

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE VILLAGE OF MARLBOROUGH; REPEALING CERTAIN ORDINANCES NOT INCLUDED THEREIN EXCEPT AS EXPRESSLY PROVIDED; PROVIDING PENALTY FOR THE VIOLATION THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MARLBOROUGH, as follows:

Section 1: That pursuant to Section 71.943 of the Revised Statutes of Missouri, the codification of ordinances, as set out in Titles I through VI, each inclusive, of the "Code of Ordinances of the Village of Marlborough" is hereby adopted and enacted as the "Code of Ordinances of the Village of Marlborough"; which shall supersede all other general and permanent ordinances of the Village passed on or before November 13, 2023, to the extent provided in Section 3 hereof.

Section 2: That all provisions of such Code shall be in full force and effect from and after the effective date of this ordinance as set forth herein

Section 3: That all ordinances of a general and permanent nature of the Village adopted on final passage on or before November 13, 2023, and not included in such Code or recognized and continued in force by reference therein, are hereby repealed from and after the effective date of this ordinance, except those which may be specifically excepted by separate ordinance, and except the following which are hereby continued in full force and effect, unless specifically repealed by separate ordinance:

- a. Ordinances promising or guaranteeing the payment of money for the Village, or authorizing the issuance of any bonds or notes of the Village or any other evidence of the Village's indebtedness, or authorizing any contract or obligation assumed by the Village;
- b. Ordinances levying taxes or making special assessments;
- c. Ordinances appropriating funds or establishing salaries and compensation, and providing for expenses;
- d. Ordinances granting franchises or rights to any person, firm or corporation;
- e. Ordinances relating to the dedication, opening, closing, naming, establishment of grades, improvement, altering, paving, widening, or vacating of streets, alleys, sidewalks or public places;
- f. Ordinances authorizing or relating to public improvements;
- g. Ordinances respecting the conveyances or acceptance of real property or easements in real property;
- h. Ordinances dedicating, accepting, or vacating any plat or subdivision in the Village or any part thereof, or providing regulations for the same;
- i. Ordinances annexing property to the Village;
- j. All zoning and subdivision ordinances not specifically repealed and not included herein;
- k. Ordinances establishing TIF districts or redevelopment districts;

- l. Ordinances relating to traffic schedules (i.e., stop signs, parking limits, etc.);
- m. All ordinances relating to personnel regulations (i.e., pensions, retirement, job descriptions and insurance, etc.);
- n. Ordinances authorizing the establishment of industrial development corporations; and,
- o. Ordinances establishing tax rates for the Village.

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

That the repeal provided for in this Section shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to such date.

Section 4: That all additions and amendments to such Code when passed in such form as to indicate the intention of the Board of Trustees to make the same a part thereof shall be deemed to be incorporated in such Code so that reference to the "Code of Ordinances of the Village of Marlborough" shall be understood and intended to include such additions and amendments.

Section 5: Whenever in this Code or any other ordinance of the Village, or in any rule, regulation, notice or order promulgated by any officer or agency of the Village under authority duly vested in him/her or it, any act is prohibited or is declared to be unlawful or an offense or misdemeanor or ordinance violation or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor or ordinance violation, and no specific penalty is provided for the violation thereof, upon conviction of a violation of any such provision of this Code or of any such ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding three (3) months, or by both such fine and imprisonment; provided, that in any case wherein the penalty for an offense is fixed by a Statute of the State, the statutory penalty, and no other, shall be imposed for such offense, except that imprisonments may be in the Village prison or workhouse instead of the County Jail.

- a. Every day any violation of this Code or any other ordinance or any such rule, regulation, notice or order shall continue shall constitute a separate offense.
- b. Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited.
- c. Minor Traffic Violations as set out in City Code Section 100.220(D).
- d. Municipal Ordinance Violations as set out in City Code Section 100.220(E).

Section 6: That in case of the amendment by the Board of Trustees of any Section of such Code for which a penalty is not provided, the general penalty as provided in Section 5 of this ordinance shall apply to the Section as amended; or in case such amendment contains provisions for which a penalty other than the aforementioned general penalty is provided in another Section in the same Chapter, the penalty so provided in such other Section shall be held to relate to the Section so amended, unless such penalty is specifically repealed therein.


Section 7: That a copy of such Code shall be kept on file in the office of the Village Clerk, preserved in looseleaf form or in such other form as the Village Clerk may consider most expedient. It shall be the express duty of the Village Clerk, or someone authorized by the Clerk, to insert in their designated places all amendments and all ordinances or resolutions which indicate the intention of the Board of Trustees to make the same part of such Code when the same have been printed or reprinted in page form and to extract from such Code all provisions which from time to time may be repealed by the Board of Trustees. This copy of such Code was available to the public prior to consideration of this ordinance and shall hereafter remain available at Village Hall for all persons desiring to examine the same.


Section 8: That it shall be unlawful for any person to change or alter by additions or deletions any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Village of Marlborough to be misrepresented thereby. Any person violating this Section shall be punished as provided in Section 5 of this ordinance.

Section 9: The portions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the Board of Aldermen would have enacted the valid portions without the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 10: This Ordinance shall be in full force and effect from and after its passage.

PASSED AND APPROVED this 11th day of March 2024.


Roy Bornmueller, Chairman


Patti Johnson, Village Clerk
1st Reading 3/11/24
2nd Reading 3/11/24

**Village of Marlborough
2023 Statutory Updates Incorporated During Supplement # 25**

The Sections of the Code noted in the table below have been updated with the 2023 statutory material. The Village’s attorney may want to review these changes to confirm these revisions are necessary. All revised Sections will be in effect following the Village’s adoption of the Code.

Section/Subsection of the Code	Description of the Revision	Pursuant to RSMo. Section
120.020	A new Subsection (A)(16) regarding certain law enforcement and/or public safety agency information was added and subsequent Subsections were renumbered. In former Subsection (A)(16) [now (A)(17)], we deleted “which is or appears to be terrorist in nature and.”	610.021
210.840	Additional provisions were added to Subsection (G) of this Section setting out an exception to certain weapons regulations for certain school officers and school protection officers.	571.030
210.1230	Subsection (A) of this Section was revised to read in part, “...or utility regulated under Chapter 386 or 393, RSMo., including <u>twisted pair copper telecommunications wiring of pair or greater existing in 19, 22, 24, or 26 gauge burnt wire, bleachers, guardrails...</u> ”	407.302
210.1865	We added this Section regarding “drug masking products.”	579.041

Section/Subsection of the Code	Description of the Revision	Pursuant to RSMo. Section
210.2110	The wording in Subsection (E)(2) was revised to correct a typographical error.	N/A
230.010	The definition of "solid waste" has been revised to exclude post-use polymers, recovered feedstocks, and mill scale.	260.200
300.010	The definition of "emergency vehicle" has been revised to include vehicles operated by county or municipal park rangers.	304.022
600.080	The wording in Subsection (A) was revised to improve the clarity of the provisions therein.	N/A