

ORDINANCE 2026-02

AN ORDINANCE OF THE VILLAGE OF TUSCUMBIA BY ESTABLISHING AND ADOPTING A NEW CHAPTER 1, GOVERNMENT CODE, TO THE VILLAGE OF TUSCUMBIA CODE OF ORDINANCES, TO ESTABLISH FOR THE VILLAGE OF TUSCUMBIA, MISSOURI, PROVIDING DEFINITIONS, REGULATIONS, STANDARDS, REQUIRING PERMITS, PROVIDING FOR PENALTY AND ENFORCEMENT, PROVIDING FOR REPEAL AND SEVERABILITY; AND DECLARING AN EMERGENCY BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF TUSCUMBIA, MISSOURI.

That the Tuscumbia Code of Ordinances be amended by establishing, adopting and enacting Chapter 1 as follows, to-wit:

**TITLE I: GOVERNMENT CODE**

Chapter 1 **General Provisions.**

Chapter 2 **Administration.**

# **Chapter 1**

## **General Provisions**

### **Article I Village Incorporation And Seal**

Section 1-1 **Village Incorporation.**

Section 1-2 **Village Powers.**

Section 1-3 **Village Seal.**

### **Article II General Code Provisions**

Section 1-4 **Contents Of Code.**

Section 1-5 **Citation Of Code.**

Section 1-6 **Official Copy Of Code.**

Section 1-7 **Altering Or Amending Code.**

Section 1-8 **Numbering Of Code.**

Section 1-9 **Definitions And Rules Of Construction.**

Section 1-10 **Construction, Generally.**

Section 1-11 **Headings.**

Section 1-12 **Continuation Of Prior Ordinances.**

Section 1-13 **Effect Of Repeal Of Ordinance.**

Section 1-14 **Repealing Ordinance Repealed, Former Ordinance Not Revived,  
When.**

Section 1-15 **Severability.**

Section 1-16 **Tense.**

Section 1-17 **Notice.**

Section 1-18 **Notice — Exceptions.**

Section 1-19 **Computation Of Time.**

Section 1-20 **Gender.**

Section 1-21 **Joint Authority.**

Section 1-22 **Number.**

### **Article III Penalty**

Section 1-23 **General Penalty.**

# Article I

## Village Incorporation And Seal

### Section 1-1 **Village Name.**

#### **A.**

The Village shall be a body politic and corporate by the name of Village of Tuscumbia and shall by that name be known in law as granted by an order of the State of Missouri in the County of Miller, and established and incorporated in 1837.

#### **B.**

The Village shall have perpetual succession unless disincorporated.

### Section 1-2 **Village Powers.**

The Village of Tuscumbia may sue and be sued; plead and be impleaded; defend and be defended in all courts and in all actions, pleas and matters whatsoever; may grant, purchase, hold and receive property, real and personal, within such Village and no other, burial grounds and cemeteries excepted; and may lease, sell and dispose of the same for the benefit of the Village, and may have a common seal, and alter the same at pleasure.

### Section 1-3 **Village Seal.**

#### **A.**

**Corporate Seal.** The emblem is approved and adopted by the Village Council as the official emblem of the Village of Tuscumbia, Missouri, to be used as needed for identification and promotion of functions and programs of the Village of Tuscumbia, Missouri.

#### **B.**

**Official Village Seal.** The official Seal of the Village of Tuscumbia shall be a metallic disc not more than one and seven/eights (1 7/8) inches in diameter with the words "Village of Tuscumbia" engraved along the top border, the words "Tuscumbia, MO" engraved along the bottom seal. A steamboat emblem in the center with and the word "Official Seal" engraved across the top center and the word "Est. 1837" engraved across the bottom center.

**C.**

**Village Clerk.** The Village Clerk shall be the keeper of the common Seal of the Village of Tusculmbia, and any impression of said Seal to any contract or other writing shall have no validity or binding obligation upon the Village unless such impression be accompanied by the attestation and signature of the Village Clerk, and then only in cases authorized by law or the ordinances of this Village and Village Council.

**Article II**  
**General Code Provisions**

Section 1-4 **Contents Of Code.**

Section 1-5 **Citation Of Code.**

Section 1-6 **Official Copy Of Code.**

Section 1-7 **Altering Or Amending Code.**

Section 1-8 **Numbering Of Code.**

Section 1-9 **Definitions And Rules Of Construction.**

Section 1-10 **Construction, Generally.**

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Section 1-15 **Severability.**

Section 1-16 **Tense.**

Section 1-17 **Notice.**

Section 1-18 **Notice — Exceptions.**

Section 1-19 **Computation Of Time.**

Section 1-21 **Credit Card Processing Fees.**

Section 1-22 **Gender.**

Section 1-23 **Joint Authority.**

Section 1-24 **Number.**

## **Article II**

### **General Code Provisions**

#### **Section 1-4 Contents Of Code.**

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

#### **Section 1-5 Citation Of Code.**

This Code may be known and cited as the "Municipal Code of the Village of Tuscumbia, Missouri".

#### **Section 1-6 Official Copy Of Code.**

The Official Copy of this Code, bearing the signature of the Village Council and attestation of the Village Clerk as to its adoption shall be kept on file in the Village Lockbox. An extra copy of this Code shall be kept in the Village Clerk's office available for public inspection.

#### **Section 1-7 Altering Or Amending Code.**

##### **A.**

It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Official Copy of the Code in any manner whatsoever which will cause the law of the Village to be misrepresented thereby. Any person, firm or corporation violating this Section shall be punished as provided in Section **1-23** of this Code.

##### **B.**

This provision shall not apply to amendments, additions or deletions to this Code, duly passed by the Village Council, which may be prepared by the Village Clerk for insertion in this Code.

#### **Section 1-8 Numbering Of Code.**

Each Section number of this Code shall consist of two (2) parts separated by a dash; the figure before the dash referring to the Chapter number, and the figure after the dash referring to the position of the Section in the Chapter.

#### **Section 1-9 Definitions And Rules Of Construction.**

##### **A.**

In the construction of this Code and of all other ordinances of the Village, 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 Village Council, or unless the context clearly requires otherwise:

**VILLAGE COUNCIL**

The Council of the Village of Tuscumbia, Missouri.

**DAY**

A day of twenty-four (24) hours, beginning at 12:00 Midnight.

**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**

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

**PERSON**

May extend and be applied to bodies politic and corporate, and to partnerships and other unincorporated associations.

**PERSONAL PROPERTY**

Includes money, goods, chattels, things in action and evidences of debt.

**PRECEDING, FOLLOWING**

When used by way of reference to any Section of this Code, mean the Section next preceding or next following that in which the reference is made, unless some other Section is expressly designated in the reference.

**PROPERTY**

Includes real and personal property.

**PUBLIC WAY**

Includes 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 coextensive with lands, tenements and hereditaments.

**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.

**STREET**

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

**TENANT, OCCUPANT**

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

**VILLAGE**

The Village of Tuscumbia, Missouri.

**WRITING**

"Written" and "in writing" and "writing word for word" includes printing, lithographing, or other mode of representing words and letters, but in all cases where the signature of any person is required, the proper handwriting of the person, or his/her mark, is intended.

**YEAR**

A calendar year, unless otherwise expressed, and the word "year" shall be equivalent to the words "year of our Lord".

**B.**

Whenever in this Code or other ordinance of the Village it is required that notice be published on the "official web site" of the Village or a "local media outlet of general circulation with in the Village", since there is no newspaper published within the Village, the said notice may be published in a newspaper of general circulation within the Village, regardless of its place of publication. Such newspaper shall not include an advertising circular or other medium for which no subscription list is maintained.

**Section 1-10 Construction, Generally.**

Words and phrases shall be taken in their plain or ordinary and usual sense, but technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

**Section 1-11 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.

**Section 1-12 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.

**Section 1-13 Effect Of Repeal Of Ordinance.**

**A.**

No offense committed and no fine, penalty or forfeiture incurred, or prosecution commenced or pending previous to or at the time when any ordinance provision is repealed or amended, shall be affected by the repeal or amendment, but the trial and punishment of all such offenses, and the recovery of the fines, penalties or forfeitures shall be had, in all respects, as if the provision had not been repealed or amended, except:

**1.**

That all such proceedings shall be conducted according to existing procedural laws; and

**2.**

That if the penalty or punishment for any offense is reduced or lessened by any alteration of the law creating the offense prior to original sentencing, the penalty or punishment shall be assessed according to the amendatory law.

**Section 1-14 Repealing Ordinance Repealed, Former Ordinance Not Revived, When.**

When an ordinance repealing a former ordinance, clause or provision is itself repealed, it does not revive the former ordinance, clause or provision, unless it is otherwise expressly provided; nor shall any ordinance repealing any former ordinance, clause or provision abate, annul or in any wise affect any proceedings had or commenced under or by virtue of the ordinance so repealed, but the same is as effectual and shall be proceeded on to final judgment and termination as if the repealing ordinance had not passed, unless it is otherwise expressly provided.

### **Section 1-15 Severability.**

It is hereby declared to be the intention of the Village 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 Village Council without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or Section.

### **Section 1-16 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.

### **Section 1-17 Notice.**

#### **A.**

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

#### **1.**

By delivering the notice to the person to be served personally or by leaving the same at his/her residence, office or place of business with some person of his/her family over the age of sixteen (16) years;

#### **2.**

By mailing said notice by certified or registered mail to such person to be served at his/her last known address; or

#### **3.**

If the person to be served is unknown, or may not be notified under the requirements of this Section, then by posting said notice in some conspicuous place 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 Village Officer, unless permission is given by said officer.

### **Section 1-18 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.

### **Section 1-19 Computation Of Time.**

In computing any period of time prescribed or allowed by this Code or by a 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 Saturday, Sunday or a legal

holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

**Section 1-20 Credit Card Processing Fees.**

A surcharge or convenience fee to offset costs associated with the acceptance of credit cards and e-check payments may be applied to any credit card or e-check payment received by the Village when the Village accepts alternative methods of payment at no cost. When a surcharge or convenience fee is required, notice of the surcharge or convenience fee must be posted at the point of sale and the surcharge or convenience fee must be reflected on the payment receipt.

**Section 1-21 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.

**Section 1-22 Joint Authority.**

Words importing joint authority to three (3) or more persons shall be construed as authority to a majority of such persons unless otherwise declared in the law giving the authority.

**Section 1-23 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 included.

## **Article III**

### **Penalty**

#### **Section 1-23 General Penalty.**

##### **A.**

Whenever in this Code or any other ordinance of the Village, or in any rule, regulation, notice or order promulgated by any officer or agency of the Village under authority duly vested in him/her, any act is prohibited or is declared to be unlawful or an offense, misdemeanor or ordinance violation or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense, misdemeanor or ordinance violation, and no specific penalty is provided for the violation thereof, upon conviction of a violation of any such provision of this Code or of any such ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment in the County Jail not exceeding ninety (90) days, or by both such fine and imprisonment; provided that in any case wherein the penalty for an offense is fixed by a Statute of the State, the statutory penalty, and no other, shall be imposed for such offense, except that imprisonments may be in the County Jail. Further, if State Statute provides a lesser maximum penalty for any offense or category of offenses, such lesser maximum shall apply in lieu of the provisions herein.

##### **B.**

Every day any violation of this Code or any other ordinance or any such rule, regulation, notice or order shall continue shall constitute a separate offense.

##### **C.**

Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited.

**Chapter 2**  
**ADMINISTRATION**

**ARTICLE I VILLAGE PRESIDENT**

Section 2-1: **ELECTION, TERM OF OFFICE; TITLE.**

Section 2-2: **GENERAL DUTIES.**

Section 2-3: **PRESIDENT PRO TEM.**

**ARTICLE II VILLAGE BOARD OF TRUSTEES**

Section 2-4: **ELECTION; FUNCTIONS.**

Section 2-5: **MEETINGS OF THE BOARD.**

Section 2-6: **QUORUM.**

Section 2-7: **ORDER OF BUSINESS.**

Section 2-8: **COMMITTEES OF THE BOARD.**

Section 2-9: **RULES.**

Section 2-10: **RESOLUTIONS.**

Section 2-11: **ORDINANCES, RESOLUTIONS, MOTIONS AND  
CONTRACTS.**

Section 2-12: **ATTENDANCE RULES AND PROCEDURES REGARDING  
VILLAGE BOARD MEETINGS.**

**ARTICLE III VILLAGE CLERK**

Section 2-13: **VILLAGE CLERK.**

Section 2-14: **SALARY.**

**ARTICLE IV VILLAGE OFFICERS AND EMPLOYEES**

Section 2-15: **EFFECT**

Section 2-16: **ELECTION AND APPOINTMENT OF OFFICERS**

Section 2-17: **TERMS OF OFFICE; VACANCIES**

Section 2-18: **OATH OF OFFICE**

Section 2-19: **BONDS OF OFFICERS**

Section 2-20: **RECORDS**

Section 2-21: **POWERS AND DUTIES**

Section 2-22: **INSPECTIONS BY VILLAGE OFFICERS**

Section 2-23: **REMOVAL OF OFFICERS**

**ARTICLE I**  
**VILLAGE PRESIDENT**

**Section 2-1: ELECTION, TERM OF OFFICE; TITLE.**

A. **Election, Term Of Office:** The Village President; also referred to as Mayor; shall be elected for a term of two (2) years and until his or her successor is elected and qualified. The oath shall be administered, and the term of office of village president shall commence, at the first regular or special meeting of the president and board of trustees of the village during the month of May immediately following the proclamation of the results of the regular municipal election at which a person was elected to the office of village president; provided that by that date the respective county election authorities: 1) have canvassed, added up and declared the results of the election for said office; 2) have filed a certified copy of the record thereof with its respective county clerk; and 3) have transmitted the same to the state board of elections as required by law; otherwise, the oath shall be administered and the term of office shall commence at the second regular or special meeting in May. The village president shall be the president of the board of trustees. In the event the office of village president shall become vacant, the office shall be filled by the appointment of an acting president by the trustees. The acting president shall have the rights and powers of the village president and shall serve until his or her successor is elected in accordance with statute.

B. **Title:** The term "village president" as used in any ordinance, resolution, motion or other action of the corporate authorities shall be construed as meaning the mayor; and the term "mayor" wherever so used shall be construed to mean the village president.

The title "mayor" as used in the minutes of the meetings of the corporate authorities or any other official document shall be construed as meaning "village president".

**Section 2-2: GENERAL DUTIES.**

The village president shall be the chief executive officer of the village, and he/she shall perform all duties that may be required of him/her by statute or ordinance. He /She shall have the power and authority to inspect all books and records kept by any village officer or employee at any reasonable time.

**Section 2-3: PRESIDENT PRO TEM.**

During the temporary absence or disability of the village president, the board of trustees shall elect one of its members to act as president pro tem, who during the absence or disability of the president shall perform the duties pertaining to the office.

## **ARTICLE II**

### **VILLAGE BOARD OF TRUSTEES**

#### **Section 2-4: ELECTION; FUNCTIONS.**

The board of trustees, consisting of four (4) members, shall be elected to a two (2) year term, according to the method provided by statute 1 . The oath to newly elected trustee(s) shall be administered, and the term of office of a village trustee shall commence, at the first regular or special meeting of May immediately following the proclamation of the results of the regular municipal election at which said person or persons was or were elected to the office of village trustee; provided that by that date the respective county election authorities: a) have canvassed, added up and declared the results of the election for said office; b) have filed a certified copy of the record thereof with its respective county clerk; and c) have transmitted the same to the state board of elections as required by law; otherwise, the oath shall be administered and the term of office shall commence at the second regular or special meeting in May. A trustee holds office until such time as his or her successor is elected and qualified. In the event a vacancy occurs in the office of village trustee, the village president shall appoint a qualified person to that office subject to the advice and consent of the trustees, and shall hold office until his or her successor is elected in accordance with statute and has qualified.

#### **Section 2-5: MEETINGS OF THE BOARD.**

A. **Regular Meetings:** The regular meetings of the president and board of trustees of the village shall be held on the third Monday of each month at the hour of six o'clock (6:00) P.M., or upon such other dates as shall be prescribed by a motion adopted by a vote of the majority of those trustees present at any meeting.

B. **Special Meetings:** Special meetings may be called by the village president or by any three (3) trustees, upon at least twenty four (24) hours' oral or written notice to all members and the president; provided that if all the trustees are present at a special meeting, no notice of the meeting shall be necessary and such notice shall be deemed waived.

C. **Meeting Place:** The meeting place of the president and board of trustees shall be at the village hall unless otherwise ordered by the board.

D. **Presiding Officer:** The village president shall be the presiding officer of the regular and special meetings of the board of trustees and at all times when the president and board meets as a committee of the whole.

#### **Section 2-6: QUORUM.**

A majority of the trustees, or three (3) trustees and the village president shall constitute a quorum to do business.

## **Section 2-7: ORDER OF BUSINESS.**

The order of business of the Board of the Trustees of the Village shall be as follows:

- A. Call to order.
- B. Roll call.
- E. Consent agenda.
- F. Approval of minutes of previous meeting(s).
- G. Financial Report Approval of bill list.
- H. Approval of bill list.
- K. Old Business:
- J. Question and answer session President and Board of Trustees.
- L. New business.
- M. Question and answer among the President and Board of Trustees.
- N. Adjournment.

## **Section 2-8: COMMITTEES OF THE BOARD.**

A. **Special Committees:** Special committees shall be created from time to time as directed by the President and/or any Board member with the advice and consent of the Board of Trustees.

C. **Additional Boards, Commissions And Committees:** Additional boards, commissions and committees not otherwise specifically provided for by statute or ordinance shall be appointed by the President and/or any Board member with the advice and consent of the Board of Trustees.

## **Section 2-9: RULES.**

A. **Robert's Rules Of Order:** "Robert's Rules of Order" shall govern the deliberations of the Board of Trustees, except when in conflict with any of the provisions of this section.

B. **Suspension Of Rules:** The rules of order, other than those prescribed by statute, may be suspended at any time by the consent of a majority of the members present at any meeting.

### **C. Rules Of Decorum For Board Meetings:**

1. *Decorum:* Meetings of the Board shall be conducted in an orderly manner to ensure that the public has a full opportunity to be heard and that the deliberative process of the Board is retained at all times. The presiding officer of the Board, who shall be the President, or, in his or her absence, other member so designated

by the Board, or in the case of a Committee of the Whole meeting of the Board when a matter is turned over by the president to the chairman of a standing committee, in which case said chairman or another member of the board acting as the chair of said standing committee in the chairman's absence shall be the presiding officer over matters of that standing committee, shall be responsible for maintaining the order and decorum of meetings.

2. *Rules Of Decorum*: While any meeting of the board is in session, the following rules of order and decorum shall be observed:

a. *Persons Addressing The Board*: Public oral communications at the board meetings should not be a substitute for any item that can be handled during the normal working hours of the municipal government. The primary purpose of oral communications is to allow citizens the opportunity to formally communicate with the board as a whole, for matters that cannot be handled during the regular working hours of the village government. Each person who addresses the board shall do so in an orderly manner and shall not utter fighting words or make personal, impertinent, slanderous, obscene or profane remarks to any member of the board, staff or general public. Any person who makes such remarks, or who utters loud, threatening, personal or abusive language, or engages in any other disorderly conduct, which disrupts, disturbs or otherwise impedes the orderly conduct of any board meeting shall, at the discretion of the presiding officer or a majority of the board, be barred from further audience before the board during that meeting.

b. *Members Of The Audience*: No person in the audience at a board meeting shall engage in disorderly or boisterous conduct, including the utterance of fighting words, or use obscene, slanderous, threatening or abusive language, whistling, stamping of feet or other acts in a manner which disturbs, disrupts or otherwise impedes the orderly conduct of any board meeting. Any person who conducts himself in the aforementioned manner shall, at the discretion of the presiding officer or a majority of the board, be barred from further audience before the board during that meeting.

3. *Addressing The Board*: A person wishing to address the board regarding an item which is on the committee of the whole meeting agenda shall first submit a written or verbal request thirty (30) days in advance with any member of the village council, Mayor, or village clerk, or he or she may seek recognition by the presiding officer of the board during discussion of any such item. Persons wishing to discuss an agenda or a non-agenda item at any regular or special meeting of the board may seek recognition by the presiding officer during the town hall portion of the meeting. No person shall address the board without first being recognized by the presiding officer. The following procedures shall be observed by persons addressing the board:

a. Each person shall stand, state his or her name and address; the organization, if any, which he or she represents; and, if during the town hall portion of the regular or special meeting of the board, the subject he or she wishes to discuss.

b. During the town hall portion of any regular or special meeting of the board, any subject, whether or not on the board agenda for that meeting, shall be open for discussion, but shall be subject to a time limitation set forth in subsection (d.) of this section and compliance with the rules of decorum.

c. During the committee of the whole meetings, only matters on the agenda for that meeting may be discussed and members from the public will be given an opportunity to be heard on each agenda item only after a presentation of the matter by village staff and/or the petitioner and the petitioner's consultants; the board members have had an opportunity to ask questions of the village staff, the village's consultants, the petitioner and the petitioner's consultants; and to discuss the matter among themselves. Each person shall confine his or her remarks to the committee of the whole agenda item or an approved oral communications subject being discussed, subject to the time limit set forth in subsection **C3d** of this section and compliance with the rules of decorum.

d. Each person shall limit his or her remarks to three (3) minutes, unless further time is granted by the board.

f. All remarks shall be addressed to the board as a whole and not to any single member thereof, unless in response to a question from such member, or when authorized by the presiding officer to conduct cross examination of a person during a public hearing before the board.

4. *Enforcement Of Decorum*: The rules of decorum set forth above shall be enforced in the following manner:

a. *Warning*: The presiding officer shall request that a person who is breaching the rules of decorum be orderly and silent. If, after receiving a warning from the presiding officer, a person persists in disturbing the meeting, the presiding officer shall order him or her to leave the board meeting. If such person does not remove himself or herself, the presiding officer may order any law enforcement officer who is on duty at the meeting to remove that person from the boardroom. Any law enforcement officer on duty and present at such meeting who is ordered by the presiding office to remove an individual from a meeting shall automatically be deemed the sergeant at arms of the board without formal appointment.

b. *Removal*: Any law enforcement officer who is serving as sergeant at arms of the board shall, upon confirmation that an actual disturbance, disruption or action impeding the conduct of the meeting occurred and that the requisite warning was given, carry out all lawful orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the board meeting. Upon instructions of the presiding officer and making said confirmations, it shall be the duty of the sergeant at arms to remove from the boardroom any person who is disturbing the proceedings of the board, and if the sergeant at arms deems it necessary to avoid further disturbance, to further remove the person violating the rules of decorum from the municipal building.

c. *Resisting Removal*: Any person who resists removal by the village shall be charged with a violation of this section.

d. *Motion To Enforce*: If the presiding officer of the board fails to enforce the rules set forth above, any member of the board may move to require him or her to do so, and an affirmative vote of a majority of the board shall require him or her to do so. If the presiding officer of the board fails to carry out the will of a majority of the board, the majority may designate another member of the board to act as presiding officer for the limited purpose of enforcing any rule of this section which it wishes to enforce.

e. Adjournment: If a meeting of the board is disturbed or disrupted in such a manner as to make infeasible or improbable the restoration of order, the meeting may be adjourned or continued by the presiding officer with the concurrence of a majority of a quorum of the board in attendance, and any remaining board business may be considered at the next meeting. If no law enforcement officer is on duty at the meeting to act as sergeant at arms to carry out a removal order of the presiding officer, the meeting may be adjourned temporarily for the purpose of calling an on duty law enforcement officer to the boardroom to investigate and confirm that an actual disturbance, disruption or action impeding the conduct of the meeting occurred, that the requisite warning and order of removal were given, and upon such confirmation, to act as sergeant at arms to carry out any such lawful order of removal. After any such temporary adjournment, the meeting may be reconvened to conduct any remaining board business, or continued by the presiding officer with the concurrence of a majority of a quorum of the board in attendance, and any remaining board business may be considered at the next meeting.

5. Penalty: Any person who is convicted of a violation of any provision of this section shall be fined not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense.

D. Rescinded Action: No vote or action of the board of trustees shall be rescinded at any special meeting of the board of trustees unless there be present at such special meeting as many members of the board of trustees as were present at the meeting when such vote or action was taken, as provided by statute.

## **Section 2-10: RESOLUTIONS.**

Any resolutions submitted to the board of trustees shall be reduced to writing before being voted on, upon request of any two (2) members of the board.

## **Section 2-11: ORDINANCES, RESOLUTIONS, MOTIONS AND CONTRACTS.**

### **A. General Passage Procedures:**

1. All ordinances, resolutions and other matters or subjects requiring action by the corporate authorities must be introduced and sponsored by the village president or a member of the board of trustees, except that the village attorney may present ordinances, resolutions and other matters or subjects to the corporate authorities for action, and any trustee may assume sponsorship thereof by moving that such ordinances, resolutions, matters or subjects be adopted; otherwise, they shall not be considered.

2. Upon the request of the village president or any one member of the board of trustees, the vote on the motion to adopt an ordinance or resolution shall be deferred from the meeting at which the motion for adoption is made to the next regular meeting of the president and board of trustees; provided, however, that in no event shall the provisions of this subsection be used to delay final action by the president and board of trustees beyond their next regular meeting following the meeting at which such request is first made, without the approval of a majority of the president and board of trustees in attendance at the meeting at which the request is made.

3. All ordinances shall be referred to committee for study and report, unless the board of trustees shall, by a majority vote of those trustees present at the meeting where such ordinance is introduced, waive such committee referral.

4. When the committee to which an ordinance has been referred shall report such ordinance to the president and board of trustees, it shall be in order for final action to be taken by the board, notwithstanding the fact that such committee reports an amended or substituted ordinance; provided, that such amendment or substitution is germane to the ordinance originally referred to such committee.

#### B. Action Of Village President:

1. All resolutions and motions: a) which create any liability against the village, or b) which provide for the expenditure or appropriation of village money, or c) which authorize the sale of any village property, and all ordinances passed by the president and board of trustees shall be deposited with the village clerk. If the village president approves of them, he/she shall sign them. Those of which he/she disapproves, shall return to the board of trustees with his written objections at the next regular meeting of the president and board of trustees occurring not less than three (3) weeks after their passage.

2. The village president may disapprove of any one or more sums appropriated in any ordinance, resolution or motion making an appropriation, and if so, the remainder shall be effective. However, the village president may disapprove entirely of an ordinance, resolution or motion making an appropriation. If the village president fails to return any ordinance or any specified resolution with his written objections within the designated time, it shall become effective despite the absence of his signature.

C. Reconsideration, Passing Over Veto: Every resolution and motion specified in this section, and every ordinance which is returned to the board of trustees by the village president shall be reconsidered by the board of trustees. If after such reconsideration two-thirds (2/3) of all the trustees elected to the board of trustees vote to pass an ordinance, resolution or motion, notwithstanding the president's refusal to approve it, then it shall be effective. The vote on the question of passage over the president's veto shall be by yeas and nays and shall be recorded in the journal.

### **Section 2-12: ATTENDANCE RULES AND PROCEDURES REGARDING VILLAGE BOARD MEETINGS.**

A. The following rules and procedures shall apply to all regular, special, reconvened, rescheduled and emergency meetings of the village president and board of trustees (the "corporate authorities") including, but not limited to, committee of the whole meetings:

1. A quorum of members of the corporate authorities must be physically present at the location of any open meeting and any lawfully closed meeting of the village president and board of trustees ("village board meeting"). Other members who are not physically present at the open meeting may participate in the meeting and vote on all matters by means of a video or audio conference as herein provided. The village president and members of the village board may also

participate in lawfully closed meetings of the village board, by means of video or audio conference, as herein provided.

2. If a quorum of the members of the corporate authorities is physically present at the place designated in the notice of the meeting, the village president and/or a member of the village board may attend the meeting by other means if the village president or trustee is prevented from physically attending because of: a) personal illness or disability; b) employment purposes or the business of the village; or c) a family or other emergency. "Other means" is by video or audio conference.

3. If the village president or trustee wishes to attend a meeting by other means, he or she must notify the village clerk at least twenty four (24) hours before the village board meeting, unless advance notice is impractical. Notice of attendance by other means may be given for multiple village board meetings, and a separate notice shall not be required for each meeting in which other means of attendance will occur. Notice specifying a time period in which the village president or board member will be attending meetings by other means, rather than specific meeting dates, shall be adequate notice hereunder.

4. Audio and video conferencing provided for herein at open meetings shall: a) allow the member(s) attending the meeting by such other means to be heard by members of the public and such of the corporate authorities who are physically present at the location of said meeting and by other member(s) of the corporate authorities attending the meeting by other means; and b) allow the member(s) attending the meeting by other means to hear the comments, statements, discussion and/or testimony of any person attending the meeting addressed to the corporate authorities at said meeting; and c) to allow the member(s) attending the meeting by other means to hear the comments, statements, discussions and/or votes of the village board members and village president, if applicable, at said meeting.

5. Audio or video conferencing provided for herein at lawfully closed meetings of the corporate authorities shall allow the village president and/or board member(s) participating by other means to be heard by such of the corporate authorities and other persons attending the lawfully closed meeting, and to allow the village president and/or board member(s) attending by other means to hear the comments and discussion of such of the other corporate authorities and other persons attending the lawfully closed meeting.

## **ARTICLE III VILLAGE CLERK**

### **Section 2-13 VILLAGE CLERK.**

#### **A.**

*Selection.* The Board of Trustees shall select some qualified individual to serve as Village Clerk who shall serve at the pleasure of the Board of Trustees. The Village Clerk shall receive such compensation as may be fixed by ordinance from time to time.

#### **B.**

*Duties.* The Village Clerk shall have the following duties:

##### **1.**

To have charge and custody of the seal, ordinances and other records, papers and documents entrusted to his/her care and keeping by the Board of Trustees;

##### **2.**

To attend to such correspondence as may be required;

##### **3.**

To attest each ordinance passed by subscribing his/her name on the face thereof;

##### **4.**

To issue and attest all warrants ordered by the Board of Trustees;

##### **5.**

Keep accounts showing all money received by him/her and the source and disposition thereof; and such other accounts as may be required by statute or ordinance

##### **6.**

To act as head of the Administrative Department of the Village; and

##### **7.**

In general, to perform such other duties as may be prescribed by law or ordinance or as directed by the Board of Trustees.

### **Section 2-14: SALARY.**

The village clerk shall receive an annual salary as set forth by the Board of Trustees.

**ARTICLE IV**  
**VILLAGE OFFICERS AND EMPLOYEES**

Section 2-15: **EFFECT:**

The provisions of this chapter shall apply alike to all officers and employees of the Village, regardless of the time of the creation of the office or position or the time of the appointment of the officer or employee.

Section 2-16: **ELECTION AND APPOINTMENT OF OFFICERS:**

A. Elections: Elections for municipal offices shall be held as provided by statute, and at the time prescribed by statute 2-1 .

B. Appointments: All officers shall be appointed by the Village President by and with the advice and consent of the Board of Trustees as provided by statute or this Code. All employees, except for employees who are appointive officers required to be appointed by the Village President, or by the Village President with the advice and consent of the Village Board, shall be appointed or selected by the Village Clerk.

Section 2-17: **TERMS OF OFFICE; VACANCIES:**

A. Every appointive officer of the Village shall hold office until the last occurring May 1 following his appointment or until his successor is appointed and qualified, unless it is otherwise provided in this chapter or other provision in this Code. In case of a vacancy in any such office, it shall be filled in the same manner in which appointments or selections are made.

B. Every officer and employee of the Village, upon the expiration of his term for any cause whatsoever, shall deliver to his successor all books and records which may be the property of the Village, and if no successor has been appointed within one (1) week after the termination of such term, such property shall be delivered to the Village Clerk.

Section 2-18: **OATH OF OFFICE:**

Every officer of the Village shall, before entering upon his duties, take the oath prescribed by statute 2-1 .

Section 2-19: **BONDS OF OFFICERS:**

A. Upon entering the duties of his office, each Village Officer shall file with the Village Clerk a surety bond in the amounts hereinafter set forth, on such forms and in such amounts as shall be approved by the President and Board of Trustees, conditioned upon the faithful performance of the duties of his or her office.

<b>Officer</b>	<b>Amount</b>
President / Mayor	\$3,000.00
Village Clerk	\$3,000.00
Village Council Members	\$3,000.00
Attorney	\$3,000.00
Village Engineer	\$3,000.00
Chief of Police	\$3,000.00
Planning and Development Services Director/ Zoning Administrator	\$3,000.00
Building and Code Enforcement Division Manager/Building Official	\$3,000.00

Village employees who are not officers of the Village shall file with the Village Clerk bonds in such amounts as the Board of Trustees may, from time to time, determine.

B. Whenever a surety bond to indemnify the Village is required as a prerequisite to exercising the duties of any office or position, or to the issuance of a license or permit or for the exercise of any special privilege, the surety on such bond shall be a corporation licensed and authorized to do business in the state of Missouri as a surety company in the absence of specific provision, by ordinance, to the contrary.

Whenever in its opinion additional sureties or an additional surety may be needed on any bond to indemnify the Village against loss or liability because of the insolvency of the existing surety or sureties or for any other reason, the Village may order a new surety or sureties to be secured for such bond. If such new surety or sureties are not procured within ten (10) days from the time such order is transmitted to the principal on the bond, or his assignee, the Board shall declare the bond to be forfeited and such principal or assignee shall be deemed to have surrendered the privilege or position as condition of which the bond was required.

Section 2-20: **RECORDS:**

All records kept by any officer of the Village shall be open to inspection by the Village President or any member of the Board of Trustees at all reasonable times, whether or not such records are required to be kept by statute or ordinance.

Section 2-21: **POWERS AND DUTIES:**

A. Assignment Of Duties: The Village President shall have the power to assign to any appointive officer any duty which is not assigned by ordinance to some other specific officer; and shall determine disputes or questions relating to the respective powers or duties of officers.

B. Monies Received: Every officer of the Village shall, at least once each month, turn over all money received by him/her in their official capacity to the Village Clerk with a statement showing the source from which the same was received.

C. Arrests: The Village President and members of the Board of Trustees, as well as every member of the Police Department, are hereby declared to be Conservators of the Peace with such powers to make arrests as are given to Conservators of the Peace by statute.

Section 2-22: **INSPECTIONS BY VILLAGE OFFICERS:**

Any officer or employee of the Village who is authorized to enforce ordinances may make such inspections as may be necessary to see to the enforcement of such ordinances.

Whenever such officer or employee shall have reason to believe that there exists on or in any premises in the Village any nuisance or any condition dangerous to the public health, any fire hazard, any structural defect likely to result in injury to person or property, or any electric wiring or equipment in such condition as to present a fire hazard or danger to persons, he/she shall ask permission of the occupant of such premises or the owner or custodian thereof if the premises is unoccupied, to inspect the same.

Each such occupant or owner shall permit such inspections at any reasonable time. Any such owner or occupant who refuses to permit such inspection shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense.

Section 2-23: **REMOVAL OF OFFICERS:**

Except as otherwise provided by statute, the Village President may remove any officer under this Code on any written charge whenever the Village President is of the opinion that the interests of the Village demand removal. The Village President shall report the reasons for the removal to the Corporate Authorities at a meeting to be held no less than five (5) nor more than ten (10) days after removal. If the Village President fails or refuses to report to the Corporate Authorities the reasons for the removal, or if the Corporate Authorities, upon consideration of such reasons and other information as the Corporate Authorities may consider, by a two-thirds (2/3) vote of all members authorized by law to be elected disapprove of the removal, the officer thereupon shall be restored to the office from which the officer was removed. The vote shall be by yeas or nays, which shall be entered upon the journal of the Corporate Authorities. No officer shall be removed a second time for the same offense. Upon removal from office by the Village President, an appointed officer shall immediately cease serving as a representative or agent of the Village in any capacity. If restored to office, appointed officers shall give a new bond and take a new oath of office as required by ordinance.