new land added thereto at any time in the future.

PERSON: Any person, firm, corporation or association.

RESIDENT: Any person who has resided within the City limits of the City of Scott City, Missouri, for a continuous period of five (5) years immediately preceding his or her purchase of a lot or any person who has paid real property taxes to the City of Scott City, Missouri, within the five (5) years immediately preceding his or her purchase of a lot. (Ord. No. 177 §1, 7-21-86; Ord. No. 313 §9, 10-1-90)

SECTION 155.020: CITY CODE PROVISIONS SHALL BE IN EFFECT IN CEMETERY

All provisions of the City Code now in force or hereinafter enacted, relating to and defining public offenses in the City, shall, insofar as the same shall be applicable, be in full force and effect in the City Cemetery. (Ord. No. 177 §2, 7-21-86)

SECTION 155.030: HOURS TO ENTER; EXCEPTION

It shall be unlawful for any person or persons, other than duly authorized Officers, Officials or employees of the City, to enter into or be upon the cemetery grounds of the City from one (1) hour after sunset until 5:00 A.M. of any day without first obtaining the permission of the Cemetery Manager. It shall further be unlawful at all times for any person to enter or leave the grounds other than by the established or open entrances or gateways. (Ord. No. 177 §3, 7-21-86; Ord. No. 907 §1, 10-18-10)

SECTION 155.040: SPEED LIMIT

It shall be unlawful for any person to drive any vehicle in said cemetery faster than ten (10) miles per hour. (Ord. No. 177 §4, 7-21-86)

SECTION 155.050: GENERAL DRIVING REGULATIONS

No person shall drive or move any vehicle within the cemetery except over a roadway open for vehicular traffic, or obstruct any path or driveway within the cemetery open to vehicular traffic. No person shall use the cemetery grounds or any driveway therein as a public thoroughfare or drive any vehicle through said grounds except for purposes of making deliveries in the cemetery or visiting a grave site. (Ord. No. 177 §5, 7-21-86)

SECTION 155.060: NO LITTERING ALLOWED

It shall be unlawful for any person to dispose of any rubbish, trash, or waste materials, litter, or debris of any kind in the City Cemetery. (Ord. No. 177 §6, 7-21-86)

SECTION 155.070: DEFACING PROPERTY PROHIBITED

No person shall remove, molest, injure, mar, deface, throw away or destroy any headstone, monument, survey marker, corner marker, tomb, vault, or mausoleum, or decoration on any cemetery lot in said cemetery, or open, disturb or molest any grave or place of burial therein. This shall not prohibit acts by Cemetery Officers or employees, or public officials, in carrying out their duties. (Ord. No. 177 §7, 7-21-86)

SECTION 155.080: TREES OR SHRUBS; REGULATIONS CONCERNING

It shall be unlawful for any unauthorized person to plant any tree, shrub or any plant in the cemetery except those permitted by the Cemetery Manager. It shall be unlawful for any unauthorized person to cut down, injure, break or destroy any tree, shrub or other plant growing in the cemetery or to pick, pluck or cut any flower or decorative plant except as authorized by the Cemetery Manager, or direction of the City Council. (Ord. No. 177 §8, 7-21-86)

SECTION 155.090: CITY MAY REMOVE FLOWERS AFTER FIFTEEN DAYS

The placing of cut flowers or plastic flowers over individual graves shall be permitted; however, the City may remove, without notice, all flowers, real or artificial, that remain over fifteen (15) days. (Ord. No. 177 §9, 7-21-86)

SECTION 155.100: CITY CEMETERY MANAGER

Mayor, with the consent of the City Council, shall appoint a City Cemetery Manager who shall be a resident of the City of Scott City, Missouri. Said City Cemetery Manager shall be paid compensation as set by the Council and shall serve at the pleasure of the Mayor and City Council. The City Cemetery Manager shall be an independent contractor with the City and not a City employee. (Ord. No. 177 §10, 7-21-86; Ord. No. 852 §1, 4-6-09)

SECTION 155.105: SALE OF CEMETERY LOTS

The City Clerk, or at her direction, the City Collector, shall be responsible for collecting all money from the sale of the lots within the cemetery. The Clerk shall keep a permanent book of records of all funds received from the sale of cemetery lots and shall annually on June thirtieth (30th) make a report in writing to the City Council showing receipts and disbursements from the sale of lots. (Ord. No. 852 §2, 4-6-09)

SECTION 155.110: RESPONSIBILITY OF CEMETERY MANAGER

The Cemetery Manager shall be available at all times to arrange the sale of cemetery lots and columbarium spaces and shall be available to funeral homes for the purpose of marking graves for burial and to monument companies for setting markers and for lettering dates on existing markers. (Ord. No. 177 §11, 7-21-86; Ord. No. 852 §3, 4-6-09)

SECTION 155.120: CEMETERY MANAGER'S REPORT

The Cemetery Manager shall, at least annually, report to the City Council any necessary maintenance and upkeep required for the cemetery including, but not limited to, landscaping and repair of headstones and shall recommend appropriate actions to the council. (Ord. No. 177 §12, 7-21-86; Ord. No. 852 §4, 4-6-09)

SECTION 155.130: GRASS TO BE MOWED

The City Council shall insure that the grass in the cemetery is regularly mowed, either by mowing the grass with the City equipment and employees or by hiring an independent contractor to mow the grass. (Ord. No. 177 §13, 7-21-86)

SECTION 155.140: LOTS IN CEMETERY

Lots in the City cemetery shall be sold to non-residents of the City of Scott City, Missouri, for the sum of three hundred dollars (\$300.00) per lot. Lots to residents of the City of Scott City, Missouri, shall be sold for the sum of one hundred dollars (\$100.00) per lot. However, the purchase of all lots in the City cemetery shall be evidenced by a certificate signed by the Mayor and countersigned by the Clerk, under the seal of the City, specifying that the purchaser to whom said certificate is issued is the owner of the lot or lots described by numbers, as laid down on such plat, for the purpose of internment. Each owner is to receive a copy of cemetery rules. However, no resident shall be permitted to purchase a lot in the City cemetery unless said person is current on all real estate taxes, personal property taxes or other legitimate debts due to the City of Scott City. No former resident shall be permitted to purchase a lot in the City cemetery unless that person has paid all real estate taxes, personal property taxes and other legitimate debts due to the City of Scott City while said person was a resident of the City. (Ord. No. 177 §14, 7-21-86; Ord. No. 317 §1, 10-1-90; Ord. No. 731 §1, 7-7-03; Ord. No. 873 §1, 12-7-09)

SECTION 155.141: PROHIBITED USES

The following uses are prohibited in all Scott City Cemeteries:

1. All above ground mausoleums.
2. Headstones or monuments in excess of sixty (60) inches tall and ninety-six (96) inches wide.
3. Footstones, which are above ground level.
4. Fencing around any cemetery lots.

5. Benches, except in areas retained by the City for use by the general public. (Ord. No. 916 §1, 2-22-11)

SECTION 155.145: SPACES IN COLUMBARIUM

Spaces in the Scott City columbarium shall be sold to non-residents of the City for the sum of six hundred dollars (\$600.00) per space and to residents of Scott City for the sum of three hundred dollars (\$300.00) per space. The sale of all spaces in the columbarium shall be evidenced by a certificate signed by the Mayor and countersigned by the Clerk, testifying that the purchaser to whom said space is issued is the owner of said space described thereof by numbers or as laid down on such diagram of the columbarium for the purpose of entombment. Each owner is to receive a copy of the cemetery rules. (Ord. No. 783 §1, 6-20-05)

SECTION 155.150: RESTRICTIONS ON SALE AND TRANSFER OF CEMETERY SPACES

- A. All spaces in the City cemetery conveyed to a purchaser shall be for the sole and exclusive use of the purchaser of the space and the purchaser's immediate family, and for no other person or persons.
- B. Owners of any City cemetery spaces shall not allow interments to be made in their spaces for a remuneration. In addition, except as hereinafter provided, owners of a City cemetery space shall not transfer or assign any space, or interest in a space. However, owners of City cemetery spaces may transfer any such spaces to members of the owners' immediate family or may transfer such spaces to the City for the original purchase price paid by the owners to the City for the purchase of the space. No transfer or assignment of a space can be made after an actual interment in it.
- C. No person shall be allowed to purchase more than ten (10) spaces in the City cemetery. (Ord. No. 420 §1, 12-20-93)

SECTION 155.160: RULES OF THE CEMETERY

- A. There shall not be allowed inside the boundary of the City cemetery any glass, porcelain, ceramic, tile or other breakable material or items.
- B. Grave "blankets" are not allowed except during the period of November fifteenth (15th) to January fifteenth (15th).
- C. Items are only allowed on grave markers that can be affixed in such a fashion to avoid interference with maintenance equipment and must be designed so that winds or weather will not alter their original placement.
- D. Shepherd hooks (of which only one (1) is allowed per grave site) must be placed in the back of the marker and hung over the front side of the marker.
- E. There shall not be allowed the planting of flowers, shrubs, plants, trees or other vegetation on any lot or grave. Seasonal flowers are allowed provided they are attached to the marker or within one (1) foot of the maker and will not interfere with maintenance equipment.
- F. Cemetery caretakers will exercise discretion as to the removal of improperly placed articles. (Ord. No. 731 §2, 7-7-03)