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TITLE I. GOVERNMENT CODE

CHAPTER 100: GENERAL PROVISIONS

ARTICLE I. GENERAL CODE PROVISIONS

SECTION 100.010: HOW CODE DESIGNATED AND CITED

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The ordinances embraced in the following Chapters and Sections shall constitute and be designated as the Municipal Code of the City of Cassville, Missouri, and may be so cited. (CC 1989 §1-1)

SECTION 100.020: DEFINITIONS AND RULES OF CONSTRUCTION

In the construction of this Code and of all ordinances, the following definitions and rules of construction shall be observed, unless it shall be otherwise expressly provided in any Section hereof or any ordinance, or unless inconsistent with the manifest intent of the Board, or unless the context clearly requires otherwise. All general provisions, terms, phrases and expressions shall be liberally construed in order that the true intent and meaning of the Board may be fully accomplished.

BOARD, BOARD OF ALDERMEN: Whenever the term "*Board*" or "*Board of Aldermen*" is used, such term means the Board of Aldermen of the City of Cassville, Missouri.

CITY: The words "*the City*" mean the City of Cassville in the State of Missouri.

COMPUTATION OF TIME: The time within which an act is to be done shall be computed by excluding the first day and including the last. If the last day is Sunday, it shall be excluded.

COUNTY: The words "*the County*" and "*this County*" mean Barry County in the State of Missouri.

DELEGATION OF AUTHORITY: Whenever a provision appears in this Code requiring or authorizing the head of a department of the City or some other City Officer to do some act, it shall be construed to authorize him/her to designate subordinates to perform the required act unless the terms of the provision designate otherwise.

FEES, ETC: Any reference to fees, rates, charges, deposits, court costs and other monetary designations refer to amounts set from time to time by the Board of Aldermen.

GENDER: When any subject matter 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.

MONTH: The word "*month*" means a calendar month.

MUNICIPAL CODE: The terms "*Code of Ordinances*" and "*Code*" mean the Municipal Code of the City of Cassville, Missouri.

NUMBER: A word importing the singular number only extends and is applied to several persons or things as well as to one (1) person or thing.

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OATH, SWEAR, SWORN: The word "*oath*" includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "*swear*" and "*sworn*" are equivalent to the words "*affirm*" and "*affirmed*".

OWNER: The word "*owner*", applied to a building or land, includes 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: The word "*person*" includes a corporation, firm, partnership, association, society, organization, trust, estate, political subdivision, public entity or any other group acting as a unit, as well as an individual. It also includes a personal representative, 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 includes the partners or members thereof, and as to corporations the word includes the officers, agents or members thereof who are responsible for any violation of such Section.

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: The word "*property*" includes real and personal property.

PUBLIC WAY: The words "*public way*" include any street, alley, boulevard, parkway, highway, sidewalk, access easement or other public thoroughfare.

RESIDENCE: The word "*residence*" means the place adopted by a person as his/her place of habitation, and to which, whenever he/she is absent, he/she has the intention of returning. When a person eats at one (1) place and sleeps at another, the place where such person sleeps is deemed his/her residence.

RSMO: The abbreviation "*RSMo.*" means the current Revised Statutes of the State of Missouri, as amended.

SEAL: Whenever the word "*seal*" is used it means the City or Corporate Seal.

SHALL, MAY: The word "*shall*" is mandatory; the word "*may*" is permissive.

SIDEWALK: The word "*sidewalk*" means the portion of the street between the curblin and the adjacent property line, intended for the use of pedestrians.

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

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

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

TENSE: Words used in the present tense include the future.

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TITLE OF OFFICER, DEPARTMENT, ETC: Whenever the title of an Officer, Department, Board or other agency is given, it shall be construed as though the words "*of the City of Cassville*" were added. [Back to Index](#)

WEEK: The word "*week*" means seven (7) days.

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

YEAR: Means a calendar year unless otherwise expressed, and is equivalent to the words "year of Our Lord". (CC 1989 §1-2)

SECTION 100.030: INTERPRETATION AND APPLICATION OF CODE

In the interpretation and application of any provision of this Code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. When any provision of the Code imposes greater restrictions upon the subject matter than the general provisions imposed by this Code, the greater restrictions shall be deemed to be controlling. (CC 1989 §1-3)

SECTION 100.040: CATCHLINES OF SECTIONS

The catchlines of the several Sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the Sections and shall not be deemed or taken to be titles of such Sections or as any part of the Sections, nor, unless expressly so provided, shall they be so deemed when any of such Sections, including the catchlines, are amended or reenacted. (CC 1989 §1-4)

SECTION 100.050: INTERNAL CODE CITATIONS

Any reference in this Code to a Chapter, Article, or Section number shall be construed as referring to such Chapter, Article, or Section number of this Code, as amended, unless otherwise specified. (CC 1989 §1-5)

SECTION 100.060: SEVERABILITY

The provisions of this Code are severable and if any provision, sentence, clause, Section or part thereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, Sections or parts of this Code or their application to other persons or circumstances. It is hereby declared to be the intent of the Board that this Code would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, Section or part had not been included herein, and if the person or circumstance to which the Code or any part thereof is inapplicable had been specifically exempted therefrom. (CC 1989 §1-6) [Back to Index](#)

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§ 100.070

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SECTION 100.070: AMENDMENTS TO CODE—EFFECT

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Any and all additions and amendments to this Code, when passed in such form as to indicate the intention of the Board to make the same a part hereof, shall be deemed to be incorporated in this Code, so that a reference to the Code of Ordinances, City of Cassville, Missouri, shall be understood and intended to include such additions and amendments. (CC 1989 §1-10)

ARTICLE II. PENALTIES

SECTION 100.080: GENERAL PENALTY

For all violations of this Code and all other ordinance violations, the penalty for which has not been established elsewhere in this Code or by separate ordinance, the Municipal Judge may impose the same penalty as is set by State Statute for the same offense or the following maximum penalty, whichever is less: A fine of five hundred dollars (\$500.00) and costs or ninety (90) days' imprisonment, or both the fine and imprisonment. (CC 1989 §1-7)

SECTION 100.090: CONTINUING VIOLATIONS—NUISANCES

- A. Each day any violation of any provision of this Code or of any other ordinance shall continue shall constitute a separate offense.
- B. In addition to the penalty provided for any violation of any Section of this Code, any condition caused or permitted to exist in violation of any of the provisions of this Code or any ordinance shall be deemed a public nuisance and may be, by the City, abated as provided by law, and each day that such condition continues shall be regarded as a new and separate offense. (CC 1989 §1-8)

ARTICLE III. MISCELLANEOUS PROVISIONS

SECTION 100.100: FISCAL YEAR

The Fiscal Year of the City of Cassville, Missouri, a corporation organized and existing by virtue of the laws of the State of Missouri, shall be January first (1st) through December thirty-first (31st). (Ord. No. 95-1189 §1, 11-27-95)

CHAPTER 105: ELECTIONS

SECTION 105.010: GENERAL APPLICATION OF STATE LAW

In all matters relating to elections not specifically mentioned in this Chapter, the general election laws of the State shall govern and be the laws of the City. Any change that may be made in the laws of the State which may be at variance with or different from this Chapter shall take the place of any provision or Section so at variance with the laws of the State. (CC 1989 §2-26) [Back to Index](#)

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SECTION 105.020: ELECTED OFFICERS—TERMS

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Every two (2) years there shall be elected a Mayor and four (4) Aldermen, who shall hold their offices for a term of two (2) years and until their successors have been elected and qualified. The terms of the Aldermen shall be staggered. (CC 1989 §2-27; Ord. No. 96-1211, 4-96)

SECTION 105.030: ELECTION WARDS—GENERALLY

For the conducting of all City elections, the corporation limits of the City shall be divided into two (2) wards as nearly as equal in population as is reasonably possible. (CC 1989 §2-28; Ord. No. 857 §1, 3-14-72)

SECTION 105.040: ELECTION WARDS—DIVISIONAL LINE

For the purpose of dividing the City into two (2) voting wards, the following divisional line is designated: Commencing at the point of intersection of 11th Street and the west boundary of the corporate limits of the City; thence east along 11th Street to Townsend Street; thence north along Townsend Street to 15th Street; thence east on 15th Street to Main Street; thence south on Main Street to 14th Street; thence east on 14th Street to Park Avenue; thence south on Park Avenue to 13th Street; thence east on 13th Street to the point of intersection of 13th Street and the east boundary line of the corporate limits of the City. (CC 1989 §2-29; Ord. No. 857 §2, 3-14-72; Ord. No. 2000-1348 §1, 11-19-01)

SECTION 105.050: ELECTION WARDS—NAMES

- A. All of the City lying, being and situated north of the divisional line designated in Section 105.040 shall be and comprise the North Ward.
- B. All of the City lying, being and situated south of the divisional line designated in Section 105.040 shall be and comprise the South Ward. (CC 1989 §2-30; Ord. No. 857 §§3—4, 3-14-72)

CHAPTER 110: BOARD OF ALDERMEN AND MAYOR

SECTION 110.010: ALDERMEN—QUALIFICATIONS

No person shall be an Alderman unless he/she is at least twenty-one (21) years of age, a citizen of the United States, and an inhabitant and resident of the City at the time of and for at least one (1) year next preceding his/her election, and a resident of the ward from which he/she is elected. No person shall be elected or appointed to the office of Alderman who shall at the time be in arrears for any unpaid City taxes, or forfeiture or defalcation in office. (CC 1989 §2-46; Ord. No. 426 §1, 2-20-35)

SECTION 110.020: ALDERMEN—ELECTION—TERM

The Aldermen shall be elected for a term of two (2) years and until their successors shall be elected and qualified, by the qualified voters of the City. (CC 1989 §2-47)

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SECTION 110.030: MAYOR—QUALIFICATIONS

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No person shall be Mayor unless he/she is at least twenty-five (25) years of age, a citizen of the United States, and a resident of the City at the time of and for at least one (1) year next preceding his/her election. No person shall be elected or appointed to the Office of Mayor who shall at the time be in arrears for any unpaid City taxes, or forfeiture or defalcation in office. (CC 1989 §2-48; Ord. No. 428 §1, 2-20-35)

SECTION 110.040: MAYOR—ELECTION—TERM

The Mayor shall be elected by the qualified voters of the City for a term of two (2) years and until his/her successor shall be elected and qualified. (CC 1989 §2-49; Ord. No. 428 §2, 2-20-35)

CHAPTER 115: CITY ADMINISTRATION

Cross References—Fire department, ch. 205; municipal court, ch. 135; solid waste, ch. 230; streets and sidewalks, ch. 505; taxation, ch. 140; utilities, Title VII.

ARTICLE I. CITY CLERK

SECTION 115.010: QUALIFICATIONS

The City Clerk shall be a qualified voter under the laws and Constitution of this State. No person shall be appointed to the office of City Clerk who shall at the time be in arrears for any unpaid City taxes, or forfeiture or defalcation in office. (CC 1989 §2-121; Ord. No. 419 §1, 1-29-35)

SECTION 115.020: APPOINTMENT—TERM

The City Clerk shall be appointed by and serve at the pleasure of the Board of Aldermen. (CC 1989 §2-122; Ord. No. 419 §2, 1-29-35)

ARTICLE II. CITY ATTORNEY

SECTION 115.030: QUALIFICATIONS

The City Attorney shall be a qualified voter under the laws and Constitution of this State. No person shall be appointed to the office of City Attorney who shall at the time be in arrears for any unpaid City taxes, or forfeiture or defalcation in office. The City Attorney shall be an attorney at law, duly licensed to practice his/her profession by the Supreme Court of the State. (CC 1989 §2-146; Ord. No. 424 §1, 2-20-35)

SECTION 115.040: APPOINTMENT

The Mayor, with the consent and approval of a majority of the members of the Board of Aldermen, shall appoint the City Attorney. (CC 1989 §2-147; Ord. No. 424 §2, 2-20-35)

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ARTICLE III. CITY COLLECTOR

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SECTION 115.050: QUALIFICATIONS

The City Collector shall be a qualified voter under the laws and Constitution of this State. No person shall be appointed to the office of City Collector who shall at the time be in arrears for any unpaid City taxes, or forfeiture or defalcation in office.

SECTION 115.060: APPOINTMENT—TERM

The City Collector shall be appointed by the Mayor with the consent and approval of a majority of the members of the Board of Aldermen.

Note—This position shall become effective April 15, 1997 pursuant to the election held April 2, 1996.

ARTICLE IV. CITY ADMINISTRATOR

SECTION 115.070: ESTABLISHMENT

There is hereby created and established the position of the City Administrator for the City of Cassville. (Ord. No. 1169 §1, 3-13-95)

SECTION 115.080: APPOINTMENT AND QUALIFICATIONS

- A. A qualified person shall be appointed City Administrator for the City of Cassville by the Mayor; such appointment shall be approved by a majority of the Board of Aldermen. The person so appointed shall serve for an indefinite term.
- B. The person appointed to the position of the City Administrator shall be at least twenty-one (21) years of age; and shall be a graduate of an accredited university or college, majoring in public or municipal administration or shall have the equivalent qualifications and experience in financial, administration and/or public relations fields. (Ord. No. 1169 §2, 3-13-95)

SECTION 115.090: COMPENSATION

The City Administrator shall receive such compensation as may be determined from time to time by the Board of Aldermen and such compensation shall be payable bi-weekly. (Ord. No. 1169 §3, 3-13-95)

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SECTION 115.100: REMOVAL FROM OFFICE

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The City Administrator shall serve at the pleasure of the Board of Aldermen. The Mayor, with the consent of a majority of the Board of Aldermen, may remove the City Administrator from office at will, and such City Administrator may also be removed by a three-fourths ($\frac{3}{4}$) vote of the Board of Aldermen independently of the Mayor's approval or disapproval. If requested, the Mayor and Board of Aldermen shall grant the City Administrator a public hearing within thirty (30) days following notice of such removal. During the interim, the Mayor, with the approval of a majority of the Board of Aldermen, or by vote of the Board of Aldermen without the Mayor's approval, may suspend the City Administrator from duty. (Ord. No. 1169 §4, 3-13-95)

SECTION 115.110: DUTIES

A. The duties of the City Administrator shall include, but not be limited to the following:

- .1. 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 Cassville.
- .2. The City Administrator shall be the purchasing agent for the City of Cassville and all purchases amounting to less than one thousand five hundred dollars (\$1,500.00) shall be made under his/her direction and supervision, and all such purchases shall be made in accordance with purchasing rules and procedures approved by the Board of Aldermen.
- .3. The City Administrator shall be responsible for the assembly of estimates of the financial needs and resources of the City for each ensuing year and shall prepare a program of activities within the financial power of the City, embodying in it a budget document with proper supporting schedules and an analysis to be proposed to the Mayor and Board of Aldermen for their final approval.
- .4. The City Administrator shall prepare and present to the Mayor and Board of Aldermen an annual report of the City's affairs, including in such report a summary of reports of department heads and such other reports as the Mayor and the Board of Aldermen may require.
- .5. The City Administrator shall act as the Personnel Officer of the City and shall recommend an appropriate position classification system and pay plan to the Mayor and Board of Aldermen. The 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 the Personnel System regulations approved by the Board of Aldermen) all subordinate employees of the City of Cassville. The City Administrator shall make recommendations of appointment and removal of department heads.
- .6. The City Administrator shall recommend to the Mayor and Board of Aldermen adoption of such measures as he/she may deem necessary or expedient for the health, safety, or welfare of the City for the improvement of administrative services for the City.
- .7. The City Administrator shall submit to the Mayor and Board of Aldermen a proposed agenda for each Board meeting at least seventy-two (72) hours before the time of the regular Board meeting.

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- .8. The City Administrator shall work with all City Boards and Committees to help coordinate the work of each. The City Administrator shall serve as Zoning Administrator.
 - .9. The City Administrator shall attend all meetings of the Board of Aldermen.
 - .10. The City Administrator shall supervise the preparation of all bid specifications for services and equipment, and receive sealed bids for presentation to the Board of Aldermen
 - .11. The City Administrator shall coordinate Federal and State programs which may have application to the City of Cassville.
 - .12. The City Administrator shall attend State and Regional conference programs applicable to his/her office and the business of the City of Cassville, whenever such attendance is directed and approved by the Board of Aldermen and Mayor.
 - .13. The City Administrator shall be responsible for keeping the public informed in the purposes and methods of City Government through all available news media.
 - .14. The City Administrator shall keep full and accurate records of all actions taken by him/her in the course of his/her duties, and he/she shall safely and properly keep all records and papers belonging to the City of Cassville and entrusted to his/her care; all such records shall be and remain property of the City of Cassville and be open to inspection by the Mayor and Board of Aldermen at all times.
- B. In addition to the foregoing duties, the City Administrator shall perform any and all other duties or functions prescribed by the Mayor and Board of Aldermen. (Ord. No. 1169 §5, 3-13-95)

SECTION 115.120: POWERS

- A. The powers of the City Administrator shall include the following:
- .1. The City Administrator shall have responsibility for all real and personal property of the City of Cassville. He/she shall have responsibility for all inventories of such property and for the upkeep of all such property. Personal property may be sold by the City Administrator only with approval of the Board of Aldermen. Real property may be sold only with the approval of the Board of Aldermen by resolution or ordinance.
 - .2. The City Administrator shall have the power to prescribe such rules and regulations as he/she shall deem necessary or expedient for the conduct of administrative agencies subject to his/her authority, and he/she shall have the power to revoke, suspend, or amend any rule or regulation of the administrative service except those prescribed by the Board of Aldermen.
 - .3. 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 the authority to assign the employees of the City to any department where they are needed for most effective discharge of the functions of the City Government.
 - .4. 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/her jurisdiction, and shall report on

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any condition or fact concerning the City Government requested by the Mayor or Board of Aldermen.

- .5. The City Administrator shall have the power to overrule any action taken by a department head, and may supersede him/her in the functions of his/her office.
 - .6. The City Administrator shall have the power to appear before and address the Board of Aldermen at any meeting.
- B. At no time shall the duties and powers of the City Administrator supersede the action by the Mayor and Board of Aldermen. (Ord. No. 1169 §6, 3-13-95)

CHAPTER 120: BOARDS

ARTICLE I. PARK BOARD

SECTION 120.010: PARK BOARD

- A. There shall be a Park Board, which shall serve as an Advisory Board to the Board of Aldermen, for the placement, construction, operation and maintenance of the City's parks and recreational facilities.
- B. The Park Board shall consist of four (4) members, one (1) being a member of the Board of Aldermen and the remaining three (3) being citizens of the City and not members of the Board of Aldermen.
- C. The members of the Park Board shall serve two-year terms, with each staggered so that two (2) members shall be appointed each year.
- D. The members of the Park Board shall be appointed by the Mayor with the consent of the Board of Aldermen. (CC 1989 §2-1; Ord. No. 993 §§1-4, 2-24-86)

ARTICLE II. AIRPORT BOARD

SECTION 120.020: AIRPORT BOARD

- A. There shall be an Airport Board which shall serve as an advisory board to the Board of Aldermen of the City of Cassville for the construction, operation and maintenance of the City's airport facilities.
- B. This Board shall consist of four (4) members, one (1) being a member of the Board of Aldermen and the remaining three (3) being citizens of the City of Cassville not members of the Board of Aldermen.
- C. Members of the Board shall serve two (2) year terms with each staggered so that there shall be two (2) appointed each year.
- D. The members of the Board shall be appointed by the Mayor with the consent of the Board of Aldermen. (Ord. No. 1386 §§1-4, 10-21-02)

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CHAPTER 125: CONFLICTS OF INTEREST

SECTION 125.010: 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. (CC 1989 §2-201; Ord. No. 1080 §1, 8-12-91; Ord. No. 1130 §1, 9-13-93; Ord. No. 1156 §1, 8-8-94; Ord. No. 95-1175 §1, 5-22-95; Ord. No. 97-1234 §1, 8-18-97; Ord. No. 99-1281 §1, 8-16-99; Ord. No. 2001-1335 §1, 8-6-01; Ord. No. 1416 §1, 8-4-03)

SECTION 125.020: CONFLICTS OF INTERESTS

The Mayor or any member of the Board who has a substantial personal or private interest, as defined by State law, in any bill shall disclose on the records of the Board of Aldermen the nature of his interest and shall disqualify himself from voting on any matters relating to this interest. (CC 1989 §2-202; Ord. No. 1080 §2, 8-12-91; Ord. No. 1130 §2, 9-13-93; Ord. No. 1156 §2, 8-8-94; Ord. No. 95-1175 §2, 5-22-95; Ord. No. 97-1234 §2, 8-18-97; Ord. No. 99-1281 §2, 8-16-99; Ord. No. 2001-1335 §2, 8-6-01; Ord. No. 1416 §2, 8-4-03)

SECTION 125.030: DISCLOSURE REPORTS

Each elected official, the Chief Administrative Officer and the Chief Purchasing Officer 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 hundred dollars (\$500.00), if any, that such person had with the political subdivision, other than compensations received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision.
- .2. The date and the identities of the parties to each transaction know to the person with a total value in excess of five hundred dollars (\$500.00), if any, that any business entity in which such person had a substantial interest, had with political subdivision, other than payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision.
- .3. The Chief Administrative Officer and the Chief Purchasing Officer also shall disclose by May first (1st) for the previous calendar year the following information:

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- .3.a. The name and address of each of the employers of such person from whom income of one thousand dollars (\$1,000.00) or more was received during the year covered by the statement; [Back to Index](#)
- .3.b. The name and address of each sole proprietorship that he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or co-participant of each partnership and joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted or 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;
- .3.c. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver. (CC 1989 §2-203; Ord. No. 1080 §3, 8-12-91; Ord. No. 1130 §3, 9-13-93; Ord. No. 1156 §3, 8-8-94; Ord. No. 95-1175 §3, 5-22-95; Ord. No. 97-1234 §3, 8-18-97; Ord. No. 99-1281 §3, 8-16-99; Ord. No. 2001-1335 §3, 8-6-01; Ord. No. 1416 §3, 8-4-03)

SECTION 125.040: FINANCIAL INTEREST STATEMENTS—FILING OF REPORTS

- A. 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:
 - A.1. Every person required to file a financial interest statement shall file the statement annually not later than May first (1st) and the statement shall cover the calendar year ending the immediately preceding December thirty-first (31st); provided that any member of the Board of Aldermen may supplement the financial interest statement to report additional interests acquired after December thirty-first (31st) of the covered year until the date of filing of the financial interest statement.
 - A.2. Each person appointed to office shall file the statement within thirty (30) days of such appointment or employment.
- B. Financial disclosure reports giving the financial information required in Section 125.030 shall be filed with the local political subdivision and with the Secretary of State prior to January 1, 1994. After January 1, 1994, reports shall be filed with the local political subdivision and the Missouri Ethics Commission. The reports shall be available for public inspection and copying during business hours. (CC 1989 §2-204—2-205; Ord. No. 1080 §5, 8-12-91; Ord. No. 1130 §5, 9-13-93; Ord. No. 1156 §5, 8-8-94; Ord. No. 95-1175 §4, 5-22-95; Ord. No. 97-1234 §4, 8-18-97; Ord. No. 99-1281 §4, 8-16-99; Ord. No. 2001-1335 §4, 8-6-01; Ord. No. 1416 §4, 8-4-03) [Back to Index](#)

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CHAPTER 130: PERSONNEL POLICY

ARTICLE I. GENERAL PROVISIONS

SECTION 130.010: PROBATIONARY PERIOD

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- C. Each employee receiving an appointment or a promotion in the service of the City must serve a probationary period of six (6) months before his/her appointment or promotion shall be considered full-time or regular.

During the employee's six (6) month probationary period, the employee's work habits, abilities, attitude, promptness and other pertinent characteristics will be observed and evaluated by his/her supervisor, department head or other appropriate City Officials. If the probationary employee fails to meet required standards of performance, he/she may be dismissed, or assessed for an extended probationary period; or if he/she is a promoted regular employee, he/she may be restored to the position from which he/she was promoted, or to a comparable position if available. During the probationary period, new employee's are not eligible for employee fringe benefits, such as sick leave and vacation. Wages for designated holidays falling within the probationary period will be paid to probationary employees. (Ord. No. 95-1185 §1, 9-25-95)

SECTION 130.020: DISCHARGE DURING PROBATIONARY PERIOD

If at any time during the probationary period, the supervisor, (department head, City Administrator, or other designated official) determines that the services of a City employee have been unsatisfactory, the employee may be separated from his/her position without the right of appeal or a hearing. (Ord. No. 95-1185 §1, 9-25-95)

SECTION 130.030: EXTENSION OF PROBATIONARY PERIOD

At the end of an employee's probationary period, if there is reason to believe that the employee may develop the ability to perform satisfactorily by an extension of the probation period, the department head may recommend an extension, not to exceed six (6) months, to the City Administrator for approval. (Ord. No. 95-1185 §1, 9-25-95)

SECTION 130.040: TERMINATION OF PROBATIONARY PERIOD

At the end of each employee's six (6) month probationary period or extension granted under the authority of the City Administrator, the supervisor of the employee shall complete a probationary report and notify the City Administrator that either:

- .1. The employee has successfully completed his/her 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/her, 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 if available. (Ord. No. 95-1185 §1, 9-25-95) [Back to Index](#)

SECTION 130.050: APPOINTMENT AND PROMOTION[Back to Index](#)

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 and experience;
- .2. Oral interview; and
- .3. Whenever practical, an examination or demonstration test. (Ord. No. 95-1185 §1, 9-25-95)

SECTION 130.060: AGE

The minimum age for employment as a probationary employee shall be eighteen (18) years of age. The minimum age for employment of seasonal employees shall be sixteen (16) years of age. The minimum age for employment as a Police Officer shall be twenty-one (21) years of age. (Ord. No. 95-1185 §1, 9-25-95)

SECTION 130.070: RESIDENCE

Employees of the City of Cassville shall not be required to live within the City limits, but they are encouraged to do so. If all other factors are equal, City residents shall be given favorable preference in hiring or promotion. (Ord. No. 95-1185 §1, 9-25-95)

SECTION 130.080: PROMOTION POLICIES

- A. All vacancies occurring in the service of the City shall, whenever possible, be filled by promotion of a qualified employee within the City service. However, the department head may recruit applicants from outside the City service whenever he/she has reason to believe that better qualified applicants are available than within the City service. Promotion within the City service shall be based on the qualifications and seniority of the person being appointed. Usually, the first consideration in filling of vacancies will be given to the most qualified senior applicant in the department in which the vacancy exists. Next, consideration will be given to the most qualified senior applicants from outside the department. If no acceptable applicant is found within the City service, the vacancy will be filled from outside the City service. The criteria used in the selection of the most qualified senior applicant shall be based upon experience, performance, evaluation, and where feasible, examination.
- B. Transfer between departments will be considered when a vacancy occurs, but first preference will be given to promotion within the department. (Ord. No. 95-1185 §1, 9-25-95)

SECTION 130.090: RELATIVES IN THE CITY SERVICE[Back to Index](#)

Two (2) members of an immediate family shall not be employed under the same supervisor; neither shall two (2) members of an immediate family be employed at the same time regardless of the administrative department, if such employment will result in an employee's supervising a member of his/her immediate family. This policy applies to promotions, demotions, transfers, reinstatements, and new appointments. The provisions of this Section shall not be retroactive, and no action is to

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be taken concerning those members of the same family employed at the time of the adoption of this Section. *"Immediate family"* is defined as wife, husband, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparents, grandchildren, stepmother, stepfather, brother-in-law, sister-in-law, uncle, and aunt.
(Ord. No. 95-1185 §1, 9-25-95) [Back to Index](#)

SECTION 130.100: POLITICAL ACTIVITIES

- A. 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.
- B. *Individual Activities.* No City employee shall actively advocate or oppose the candidacy of any individual for nomination or election to any Municipal office, but an employee may participate in political affairs at other levels of government, provided such participation does not adversely affect his/her 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.
- C. *Penalty.* Failure to comply with the requirements of political activities (Subsection A) and individual activities (Subsection B) shall be grounds for disciplinary action. (Ord. No. 95-1185 §1, 9-25-95)

SECTION 130.110: OUTSIDE EMPLOYMENT

No full-time employee of the City shall accept outside employment, whether part-time, temporary or permanent, without prior approval from the department head. 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 services for private interest when such employment or service is incompatible or creates a conflict of interest with his/her official duties.
(Ord. No. 95-1185 §1, 9-25-95)

SECTION 130.120: CONDUCT, WORK HABITS, ATTITUDE

It shall be the duty of each employee to maintain high standards of conduct, cooperation, efficiency and economy in their work for the City. Whenever work habits, attitude, production or personal conduct of any employee falls below desirable standards, supervisors should point out the deficiencies at the time they are observed. Corrections and suggestions should be presented in a constructive and helpful manner in an effort to elicit the cooperation and good will of the employee. Whenever possible, oral and/or written warnings with sufficient time for improvement shall precede formal discipline. (Ord. No. 95-1185 §1, 9-25-95)

SECTION 130.130: DISCIPLINE POLICY

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- A. It shall be the duty of all City employees to comply with and to assist in carrying into effect the provisions of the City's personnel rules and regulations. All discipline shall be in accordance with procedures established by the personnel rules and regulations.
- B. *Employee's And Supervisor's Responsibilities.*
 - B.1. It is the duty of every employee to attempt to correct any faults in his/her performance when called to his/her attention and to make every effort to avoid conflict with the City's rules and regulations.
 - B.2. It is the duty of every supervisor to discuss improper or inadequate performance with the employee in order to correct the deficiencies and to avoid the need to exercise disciplinary action. Discipline shall be, whenever possible, of an increasingly progressive nature, the step of progression being (a) warning, (b) suspension, (c) demotion, and (d) removal.
- C. *Grounds For Action.* The following are examples of actions which are grounds for demotion, suspension, or removal of any full-time or regular employees:
 - C.1. Conviction of a felony or other crime involving mortal turpitude;
 - C.2. Acts of incompetency;
 - C.3. Absence without leave;
 - C.4. Acts of insubordination;
 - C.5. Intentional failure or refusal to carry out instructions;
 - C.6. Misappropriation, destruction, theft, or conversion of City property;
 - C.7. Employee subsequently becomes physically or mentally unfit for the performance of his/her duties;
 - C.8. Acts of misconduct while on duty;
 - C.9. Willful disregard of orders;
 - C.10. Habitual tardiness and/or absenteeism;
 - C.11. Falsification of any information required by the City;
 - C.12. Failure to properly report accidents or personal injuries;
 - C.13. Neglect or carelessness resulting in damage to City property or equipment;
 - C.14. Repeated convictions during employment on misdemeanor and/or traffic charges;
 - C.15. Introduction, possession, or use on City property or in City equipment of illicit drugs, intoxicating liquors, or proceeding to or from work under influence of same;

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C.16. Inappropriate conduct or treatment of members of the public;

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C.17. Sexual harassment;

C.18. Acts of discrimination on the basis of age, race, gender, religion, or disabilities.

This is not an all inclusive list. Other actions that may be considered for demotion, suspension, or removal will be reviewed by the City Administrator upon recommendation of the department head.

- D. *Employee Notice.* A written notice shall be given to each employee stating the reasons for the disciplinary action and the date it is to take effect. The notice is to be given to the employee at the time such disciplinary action is taken, and in any event not later than three (3) working days from date of the action. A copy of notice signed by the employee in the employee's file shall serve as prima facie evidence of delivery. (Ord. No. 95-1185 §1, 9-25-95)

SECTION 130.140: SUSPENSION OF EMPLOYEES

- A. *Probationary Employee.* Any probationary employee may be suspended, reduced in pay or class, or terminated at any time by the City Administrator or the appropriate department head. Probationary, temporary, seasonal, or part-time employees shall not have the right of appeal from such action.
- B. *Full-Time Or Regular Employee.* All full-time or regular employees holding positions in the service of the City may be suspended for a period of not more than thirty (30) working days, reduced in pay or class, or terminated by the City Administrator or the appropriate department head. (Ord. No. 95-1185 §1, 9-25-95)

SECTION 130.150: APPEALS

- A. *Right Of Appeal.* All full-time or regular employees are granted the right of appeal. Within ten (10) days after effective date of disciplinary action, the employee may file a written appeal to the Board of Aldermen.
- B. *Investigation.* The Board of Aldermen shall hear appeals submitted by any full-time or regular employee in the City relative to any suspension, demotion, or dismissal.
- C. *Appeal Hearing Open To Public.* The employee may file a written request that the hearing be open or closed to the public. The Board of Aldermen may consider the employee's request; however, the meeting will be open or closed at the discretion of the Board of Aldermen, subject to all requirements of law.
- D. *Informal Nature.* The hearing shall be conducted in an informal nature and the Board of Aldermen shall make every effort to avoid the appearance of conducting a trial in a court of law.
- E. *Scheduling Of Appeal.* No later than ten (10) working days after receipt of the written appeal, the Mayor shall fix a time and place for convening of a hearing.
- F. *Right To Representation.* The appellant shall have the right to appear and be heard in person or by counsel.

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- G. *Appellant Fails To Appear.* Appellant's failure to attend or notify the City Clerk of his/her inability to attend due to good cause, at the hearing will constitute just cause of dismissal of the appeal and imposition of the disciplinary action. (Ord. No. 95-1185 §1, 9-25-95)

SECTION 130.160: GRIEVANCE POLICY

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

- .1. An employee may present his/her grievance, or have an employee committee selected by the employee present his/her grievance to his/her department head or City Administrator.
- .2. All grievances shall be submitted in writing to the City Clerk who shall forward a copy thereof to the employee's supervisor for action.
- .3. If satisfaction is not achieved by the above procedure within ten (10) working days, the grievance shall then be presented to the City Clerk for submission to the Board of Aldermen.
- .4. The City Administrator shall submit the grievance to the Board of Aldermen for its consideration at its next regular meeting. The employee, the supervisor, the department head and any other interested party shall have the right to be heard. The Board of Aldermen shall then take appropriate action which may include a recommendation to change the personnel rules and regulations, a finding that the grievance is unjustified, or any other appropriate recommendation.
- .5. No employee shall be disciplined or discriminated against in any way because of his/her proper use of the grievance procedure.
- .6. To the extent the provisions of this Section conflict with the discipline policy of this Code, the requirements of the discipline policy shall apply. The procedure outlined in the discipline policy shall be used if the alleged grievance is a disciplinary matter, although the Mayor may treat a hearing under this Section as a hearing for the purposes of an appeal provided that all employee rights have been respected. (Ord. No. 95-1185 §1, 9-25-95)

SECTION 130.170: OVERTIME

The standard workweek for employees other than department heads shall be five (5) days or a total of forty (40) hours per week. Department heads and supervisors should work those hours necessary to assure the satisfactory performance of their departments, but not less than forty (40) hours per week. Salaried personnel shall not be entitled to overtime pay under the provisions of this Section. Compensatory time for department heads or supervisors is allowed at the discretion of the City Administrator.

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- .1. The department head or supervisor shall assign to each employee regular work duties and responsibilities which can normally be accomplished within the established workday and work-

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week. However, occasionally some overtime work may be necessary for proper performance of work duties and responsibilities. [Back to Index](#)

- .2. When employees are required to work extra or prolonged shifts, the department head may authorize compensatory time off, or he/she may authorize overtime pay which shall be one and one-half (1½) times the employee's regular pay scale. The department head may limit the amount of compensatory time that may be accrued. (Ord. No. 95-1185 §1, 9-25-95; Ord. No. 2000-1304 §1, 5-30-00)

SECTION 130.180: HOLIDAYS

- A. All regular employees of the City shall receive normal compensation for the legal holidays listed below and any other days, or part during which the public offices of the City shall be closed by special proclamation of the Mayor with the approval of the Board of Aldermen. 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	Veterans Day
Presidents' Day	Thanksgiving Day
Memorial Day	The Day After Thanksgiving Day
Independence Day	Christmas Eve Day
Labor Day	Christmas Day

- B. It shall be the policy of the City to ensure that all regular employees enjoy the same number of holidays each year or equivalent compensation. 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 a Sunday, the following Monday shall be observed as the holiday. When a holiday falls on a Saturday, the preceding Friday shall be observed as the holiday.

B.1. 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.

B.2. Any regular employee in the City who shall be required to perform work or render services on a regularly scheduled holiday shall receive regular time pay plus eight (8) hours holiday pay. (Ord. No. 95-1185 §1, 9-25-95; Ord. No. 2000-1304 §1, 5-30-00)

SECTION 130.190: VACATION

Every employee in City service holding a full-time or part-time regular position and having occupied such position for a period of twelve (12) consecutive calendar months shall be allowed annual vacation leave with pay. Annual vacation leave is earned as follows: Employees with one (1) but less than two (2) years of continuous service with the City shall be allowed vacation leave at the rate of one (1) times the number of hours in their standard (forty (40) hours) workweek. Employees with two (2) but less than eight (8) years of continuous service with the City shall be allowed vacation leave at the rate of two (2) times the number of hours in their standard (forty (40) hours) workweek. Employees with eight (8) years but less than fifteen (15) years of continuous service with the City shall be allowed three (3) times the number of hours in their standard (forty (40) hours) workweek. Employees with fifteen (15) years or more of continuous service with the City shall be allowed vacation leave at the rate of four (4) times the number of hours in their standard (forty (40) hours) workweek. [Back to Index](#)

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- .1. Vacation leave shall be taken during the year following its accumulation.
- .2. Vacation leave credit may not be carried from one year to the next.
- .3. Vacation leave may be taken in one (1) hour increments.

Absence due to 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.

- .4. The City Clerk shall keep records of vacation leave allowance and usage. Each department head shall schedule vacation leave on the first come basis, keeping in mind the operating needs of the department and the desires of the employee.
- .5. When a regularly scheduled holiday occurs during the period of an employee's vacation, the employee will not be charged annual vacation leave for the holiday period. (Ord. No. 95-1185 §1, 9-25-95; Ord. No. 2000-1304 §1, 5-30-00; Ord. No. 1362 §1, 3-18-02)

SECTION 130.200: SICK LEAVE

All full-time City employees shall earn sick leave with full pay at the rate of eight (8) hours for each calendar month of service. Sick leave shall accrue from the date of employment but shall not be taken until the successful completion of three (3) months of service except with the written permission of the City Administrator. Sick leave may never be taken in advance of earning the time. Unlimited sick leave may be accumulated.

- .1. An employee may be eligible for sick leave for the following reasons:
 - .1.a. Personal illness or physical incapacity;
 - .1.b. Quarantine of an employee by a physician;
 - .1.c. Illness in the immediate family necessitating the employee's care. Immediate family shall include those relatives as defined in Section 130.090, Relatives in City Service.
- .2. An employee who is unable to report for work because of one (1) of the above reasons shall report the reason for his/her absence to his/her supervisor no later than four (4) hours from the time he/she is expected to report for work. Sick leave with pay shall not be granted unless such report has been timely made. Documentation may be required of the employee before any sick leave will be granted or payment made. In all cases, sick leave with pay in excess of three (3) working days shall be allowed only after presenting a written statement by a physician certifying that the employee's condition prevented him/her from appearing for work.

An employee terminating from the City service shall not be allowed the use of sick leave in the last two (2) calendar weeks of employment. Unused sick leave will not be compensated for in any way at the time of resignation or dismissal of any employee.

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Additional unpaid sick leave shall be granted to all employees pursuant to the requirements of the Family And Medical Leave Act of 1993. [Back to Index](#)

- .3. Abuse of the sick leave privilege will result in disciplinary action. (Ord. No. 95-1185 §1, 9-25-95; Ord. No. 2000-1304 §1, 5-30-00; Ord. No. 1362 §1, 3-18-02)

SECTION 130.210: MILITARY LEAVE

Any employee who is a member of a military reserve or National Guard unit shall be entitled to leave without loss of time, pay or regular leave or any other benefits for all periods of military services in the service of the State at the call of the Governor and as ordered by the Adjutant General without regard to length of time, and for military services in the service of the United States for a period not to exceed a total of fifteen (15) calendar days—one hundred twenty (120) hours in a fiscal year. Employees shall be entitled to full compensation (not exceeding forty (40) hours in a week; and in any instance excluding overtime) for what would otherwise be normally assigned workdays during the fifteen (15) calendar days—one hundred twenty (120) hours of military assignment. All employees must present orders to their supervisors in order to obtain this leave.

- A. Any permanent employee enlisting or inducted into the Armed Forces of the United States or who as a member of a Reserve or National Guard unit is called to active duty in the Armed Forces and who satisfactorily completes such service and makes application for re-employment within ninety (90) days of release from active duty shall be returned to City employment in a position of like pay, seniority or status to the position the employee left. The employee shall be entitled to the same pay, status and seniority the employee would have had if the employee continued employment, except that the employee shall not accrue vacation, holiday or sick leave during the period the employee is absent from City employment. The employee shall not be eligible for automatic reinstatement under this Section if he re-enlists in other than a Reserve component of the Armed Forces after the end of his first (1st) enlistment.
- B. Any employee who is a member of a military reserve or National Guard unit, who receives training in excess of fifteen (15) calendar days—one hundred twenty (120) hours—shall be entitled to leave without pay for the duration of the training. If, however, the employee must go on active duty in the United States Armed Forces to receive such training, the employee shall not be entitled to leave without pay but rather to re-employment as set out above. An employee entitled to leave without pay shall not accrue any leave while receiving military leave without pay but shall not lose any previously accrued leave and shall return to the same or another position similar in pay, seniority and status. While on military leave without pay the employee shall not be covered by the City's medical benefits and may only continue family medical benefits by paying the appropriate premiums. (Ord. No. 95-1185 §1, 9-25-95; Ord. No. 1388 §1, 10-21-02)

SECTION 130.220: FUNERAL LEAVE

An employee may be granted leave as needed in the event of death of a member of his/her immediate family. Such leave shall not be deducted from either sick or vacation leave. Paid leave shall be limited to three (3) days. Immediate family shall include those relatives as defined in Section 130.090, Relatives in City Service. (Ord. No. 95-1185 §1, 9-25-95; Ord. No. 2000-1304 §1, 5-30-00)

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SECTION 130.230: JURY LEAVE

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An employee may be granted leave when required to be absent from work for jury duty or as a trial witness. If the period of time required for said duty exceeds three (3) days, pay will be limited to the difference between pay received from this service and normal duty pay. (Ord. No. 95-1185 §1, 9-25-95; Ord. No. 2000-1304 §1, 5-30-00)

SECTION 130.240: DISABILITY LEAVE

A full-time or part-time employee who is temporarily disabled in the line of duty shall receive pay equal to the difference between the amount received from Worker's compensation benefits and his/her normal salary amount for the period of his/her disability without charge against his/her vacation leave or sick leave, subject to the following conditions:

- .1. Provided that the disability resulted from an injury or illness sustained directly in the performance of the employee's work, as provided in the State Worker's compensation Act.
- .2. If incapacitated for his/her regular assignment, the employee may be given other duties with City Government for the period of recuperation. Unwillingness to accept such an assignment as directed by his/her department head or supervisor will make the employee ineligible for disability leave during the time involved.
- .3. A physician selected or approved by the City shall determine the physical ability of the employee to continue working or to return to work. (Ord. No. 95-1185 §1, 9-25-95)

ARTICLE II. SUBSTANCE ABUSE POLICY

SECTION 130.250: PURPOSE

- A. Employees are the City of Cassville's most valuable resource and, therefore, their health and safety is a serious concern. The City of Cassville will not tolerate substance abuse or use which imperils the health and well-being of its employees or threatens its service to the public.
- B. The use of illegal drugs and abuse of controlled substances, on or off duty, is inconsistent with law abiding behavior expected of all citizens. Employees who use illegal drugs or abuse controlled substances or alcohol, on or off duty, tend to be less productive, less reliable and prone to greater absenteeism resulting in the potential for increased cost, delay and risk in providing services. Ultimately, they threaten the City's ability to serve the public.
- C. Furthermore, employees have the right to work in a drug and alcohol free environment and to work with persons free from the effects of drug and alcohol abuse. Employees who abuse drugs or alcohol are a danger to themselves, other employees and to the public. In addition, substance abuse could inflict a terrible toll on the City's productive resources and the health and well-being of City of Cassville workers and their families.

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- C.1. The City of Cassville is therefore committed to maintaining a safe and healthy workforce free from the influence of substance abuse. In addition, the City of Cassville will vigorously comply with the requirements of the Federal Drug-Free Workplace Act of 1988 and to implement rules

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promulgated by the United States Office of Management and Budget. (Ord. No. 1152 §1, 8-8-94) [Back to Index](#)

SECTION 130.260: POLICY

- A. It shall be the policy of the City of Cassville to maintain a workforce free of substance abuse.
 - A.1. Reporting to work or performing work for the City while impaired by or under the influence of illegal drugs or alcohol is prohibited.
 - A.2. The illegal use, possession, dispensation, distribution, manufacture or sale of a controlled substance by an employee at the worksite, during work hours, or while the employee is on duty, official business or standby duty is prohibited.
 - A.3. Violation of such prohibitions by an employee is considered conduct detrimental to City service and will result in discipline in accordance with Article I of this Chapter or other regulations.
 - A.4. Employees are required by Federal law to notify the Department Head and City Clerk within five (5) days of any criminal drug statute conviction where such conviction was due to an occurrence at the worksite, during work hours, or while on duty, official business or standby duty.
 - A.5. Employees will be given a copy of the Substance Abuse Policy. Employees will be informed that they must abide by the terms of the policy as a condition of employment and of the consequences of any violation of such policy. The Substance Abuse Policy Affirmation Form is optional for current employees to read and sign. The Substance Abuse Policy Affirmation Form may be used as a means to notify current employees and provide them with a copy of the policy.
- B. Notification of this policy is required as part of new employee orientation. The Substance Abuse Policy Affirmation Form is required for all new employees appointed on or after the effective date of this policy. (Ord. No. 1152 §2, 8-8-94)

SECTION 130.270: ASSISTANCE PROGRAM

An Employee Assistance Program will be available to City employees and their families for substance abuse education, counseling or rehabilitation. The City of Cassville encourages voluntary treatment for substance abuse. Use of the Employee Assistance Program is governed by Article I of this Chapter and other regulations. (Ord. No. 1152 §3, 8-8-94)

SECTION 130.280: AWARENESS PROGRAM

- A. The City of Cassville will strive to educate employees about the dangers of substance abuse. The City of Cassville will establish a Substance Awareness Program to assist employees to understand and avoid the perils of drug and alcohol abuse. The City will use the program in an ongoing educational format to prevent and eliminate substance abuse that may affect the City workers.
- B. The Substance Abuse Awareness Program will contain provisions to inform employees about the:
 - B.1. Dangers of alcohol and drug abuse; [Back to Index](#)

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- B.2. City of Cassville Substance Abuse Policy; [Back to Index](#)
- B.3. Availability of treatment and counseling for employees who voluntarily seek such assistance; and
- B.4. Sanctions the City will impose for violations of its Substance Abuse Policy.
(Ord. No. 1152 §4, 8-8-94)

SECTION 130.290: APPLICABILITY

This Substance Abuse Policy applies to all City departments. The term "*employees*", as used in this Substance Abuse Policy, means all classified and unclassified City employees. This policy shall not be construed to prohibit or limit a drug screening program for safety-sensitive positions authorized by Federal law and related administrative regulations and policies. (Ord. No. 1152 §5, 8-8-94)

ARTICLE III. DRUG AND ALCOHOL MISUSE PREVENTION AND TESTING POLICY

SECTION 130.300: PURPOSE

The City of Cassville ("the City") has a vital interest in maintaining safe, healthful and efficient working conditions for its employees. Being under the influence of a drug or alcohol on the job may pose serious safety and health risks not only to the user but to all those who work with the user. The possession, use or sale of an illegal drug or use of alcohol in the workplace may also pose unacceptable risks for safe, healthful and efficient operations. (Ord. No. 97-1217 §1, 1-21-97)

SECTION 130.310: DEFINITIONS

As used in this Article the following words shall have the meanings ascribed to them in this Section, unless the context otherwise indicates.

ALCOHOL: Shall include, but not be limited to, the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

ALCOHOL CONCENTRATION (OR CONTENT): The alcohol in a volume of breath expressed in terms of grams of alcohol per two hundred ten (210) liters of breath as indicated by an evidential breath test.

ALCOHOL USE: The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

CONTROLLED SUBSTANCES: A drug or other substance included in Schedules I–V of the Federal Controlled Substances Act, 21 U.S.C. §812, as amended.

DRUG: Marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP) and any other controlled substances as defined by State or Federal law.

REASONABLE SUSPICION: Objective evidence based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee which

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causes the observer to reasonably believe that the employee has used or is impaired by the use of alcohol, drugs or controlled substances while on duty. [Back to Index](#)

SAFETY-SENSITIVE EMPLOYEES: Employees whose position requires the performance of safety sensitive functions.

SAFETY-SENSITIVE FUNCTION: A function in which momentary inattentiveness could result in immediate and direct harm to the public or other employees. Positions which require the performance of safety-sensitive functions include, but are not limited to, the following:

- Police Canine Officer
- Police Patrolman 2
- Police Patrolman 1
- Police Corporal
- Chief of Police/Public Safety Director
- Police Sergeant
- Parks and Recreation Superintendent
- Public Works Supervisor
- Public Works Maintenance 1
- Public Works Maintenance 2

(Ord. No. 97-1217 §1, 1-21-97)

SECTION 130.320: COVERAGE

Unless specifically limited to safety-sensitive employees, the provisions of this Article apply to all employees, not just safety-sensitive employees. (Ord. No. 97-1217 §1, 1-21-97)

SECTION 130.330: TESTING FOR ALCOHOL, DRUGS AND CONTROLLED SUBSTANCES

The City of Cassville will conduct testing for alcohol, drugs and controlled substances under the following conditions:

- .1. *Pre-employment testing.*
 - .1.a. Prior to assuming a position of employment, all applicants for positions which will require the performance of safety-sensitive functions shall undergo testing for drugs and controlled substances. If an applicant refuses or fails to submit to the test, the applicant will not be hired or used.
 - .1.b. Prior to testing, all persons subject to this provision shall be requested to sign an applicant consent form (see Exhibit A on file in the City offices).
- .2. *Reasonable suspicion testing.*
 - .2.a. When a supervisor has reasonable suspicion to believe that any employee has used or is impaired by the use of alcohol, drugs, or controlled substances while on duty, the City may require the employee to submit to an alcohol, drug and controlled substances test. Refusal to submit to the test when requested will be considered to be direct insubordination and shall result in discharge from employment. [Back to Index](#)

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- .2.b. In all instances of reasonable cause testing of employees, the supervisor who observed the conduct giving rise to the reasonable cause shall document the employee's conduct within twenty-four (24) hours. If the supervisor relied upon any information from witnesses, the document shall also be reviewed and signed by the witnesses. [Back to Index](#)
- .3. *Post-accident testing.* Any employee who apparently caused an on-duty accident resulting in death, personal injury, or property damage in excess of one thousand dollars (\$1,000.00) may be required to submit to an alcohol, drug, and controlled substance test as soon as practicable after the accident.
- .4. *Random testing.* Safety-sensitive employees shall be subject to random alcohol, drug and controlled substance testing. If a safety-sensitive employee refuses to submit to random testing, the employee shall be discharged from employment. (Ord. No. 97-1217 §1, 1-21-97)

SECTION 130.340: TESTING PROCEDURES

- A. *General.* All employees subject to testing under this Article shall be requested to sign a policy acknowledgement and consent form (see Exhibit B on file in the City offices).
- B. *Administration Of Alcohol Tests.* Alcohol testing will be conducted through the use of an evidential breath testing device (EBTD), and by a trained breath alcohol technician (BAT). The City will contract with an outside agency or organization to provide alcohol testing. The contract will provide that the alcohol testing site:
 - B.1. Must afford aural and visual privacy to the person being tested, and
 - B.2. Must be secured while the testing is taking place.The results of all alcohol tests shall be reported to the City Administrator.
- C. *Administration Of Drug Tests.*
 - C.1. *Collection site.* The City will contract with an outside agency or organization to serve as a collection site for the collection of urine samples for laboratory drug testing. The City will ensure that the collection site generally ensures aural and visual privacy for the person giving the sample. The collection site person will be required to split the sample into two (2) bottles (the primary specimen and the split specimen). Following completion of a chain of custody form, the collection site person will seal and ship both bottles to a laboratory certified by the Department of Health and Human Services for analysis.
 - C.2. *Laboratory analysis.* The City will separately contract with a certified laboratory to perform the required drug analysis. If the primary specimen tests negative for drugs, the laboratory will dispose of the split specimen. If the laboratory confirms that the primary specimen tests positive, the laboratory will retain the split specimen to ensure that it remains available for testing. [Back to Index](#)
- D. *Medical Review Officer.* The City will contract with a Medical Review Officer ("MRO"). The MRO will receive and review all laboratory results generated by the City's drug testing program and will report to the City Administrator. If the laboratory reports a positive result to the MRO, the MRO will contact the employee and conduct an interview to determine if there is an alternate medical explanation for the positive result. If the MRO determines that there is a legitimate

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alternative medical explanation, the MRO will report the drug test to the City as being negative. If the MRO verifies the presence of illegal, controlled substances, the employee has seventy-two (72) hours to request that the split specimen retained by the laboratory be sent to another certified laboratory for analysis. If the split specimen fails to confirm the presence of illegal, controlled substances, the employee's test will be reported as negative. (Ord. No. 97-1217 §1, 1-21-97)

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SECTION 130.350: CONSEQUENCES FOR VIOLATION OF THIS POLICY

Employees who receive positive results on an alcohol, drug or controlled substances test performed pursuant to this Article may be subject to discipline, up to and including termination of employment. (Ord. No. 97-1217 §1, 1-21-97)

SECTION 130.360: RECORD KEEPING AND CONFIDENTIALITY

- A. All records relevant to drug and alcohol testing will be retained by the City for a minimum period of five (5) years. Such information shall be confidential and may not be disclosed to any person without first obtaining written authorization from the tested employee.
- B. The City's Medical Review Officer ("MRO") shall be the custodian of the test results. The test results shall be confidential and may not be disclosed to any person without first obtaining written authorization from the tested employee. However, the MRO shall be authorized to release the test results to City representatives. (Ord. No. 97-1217 §1, 1-21-97)

SECTION 130.370: CHANGES TO POLICY

The City may unilaterally change or terminate this policy at any time at its sole discretion. (Ord. No. 97-1217 §1, 1-21-97)

ARTICLE IV. HARASSMENT POLICY

SECTION 130.380: PURPOSE

The purpose of this Article is to maintain a healthy work environment and to provide procedures for reporting, investigation, and resolution of complaints of harassment, sexual or otherwise. (Ord. No. 97-1239 §1, 11-3-97)

SECTION 130.390: POLICY

It is the policy of the City of Cassville that all employees have the right to work in an environment free from all forms of harassment. The City will not tolerate, condone or allow harassment by employees, whether sworn (regular or reserve), civilian, volunteer or other non-employees who conduct business with the City. The City considers harassment and discrimination of others a form of serious employee misconduct. Therefore, the City shall take direct and immediate action to prevent such behavior, and to remedy all reported instances of harassment and discrimination. A violation of this Article can lead to discipline up to and including termination, with repeated violations, even if "minor", resulting in greater levels of discipline as appropriate. (Ord. No. 97-1239 §1, 11-3-97)

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SECTION 130.400: DEFINITIONS

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As used in this Article the following term shall have the meanings ascribed to it in this Section, unless the context otherwise indicates:

SEXUAL HARASSMENT: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- .1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
- .2. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
- .3. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment. (Ord. No. 97-1239 §1, 11-3-97)

SECTION 130.410: PROHIBITED ACTIVITY

- A. No employee shall either explicitly or implicitly ridicule, mock, deride or belittle any person.
- B. Employees shall not make offensive or derogatory comments to any person, either directly or indirectly, based on race, color, sex, religion, age, disability, sexual orientation or national origin.
- C. Such harassment is a prohibited form of discrimination under State and Federal employment law and/or is also considered misconduct subject to disciplinary action by the City. (Ord. No. 97-1239 §1, 11-3-97)

SECTION 130.420: EMPLOYEE RESPONSIBILITIES

- A. Each supervisor shall be responsible for preventing acts of harassment. This responsibility includes:
 - A.1. Monitoring the unit work environment on a daily basis for signs that harassment may be occurring.
 - A.2. Counseling all employees on the types of behavior prohibited, and the City procedures for reporting and resolving complaints of harassment.
 - A.3. Stopping any observed acts that may be considered harassment, and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision.
 - A.4. Taking immediate action to prevent retaliation towards the complaining party and to eliminate the hostile work environment where there has been a complaint of harassment pending investigation.
 - A.4.a. If a situation requires separation of the parties, care should be taken to avoid actions that appear to punish the complainant.
 - A.4.b. Transfer or reassignment of any of the parties involved should be voluntary if possible and, if non-voluntary, should be temporary pending the outcome of the investigation.

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- A.5. Failure to carry out these responsibilities will be considered in any evaluation or promotional decision and may be grounds for discipline.
- B. Each supervisor has the responsibility to assist any employee who comes to that supervisor with a complaint of harassment in documenting and filing a complaint to the City Administrator or his/her designated appointee.
- C. Each employee of the City is responsible for assisting in the prevention of harassment through the following acts:
 - C.1. Refraining from participation in, or encouraging of, actions that could be perceived as harassment;
 - C.2. Reporting acts of harassment to a supervisor; and
 - C.3. Encouraging any employee who confides that he/she is being harassed or discriminated against to report these acts to a supervisor.
- D. Failure of any employee to carry out the above responsibilities will be considered in any performance evaluation or promotional decision and may be grounds for discipline. (Ord. No. 97-1239 §1, 11-3-97)

SECTION 130.430: COMPLAINT PROCEDURES

- A. Any employee encountering harassment is encouraged to inform the person that his/her actions are unwelcome and offensive. The employee is encouraged to document all incidents of harassment in order to provide the fullest basis for investigation.
- B. Any employee who believes that he/she is being harassed shall report the incident(s) as soon as possible so that steps may be taken to protect the employee from further harassment, and so that appropriate investigative and disciplinary measures may be initiated. Where doing so is not practical, the employee may instead file a complaint with another supervisor or the City Administrator.
 - B.1. The supervisor or other person to whom a complaint is given shall meet with the employee and document the incident(s) complained of, the person(s) performing or participating in the harassment, any witnesses to the incident(s) and the dates on which it occurred.
 - B.2. The employee taking the complaint shall promptly submit a confidential memorandum documenting the complaint to the City Administrator.
- C. The City Administrator shall be responsible for investigating any complaint alleging harassment or discrimination.
 - C.1. The City Administrator shall immediately notify the City Prosecutor if the complaint contains evidence of criminal activity, such as assault, rape or attempted rape.

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- C.2. The City Administrator shall include a determination as to whether other employees are being harassed by the person, and whether other employees participated in or encouraged the harassment. [Back to Index](#)
- C.3. The City Administrator shall inform the parties involved of the outcome of the investigation.
- C.4. A file of harassment and discrimination complaints shall be maintained in a secure location.
- D. There shall be no retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying or participating in the investigation of such a complaint.
- E. This Article does not preclude any employee from filing a complaint or grievance with an appropriate outside agency. (Ord. No. 97-1239 §1, 11-3-97)

SECTION 130.440: RETALIATION

- A. Retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying or participating in the investigation of such a complaint, is illegal and is prohibited by the City and by Federal Statutes.
- B. Retaliation is a form of employee misconduct. Any evidence of retaliation shall be considered a separate violation of this Article and shall be handled by the same complaint procedures established for harassment and discrimination complaints.
- C. Monitoring to ensure that retaliation does not occur is the responsibility of the City Administrator and departmental supervisors. (Ord. No. 97-1239 §1, 11-3-97)

CHAPTER 135: MUNICIPAL COURT

State Constitution References—Rules of practice and procedure established by supreme court, Art. V, §5; assignment of judges by supreme court, Art. V, §6; rules established by circuit judges, Art. V, §15; municipal judges and court personnel, Art. V, §23; commission on retirement, removal and discipline of judges, Art. V, §24.

SECTION 135.010: ESTABLISHED

There is hereby established in this City a Municipal Court, to be known as the "Cassville Municipal Court, a Division of the Thirty-Ninth Judicial Circuit Court of the State of Missouri." This Court is a continuation of the Police Court of the City as previously established and is termed in this Chapter "the Municipal Court." It shall operate in accordance with Section 479.010 et seq., RSMo. (CC 1989 §10-1; Ord. No. 900 §2, 12-12-78)

SECTION 135.020: JURISDICTION

The jurisdiction of the Municipal Court shall extend to all cases involving alleged violations of the ordinances of the City. (CC 1989 §10-2; Ord. No. 900 §3, 12-12-78) [Back to Index](#)

SECTION 135.030: MUNICIPAL JUDGE—SELECTION—TERM

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- A. The Judge of the Municipal Court shall be known as a Municipal Judge of the Thirty-Ninth Judicial Circuit Court. He/she shall be appointed to his/her position by the Mayor, subject to the confirmation of the Board of Aldermen.
- B. The Municipal Judge shall hold his/her office for a period of two (2) years and shall take office on April fifth (5th) of odd-numbered years. (CC 1989 §10-3; Ord. No. 900 §§4–5, 12-12-78)

SECTION 135.040: MUNICIPAL JUDGE–QUALIFICATIONS FOR OFFICE

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

- .1. He/she shall be a licensed attorney, qualified to practice law within the State;
- .2. He/she need not reside within the City;
- .3. He/she must be a resident of the State;
- .4. He/she must be between the ages of twenty-one (21) and seventy (70) years;
- .5. He/she may serve as Municipal Judge for any other municipality;
- .6. He/she may not hold any other office within the City Government;
- .7. The Municipal Judge shall be considered holding a part-time position and, as such, may accept other employment. (CC 1989 §10-4; Ord. No. 900 §7, 12-12-78)

SECTION 135.050: MUNICIPAL JUDGE–VACATION OF OFFICE

The Municipal Judge shall vacate his/her office under the following circumstances:

- .1. Upon removal from office by the State Commission on the Retirement, Removal and Discipline of Judges, as provided in Missouri Supreme Court Rule 12;
- .2. Upon attaining his/her seventieth (70th) birthday;
- .3. If he/she should lose his/her license to practice law within the State; or
- .4. Upon impeachment.

If for any reason a Municipal Judge vacates his/her office, his/her successor shall complete the former judge's term of office. (CC 1989 §10-5; Ord. No. 900 §§5–6, 12-12-78)

SECTION 135.060: SUPERINTENDING AUTHORITY

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The Municipal Court 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

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general administrative authority of the Presiding Judge of the Circuit Court, and the Judge and Court personnel of the Municipal Court shall obey his/her directives.
(CC 1989 §10-6; Ord. No. 900 §8, 12-12-78) [Back to Index](#)

SECTION 135.070: REPORT TO BOARD OF ALDERMEN

The Municipal Judge shall cause to be prepared within the first ten (10) days of every month a report indicating a list of all cases heard or tried before the Court during the preceding month, giving in each case the name of the defendant, the fine imposed if any, the amount of cost, the names of the defendants committed and the cases where there was an application for trial de novo, respectively. The same shall be prepared under oath by the Municipal Court Clerk or the Municipal Judge. This report shall be filed with the City Clerk, who shall forward the same to the Board of Aldermen for examination at its first session thereafter. The Municipal Court shall, within the ten (10) days after the first of the month, pay to the Municipal Treasurer the full amount of all fines collected during the preceding months, if they have not previously been paid.
(CC 1989 §10-7; Ord. No. 900 §9, 12-12-78)

SECTION 135.080: VIOLATIONS BUREAU

Should the Municipal Judge determine that there shall be a Violations Bureau, the City shall provide all expenses incident to the operation of the same. (CC 1989 §10-8; Ord. No. 900 §12, 12-12-78; Ord. No. 2000-1308 §1, 8-21-00)

SECTION 135.090: ARREST WITHOUT WARRANT

The Chief of Police or other Police Officer of the City may, without a warrant, arrest any person who commits an offense in his/her presence, but such Officer shall, before the trial, file a written complaint with the Judge hearing violations of Municipal ordinances.
(CC 1989 §10-9; Ord. No. 900 §14, 12-12-78)

SECTION 135.100: TRANSFER OF COMPLAINT TO ASSOCIATE CIRCUIT JUDGE

If, in the progress of any trial before a Municipal Judge, it shall appear to the Judge that the accused ought to be put upon trial for an offense against the criminal laws of the State and not cognizable before him/her as Municipal Judge, he/she shall immediately stop all further proceedings before him/her as Municipal Judge and cause the complaint to be made before some Associate Circuit Judge within the County. (CC 1989 §10-10; Ord. No. 900 §18, 12-12-78)

SECTION 135.110: RIGHT OF APPEAL

The defendant shall have a right to a trial de novo, even from a plea of guilty, 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.
(CC 1989 §10-11; Ord. No. 900 §21, 12-12-78) [Back to Index](#)

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SECTION 135.120: APPEAL FROM JURY VERDICT

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In all cases in which a jury trial has been demanded, a record of the proceedings shall be made, and appeals may be had upon that record to the appropriate Appellate Court.
(CC 1989 §10-12; Ord. No. 900 §22, 12-12-78)

SECTION 135.130: CLERK

The Court Clerk shall be appointed by the City Administrator. The duties of Clerk shall be:

- .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/her;
- .4. To sign and issue subpoenas requiring the attendance of witnesses and sign and issue subpoenas duces tecum;
- .5. To accept the appearance, waiver of trial and plea of guilty and payment of fine and costs in Traffic Violations Bureau cases or as directed by the Municipal Judge, and generally to act as the Violation Clerk of the Traffic Violations Bureau;
- .6. To perform all other duties as provided for by ordinance, by rules of practice and procedure adopted by the Municipal Judge, by the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and by Statute; and
- .7. To maintain and properly certify a complete copy of the ordinances of the City, which shall constitute prima facie evidence of such ordinances before the Court; and to maintain a similar certified copy on file with the Clerk serving the Circuit Court of this County.

(CC 1989 §10-13; Ord. No. 900 §§12, 26, 12-12-78)

SECTION 135.140: COURT COSTS

In addition to any fine that may be imposed by the Municipal Judge in any case filed in the Cassville Municipal Division of the 39th Judicial Circuit Court, and in addition to all other fees authorized or required by law, there shall be assessed as costs the following:

- .1. Costs of Court in the amount of twelve dollars (\$12.00).

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- .2. *Police Officer training fee.* A fee of three dollars (\$3.00) is hereby established and assessed as additional Court costs in each Court proceeding, except that no such fee shall be collected when the proceedings against the defendant have been dismissed.
 - .2.a. Two dollars (\$2.00) of each such Court cost shall be transmitted monthly to the Treasurer of the City and used to pay for Police Officer training as provided by Sections 590.100 to 590.180, RSMo. The City shall not retain for training purposes more than one thousand five hundred dollars (\$1,500.00) of such funds for each certified Law Enforcement Officer or candidate for certification employed by the City. Any excess funds shall be transmitted quarterly to the City's General Fund.
 - .2.b. One dollar (\$1.00) of each such Court cost shall be sent to the State Treasury to the credit of the Peace Officers Standards and Training Commission Fund created by Section 590.178, RSMo.
- .3. *Crime Victims' Compensation Fund.* An additional sum of seven dollars fifty cents (\$7.50) shall be assessed and added to the basic costs in Subsection (1) of this Section, provided that no such cost shall be collected in any proceeding when the proceeding or the defendant has been dismissed by the Court. All sums collected pursuant to this Subsection shall be paid at least monthly as follows:
 - .3.a. Ninety-five percent (95%) of such fees shall be paid to the Director of Revenue of the State of Missouri for deposit as provided in Section 595.450.5, RSMo.
 - .3.b. Five percent (5%) shall be paid to the City Treasury.
- .4. *Motorcycle Safety Trust Fund.*
 - .4.a. Any person who violates a municipal ordinance when the Court finds that the violation occurred when the defendant was operator of a motorcycle or motortricycle shall have a judgment assessed against the defendant of five dollars (\$5.00) in the favor of the State of Missouri Motorcycle Safety Trust Fund. Any motor vehicle operator who violates a municipal ordinance where the violation involves a motorcycle or motortricycle or where the operator causes an accident involving a motorcycle or motortricycle shall have a judgment assessed against the defendant of five dollars (\$5.00) in favor of the State of Missouri Motorcycle Trust Fund.
 - .4.b. Each Court cost assessed under this Section shall be doubled if the operator at fault violated any State law or local ordinance relating to the consumption of alcohol.
 - .4.c. The Court costs collected under this Section by the Clerk of the Court shall be paid into the State Treasury to the credit of the Motorcycle Safety Trust Fund created in Section 302.137, RSMo.
- .5. Other costs, such as for the issuance of a warrant, a commitment, or a summons, as provided before the Associate Judge in criminal prosecutions. [Back to Index](#)

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- .6. Actual costs assessed against the City by the County Sheriff for apprehension or confinement in the County Jail. [Back to Index](#)
- .7. Mileage, in the same amount as provided to the Sheriff in criminal violations, for each mile and fraction thereof the officer must travel (both directions) in order to serve any warrant of commitment or order of this Court.
- .8. Any other reasonable cost as may be otherwise provided by ordinance including, but not limited to, costs of confinement, including any necessary transportation related thereto, medical costs incurred by the City while a defendant is in City custody, and costs related to the arrest and testing of any person for any intoxication-related traffic offense as set out in Subsection (9) hereof.
- .9. Reimbursement of certain costs of arrest:
 - .9.a. Upon a plea or a finding of guilty of violating the provisions of Sections 342.020 or 342.030 of this Code or any ordinance of the City of Cassville involving alcohol- or drug- related traffic offenses, the Court may, in addition to imposition of any penalties provided by law, order the convicted person to reimburse the Police Department for the costs associated with such arrest.
 - .9.b. Such costs hereby authorized shall include the reasonable cost of making the arrest, including the cost of any chemical test made as authorized or required by law or ordinance to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking and holding such person in custody.
 - .9.c. The Chief of Police shall establish a schedule of such costs hereby authorized and shall submit the same to the Municipal Judge. However, the Court may order the costs reduced if it determines that the costs are excessive.
 - .9.d. Upon receipt of such additional costs authorized by this Subsection, the City Treasurer shall retain such costs in a separate fund to be known as the "DWI/Drug Offense Cost Reimbursement Fund". Monies with such fund shall be appropriated by the Board of Aldermen to the Police Department in amounts equal to those costs so collected and shall be used by such department specifically to enhance and support the enforcement and prosecution of alcohol- and drug-related traffic laws within the City.
- .10. *Spinal Cord Injury Fund.* Any person convicted of an intoxication-related offense, as provided in Section 577.023, RSMo., shall have a judgment of twenty-five dollars (\$25.00) assessed. Collections by the Court shall be paid to the State Department of Revenue to the credit of the Spinal Cord Injury Fund, to the following address:

Missouri Department of Revenue
County Tax Section
P.O. Box 453
Jefferson City, MO 65105-0453
- .11. *Work/construction zone.* Any person who is convicted or pleads guilty to a speeding violation or passing/overtaking a vehicle in a work/construction zone when there was any person present performing duties in the work/construction zone and appropriate

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signs were posted stating "*Warning: \$250 fine for speeding or passing in this work zone*" shall be assessed a fine of two hundred fifty dollars (\$250.00) in addition to any other fine assessed; except that any person assessed the two hundred fifty dollar (\$250.00) fine shall not also be assessed the thirty-five dollar (\$35.00) fine for any of the following offenses in a construction or work zone; any moving violation or violation of speeding, leaving the scene, careless and imprudent driving, operating without a valid license, operating with a suspended or revoked license, obtaining a license by misrepresentation, driving while intoxicated, under the influence or BAC, any felony offense involving the use of a vehicle, or failure to maintain financial responsibility. [Back to Index](#)

.12. *Judicial Education Fund.* A fee of one dollar (\$1.00) is hereby established and assessed as additional Court costs in each Court proceeding, except that no such fee shall be collected when the proceedings against the defendant have been dismissed. The funds collected shall be under the control of the Municipal Court to use the fund only to pay for:

.12.a. The continuing education and certification required of the Municipal Judges by law or Supreme Court rule; and

.12.b. Judicial education and training for the Court Administrator and Clerks of the Municipal Court.

Provided further, that no Municipal Court shall retain more than one thousand five hundred dollars (\$1,500.00) in the fund for each Judge, Administrator or Clerk of the Municipal Court. Any excess funds shall be transmitted quarterly to the General Revenue Fund of the City. (CC 1989 §10–14; Ord. No. 900 §27, 12-12-78; Ord. No. 2001-1343 §1, 10-1-01; Ord. No. 1363 §1, 4-1-02)

SECTION 135.145: RESERVED

Editor's Note—Ord. no. 2001-1343 §1, adopted October 1, 2001, repealed this section 135.145. Former section 135.145 derived from ord. no. 96-1216 §§1–2, 12-16-96. At the editor's discretion we have left this section reserved for the city's future use.

SECTION 135.150: COSTS—ASSESSED AGAINST PROSECUTING WITNESS

The costs of any action may be assessed against the prosecuting witness, and judgment may be rendered against him/her that he/she pay the same and stand committed until paid, in any case where it appears to the satisfaction of the Municipal Judge that the prosecution was commenced without probable cause and from malicious motives. (CC 1989 §10-15; Ord. No. 900 §28, 12-12-78) [Back to Index](#)

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SECTION 135.160: RESERVED

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Editor's Note—Ord. no. 2001-1343 §1, adopted October 1, 2001, repealed this section 135.160. Former section 135.160 derived from ord. no. 1162 §§1–2, 4, 10-10-94. At the editor's discretion we have left this section reserved for the city's future use.

CHAPTER 140: TAXATION

Cross Reference—Licenses and business regulations, ch. 605.

SECTION 140.010: SALES TAX—IMPOSED

Pursuant to the authority granted by and subject to the provisions of Sections 94.500 to 94.550, RSMo., a tax for general revenue purposes is hereby imposed upon all sellers 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 to 144.525, RSMo., and the rules and regulations of the State Director of Revenue issued pursuant thereto. The rate of the tax shall be one percent (1%) of the receipts from the sale at retail of all tangible personal property or taxable services at retail within the City, if such property and taxable services are subject to taxation by the State under the provisions of Sections 144.010 to 144.525, RSMo. The tax shall be collected pursuant to the provisions of Sections 94.500 to 94.550, RSMo. (CC 1989 §14-1; Ord. No. 902 §1, 2-13-79)

SECTION 140.020: SALES TAX—EXEMPTION

The sale of electrical power, natural gas, propane and heating oil and the services appurtenant thereto shall be exempt from the tax imposed by Section 140.010. (CC 1989 §14-2; Ord. No. 933 §1, 2-9-82)

SECTION 140.030: GROSS RECEIPTS TAX ON UTILITY CORPORATION

The City, in order to maintain its sources of revenue at its historical level, hereby determines to maintain the four percent (4%) gross receipts tax against the gross receipts of the Kansas Power and Light Company. (CC 1989 §14-3; Ord. No. 1005 §1, 1-12-87)

SECTION 140.040: CITY SALES TAX FOR CAPITAL IMPROVEMENTS

The existing City sales tax for capital improvements at the rate of one-half of one percent (0.5%) on the receipts from all retail sales within the City of Cassville, Missouri, shall be imposed upon all sellers within the City 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 by Sections 144.010 to 144.525, inclusive, RSMo. 1986, as amended, and the rules and regulations of the Director of Revenue of the State of Missouri issued pursuant thereto, and shall be levied and collected until September 30, 2025, unless extended or renewed in accordance with law.

(Ord. No. 1151 §1, 7-11-94; Ord. No. 1385 §1, 10-7-02)

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SECTION 140.050: STORMWATER CONTROL AND LOCAL PARKS SALES TAX

The City of Cassville shall impose a sales tax of one-half percent (0.05%) for the purpose of providing funding for stormwater control and local parks for the City; and the City of Cassville shall set the real and personal property tax levy at zero dollars (\$0.00) per one hundred dollars (\$100.00) valuation. (Ord. No. 99-1279 §1, 5-3-99) [Back to Index](#)