

**CITY COUNCIL AGENDA  
MARCH 6, 2023  
6:00 P.M.**

**CITY OFFICE BUILDING  
214 N. LAFAYETTE, MARSHALL, MO 65340**

1. Roll Call
2. Adoption of Agenda
3. Approve or Correct Regular Session Minutes of February 21, 2023
4. Business from the Audience – limited to 3 minutes per speaker. Any person, resident or non-resident, wishing to address the Council may approach the microphone and state their name, address and comments. Non-residents are invited to speak first, followed by residents of the city. Although we are readily available outside our formal meetings, this will be your only opportunity to offer your thoughts during this evening’s meeting as comments from the floor will not be taken during the regular meeting. Although certainly welcome, you are not required to stay for the remainder of the meeting and may exit the Council Chambers in a quiet and respectful manner.
5. Committee Reports
  1. Community Development and Code Committee
  2. Public Relations and Public Safety Committee
  3. Municipal Services and Personnel Committee
  4. Property, Finance, Budget and Audit Committee
  5. City Administrator’s Report
  6. Mayor’s Report
6. Event Request
  1. MO Dept of Mental Health – Out of the Darkness Suicide Awareness Walk  
October 7, 2023
7. Discussion and Appropriate Follow Up
  1. Bid – Sale of 2004 Chevrolet S-10 Pick Up Truck
  2. Bid – Replacement of Music Folders for Marshall Municipal Band
8. Marshall Municipal Utilities Annual Report
9. Municipal Separate Storm Sewer System (MS4) Program Update
10. Ordinances
  1. Adopt the 2021 Edition of the International Building Code – Second Reading
  2. Adopt the 2021 Edition of the International Energy Conservation Code –  
Second Reading
  3. Adopt the 2021 Edition of the International Existing Building Code – Second  
Reading
  4. Adopt the 2021 Edition of the International Fire Code – Second Reading
  5. Adopt the 2021 Edition of the International Fuel Gas Code - Second Reading
  6. Adopt the 2021 Edition of the International Mechanical Code – Second  
Reading
  7. Adopt the 2021 Edition of the International Plumbing Code – Second Reading

8. Adopt the 2021 Edition of the International Private Sewage Disposal Code – Second Reading
  9. Adopt the 2021 Edition of the International Property Maintenance Code – Second Reading
  10. Adopt the 2021 Edition of the International Residential Code – Second Reading
  11. Adopt the 2020 Edition of the National Electrical Code – Second Reading
  12. Execute Contract with JD Kehrman Extending Employment as City Administrator of the City of Marshall – Second Reading
  13. Grant the Empire District dba Liberty a Natural Gas Franchise
  14. Appropriation
11. Other Council Business
  12. Executive Session Concerning Legal Actions, Causes of Actions or Litigation Involving a Public Governmental Body and Any Confidential or Privileged Communications Between a Public Governmental Body or its Representatives and its Attorneys RSMO 610.021 (1)

Posted 3/3/2023  
3:00 p.m.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF MARSHALL, MISSOURI ADOPTING THE 2021 EDITION OF THE INTERNATIONAL BUILDING CODE, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS, AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH STRUCTURES IN THE CITY OF MARSHALL, MISSOURI; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ORDINANCE NO. 8233 AND ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH.**

**BE IT ORDAINED** by the Council of the City of Marshall, Missouri, as follows:

**Section 1. Adoption of Building Code.** That a certain document, one (1) digital copy of which is on file in the office of the Clerk of the City of Marshall, being marked and designated as the *International Building Code*, 2021 edition, including Appendix Chapters C, F, G, I, and Resource “A” (see *International Building Code* Section 102.2.1, 2021 edition), as published by the International Code Council, be and is hereby adopted as the Building Code of the City of Marshall, Missouri, regulating and governing the conditions and maintenance of all property, building, and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the Clerk of the City of Marshall, Missouri are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any prescribe in this Ordinance.

**Section 2. Additions, Insertions and Changes.** That the sections of the Building Code are hereby revised:

- a. Section 101.1. Insert: The City of Marshall, Missouri.
- b. Section 103.1. Insert: City Inspection Department

c. Section 113.1. **REVISED TO READ:**

113.1 **General.** Appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this Code shall be heard by the City of Marshall Board of Building Code Enforcement, as established, adopted and amended from time to time by the City of Marshall, Missouri. The Board of Building Code Enforcement shall follow the practices and procedures established for the Board of Building Code Enforcement.

d. Section 113.3. **REVISED TO READ:**

**113.3 Qualifications.** The Qualifications to serve on the City’s Board of Building Code Enforcement shall be as set forth in those City ordinances establishing the Board of Building Code Enforcement. The Board of Building Code Enforcement shall follow the practices and procedures established for the Board of Building Code Enforcement.

- e. Section 1612.3. Insert: The City of Marshall, Missouri.
- f. Section 1612.3. Insert: January 16, 2013.
- g. Section G103.2. Insert: November 4, 1988.
- h. Section G101.5 – Code Official
- i. Section 109.2. Insert: The building permit fees established by this section shall be as follows based on Table (1) square foot construction costs:

Square Foot Construction Costs<sup>a, b, c</sup>

Group (2018 International Building Code)	IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A-1 Assembly, theaters, with stage	263.06	254.15	247.55	237.53	223.05	216.60	229.90	207.42	199.94
A-1 Assembly, theaters, without stage	241.02	232.11	225.51	215.49	201.01	194.56	207.86	185.38	177.89
A-2 Assembly, nightclubs	205.93	199.80	194.89	186.91	176.19	171.34	180.27	159.46	154.02
A-2 Assembly, restaurants, bars, banquet halls	204.93	198.80	192.89	185.91	174.19	170.34	179.27	157.46	153.02
A-3 Assembly, churches	243.83	234.92	228.32	218.30	204.21	198.79	210.67	188.58	181.10
A-3 Assembly, general, community halls, libraries, museums	204.02	195.11	187.51	178.49	163.01	157.56	170.86	147.38	140.89
A-4 Assembly, arenas	240.02	231.11	223.51	214.49	199.01	193.56	206.86	183.38	176.89
B Business	212.46	204.72	197.90	188.18	171.81	165.32	180.77	151.15	144.35
E Educational	222.69	214.99	208.81	199.81	186.17	176.74	192.93	162.78	157.80
F-1 Factory and Industrial, moderate hazard	125.58	119.68	112.86	108.68	97.37	92.83	104.02	80.23	75.34
F-2 Factory and Industrial, low hazard	124.58	118.68	112.86	107.68	97.37	91.83	103.02	80.23	74.34
H-1 High Hazard, explosives	117.37	111.47	105.65	100.47	90.40	84.87	95.81	73.27	N.P.
H234 High Hazard	117.37	111.47	105.65	100.47	90.40	84.87	95.81	73.27	67.37
H-5 HPM	212.46	204.72	197.90	188.18	171.81	165.32	180.77	151.15	144.35
I-1 Institutional, supervised environment	211.58	204.34	198.27	190.28	175.02	170.20	190.53	156.95	152.25
I-2 Institutional, hospitals	355.95	348.21	341.39	331.67	314.48	N.P.	324.26	293.82	N.P.
I-2 Institutional, nursing homes	247.27	239.53	232.71	222.99	207.36	N.P.	215.58	186.70	N.P.
I-3 Institutional, restrained	241.59	233.85	227.03	217.31	202.46	194.97	209.90	181.80	173.00
I-4 Institutional, day care facilities	211.58	204.34	198.27	190.28	175.02	170.20	190.53	156.95	152.25
M Mercantile	153.55	147.41	141.50	134.53	123.48	119.63	127.88	106.75	102.31
R-1 Residential, hotels	213.59	206.35	200.28	192.29	176.78	171.95	192.54	158.70	154.00
R-2 Residential, multiple family	179.04	171.80	165.73	157.74	143.25	138.43	157.99	125.18	120.47
R-3 Residential, one- and two-family <sup>d</sup>	166.68	162.17	157.99	154.10	149.61	144.19	151.48	138.79	130.58
R-4 Residential, care/assisted living facilities	211.58	204.34	198.27	190.28	175.02	170.20	190.53	156.95	152.25
S-1 Storage, moderate hazard	116.37	110.47	103.65	99.47	88.40	83.87	94.81	71.27	66.37
S-2 Storage, low hazard	115.37	109.47	103.65	98.47	88.40	82.87	93.81	71.27	65.37
U Utility, miscellaneous	89.90	84.75	79.27	75.71	67.97	63.50	72.24	53.83	51.28

a. Private Garages use Utility, miscellaneous  
b. For shell only buildings deduct 20 percent  
c. N.P. = not permitted  
d. Unfinished basements (Group R-3) = \$23.20 per sq. ft.  
e. Calculate per 1000 sq. ft. to establish permit fee

**Section 3. Inconsistent Ordinances Repealed.** That Ordinance No. 8233 entitled *An Ordinance of the City of Marshall, Missouri, Adopting the 2015 International Building Code* and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 4. Partial Invalidity.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 5. Savings Clause.** That nothing in this Ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed as cited in Section 3 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance. If any suit or proceeding, either administrative or judicial, is pending at the time of the enactment of this Ordinance, the provisions of the repealed Ordinance shall apply to all actions taken on or before the date of the enactment of this Ordinance, and the newly enacted Ordinance shall apply to all actions taken in such cause or proceeding after the date of the enactment of this Ordinance.

**Section 6. Date of Effect.** That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and adoption.

**PASSED** by the Council of the City of Marshall, Missouri, this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
President

**APPROVED** by the Mayor this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor

**FILED** this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
City Clerk

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF MARSHALL, MISSOURI ADOPTING THE 2021 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE, REGULATING AND GOVERNING ENERGY-EFFICIENT BUILDING ENVELOPES AND INSTALLATION OF ENERGY-EFFICIENT MECHANICAL, LIGHTING AND POWER SYSTEMS IN THE CITY OF MARSHALL, MISSOURI; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ORDINANCE NO. 8234 AND ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH.**

**BE IT ORDAINED** by the Council of the City of Marshall, Missouri, as follows:

**Section 1. Adoption of Energy Conservation Code.** That a certain document, one (1) digital copy of which is on file in the office of the Clerk of the City of Marshall, being marked and designated as the *International Energy Conservation Code*, 2021 edition, as published by the International Code Council, be and is hereby adopted as the Energy Conservation Code of the City of Marshall, Missouri, regulating and governing energy-efficient building envelopes and installation of energy-efficient mechanical, lighting and power systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Energy Conservation Code on file in the office of the Clerk of the City of Marshall, Missouri are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any prescribe in this Ordinance.

**Section 2. Additions, Insertions and Changes.** That the sections of the Energy Conversation Code are hereby revised:

- a. Sections C101.1 and R101.1. Insert: The City of Marshall, Missouri.
- b. Section C109.4. and R109.4. Insert: **REVISED TO READ:**

**Failure to Comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine of not less than \$1.00 and not more than \$500.00.

- c. Section C110.1 and R110.1. **REVISED TO READ:**

**General.** Appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this Code shall be heard by the City of Marshall Board of Building Code Enforcement, as established, adopted and amended from time to time by the City of Marshall, Missouri. The Board of Building Code Enforcement shall follow the practices and procedures established for the Board of Building Code Enforcement.

d. Section C110.3 and R110.3. **REVISED TO READ:**

**Qualifications.** The Qualifications to serve on the City’s Board of Building Code Enforcement shall be as set forth in those City ordinances establishing the Board of Building Code Enforcement. The Board of Building Code Enforcement shall follow the practices and procedures established for the Board of Building Code Enforcement.

**Section 3. Inconsistent Ordinances Repealed.** That Ordinance No. 8234 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 4. Partial Invalidity.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 5. Savings Clause.** That nothing in this Ordinance or in the Energy Conservation Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed as cited in Section 3 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance. If any suit or proceeding, either administrative or judicial, is pending at the time of the enactment of this Ordinance, the provisions of the repealed Ordinance shall apply to all actions taken on or before the date of the enactment of this Ordinance, and the newly enacted Ordinance shall apply to all actions taken in such cause or proceeding after the date of the enactment of this Ordinance.

**Section 6. Date of Effect.** That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and adoption.

**PASSED** by the Council of the City of Marshall, Missouri, this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
President

**APPROVED** by the Mayor this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor

**FILED** this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
City Clerk

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF MARSHALL, MISSOURI ADOPTING THE 2021 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE, REGULATING AND GOVERNING THE REPAIR, ALTERATION, CHANGE OF OCCUPANCY, ADDITION AND RELOCATION OF EXISTING BUILDINGS, INCLUDING HISTORIC BUILDINGS, IN THE CITY OF MARSHALL, MISSOURI; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH.**

**BE IT ORDAINED** by the Council of the City of Marshall, Missouri, as follows:

**Section 1. Adoption of Existing Building Code.** That a certain document, one (1) digital copy of which is on file in the office of the Clerk of the City of Marshall, being marked and designated as the *International Existing Building Code, 2021 edition, including Appendix B and Resource A* (see *International Existing Building Code* Section 101.6, 2021 edition), as published by the International Code Council, be and is hereby adopted as the Existing Building Code of the City of Marshall, Missouri, for regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Existing Building Code on file in the office of the Clerk of the City of Marshall, Missouri are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any prescribe in this Ordinance.

**Section 2. Additions, Insertions and Changes.** That the Existing Building Code is amended and changed in the following respects:

- a. Section 101.1: Insert: The City of Marshall, Missouri.
- b. Section 112.1. Insert: **REVISED TO READ:**

112.1 **General.** Appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this Code shall be heard by the City of Marshall Board of Building Code Enforcement, as established, adopted and amended from time to time by the City of Marshall, Missouri. The Board of Building Code Enforcement shall follow the practices and procedures established for the Board of Building Code Enforcement.

- c. Section 112.3. Insert: **REVISED TO READ:**

112.3 **Membership, Qualifications and Procedures.** The Qualifications to serve on the City's Board of Building Code Enforcement shall be as set forth in those City ordinances establishing the Board of Building Code Enforcement. The Board of Building Code Enforcement shall follow the practices and procedures established for the Board of Building Code Enforcement.



**Section 3. Inconsistent Ordinances Repealed.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 4. Partial Invalidity.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 5. Savings Clause.** That nothing in this Ordinance or in the Existing Building Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed as cited in Section 3 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance. If any suit or proceeding, either administrative or judicial, is pending at the time of the enactment of this Ordinance, the provisions of the repealed Ordinance shall apply to all actions taken on or before the date of the enactment of this Ordinance, and the newly enacted Ordinance shall apply to all actions taken in such cause or proceeding after the date of the enactment of this Ordinance.

**Section 6. Date of Effect.** That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and adoption.

**PASSED** by the Council of the City of Marshall, Missouri, this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
President

**APPROVED** by the Mayor this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor

**FILED** this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
City Clerk

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF MARSHALL, MISSOURI ADOPTING THE 2021 EDITION OF THE INTERNATIONAL FIRE CODE, REGULATING AND GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES; AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES IN THE CITY OF MARSHALL, MISSOURI; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ORDINANCE NO. 8236 AND ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH.**

**BE IT ORDAINED** by the Council of the City of Marshall, Missouri, as follows:

**Section 1. Adoption of Fire Code.** That a certain document, one (1) digital copy of which is on file in the office of the Clerk of the City of Marshall, being marked and designated as the *International Fire Code*, 2021 edition, including Appendix Chapters B, C, D, E, and F, as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Marshall, Missouri, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices; and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Marshall, Missouri; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Clerk of the City of Marshall, Missouri are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any prescribe in this Ordinance.

**Section 2. Additions, Insertions and Changes.** That the sections of the Fire Code are hereby revised:

a. Section 101.1. Insert: The City of Marshall, Missouri.

b. Section [A]111.1. **REVISED TO READ:**

111.1 **General.** Appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this Code shall be heard by the City of Marshall Board of Building Code Enforcement, as established, adopted and amended from time to time by the City of Marshall, Missouri. The Board of Building Code Enforcement shall follow the practices and procedures established for the Board of Building Code Enforcement.

c. Section [A]111.3. **REVISED TO READ:**

111.3 **Qualifications.** The Qualifications to serve on the City's Board of Building Code Enforcement shall be as set forth in those City ordinances establishing the

Board of Building Code Enforcement. The Board of Building Code Enforcement shall follow the practices and procedures established for the Board of Building Code Enforcement.

- d. Section [A]112.4. Insert: Misdemeanor, \$500.00, 90 days.
- e. Section 1103.5.3. Insert: Date by which sprinkler system must be installed.
- f. Section 5601.1. **REVISED TO READ.**

The manufacture, display, sale, possession or discharge of fireworks shall comply with the provisions of City Ordinance Nos. 5745, 7791, and 8518, as amended from time to time, and, to the extent not inconsistent with said ordinances, with the provisions of this chapter.

**Section 3. Establishment of Limits.** That the geographic limits referred to in certain sections of the *2021 International Fire Code* are hereby established as follows:

Section 5704.2.9.6.1 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): No applicable limit other than as set forth in this Code and other Codes and Ordinances of the City of Marshall, Missouri.

Section 5706.2.4.4 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): No applicable limit other than as set forth in this Code and other Codes and Ordinances of the City of Marshall, Missouri.

Section 5806.2 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): No applicable limit other than as set forth in this Code and other Codes and Ordinances of the City of Marshall, Missouri.

Section 6104.2 (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): No applicable limit other than as set forth in this Code and other Codes and Ordinances of the City of Marshall, Missouri.

**Section 4. Inconsistent Ordinances Repealed.** That Ordinance No. 8236 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 5. Partial Invalidity.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 6. Savings Clause.** That nothing in this Ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed as cited in Section 4 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance. If any suit or proceeding, either administrative or judicial, is pending at the time of the enactment of this Ordinance, the provisions of the repealed Ordinance shall apply to all actions taken on or before the date of the enactment of this Ordinance, and the newly enacted Ordinance shall apply to all actions taken in such cause or proceeding after the date of the enactment of this Ordinance.

**Section 7. Date of Effect.** That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and adoption.

**PASSED** by the Council of the City of Marshall, Missouri, this \_\_\_ day of \_\_\_\_\_, 2023.

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President

**APPROVED** by the Mayor this \_\_\_ day of \_\_\_\_\_, 2023.

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Mayor

**FILED** this \_\_\_ day of \_\_\_\_\_, 2023.

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City Clerk

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF MARSHALL, MISSOURI ADOPTING THE 2021 EDITION OF THE INTERNATIONAL FUEL GAS CODE, REGULATING AND GOVERNING FUEL GAS SYSTEMS AND GAS-FIRED APPLIANCES IN THE CITY OF MARSHALL, MISSOURI; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ORDINANCE NO. 8237 AND ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH.**

**BE IT ORDAINED** by the Council of the City of Marshall, Missouri, as follows:

**Section 1. Adoption of Fuel Gas Code.** That a certain document, one (1) digital copy of which is on file in the office of the Clerk of the City of Marshall, being marked and designated as the *International Fuel Gas Code*, 2021 edition, including Appendix A, B, C, and D (see *International Fuel Gas Code* Section 101.3, 2021 edition), as published by the International Code Council, be and is hereby adopted as the Fuel Gas Code of the City of Marshall, Missouri, regulating and governing fuel gas systems and gas-fired appliances as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fuel Gas Code on file in the office of the Clerk of the City of Marshall, Missouri are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any prescribe in this Ordinance.

**Section 2. Additions, Insertions and Changes.** That the sections of the Fuel Gas Code are hereby revised:

- a. Section 101.1. Insert: The City of Marshall, Missouri.
- b. [A] 103.1 Creation of agency. Insert: Inspection Department.
- c. Section 115.4. Insert: Misdemeanor, \$500.00, 90 days.
- d. Section 113.1. **REVISED TO READ:**

113.1 **General.** Appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this Code shall be heard by the City of Marshall Board of Building Code Enforcement, as established, adopted and amended from time to time by the City of Marshall, Missouri. The Board of Building Code Enforcement shall follow the practices and procedures established for the Board of Building Code Enforcement.

- e. Section 114.1 inclusive: **REVISED TO READ:**

114.1 **Membership, Qualifications and Procedures.** The Qualifications to serve on the City's Board of Building Code Enforcement shall be as set forth in those City ordinances establishing the Board of Building Code Enforcement. The Board of Building Code Enforcement shall follow the practices and procedures established for the Board of Building Code Enforcement.

**Section 3. Inconsistent Ordinances Repealed.** That Ordinance No. 8237 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 4. Partial Invalidity.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 5. Savings Clause.** That nothing in this Ordinance or in the Fuel Gas Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed as cited in Section 3 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance. If any suit or proceeding, either administrative or judicial, is pending at the time of the enactment of this Ordinance, the provisions of the repealed Ordinance shall apply to all actions taken on or before the date of the enactment of this Ordinance, and the newly enacted Ordinance shall apply to all actions taken in such cause or proceeding after the date of the enactment of this Ordinance.

**Section 6. Date of Effect.** That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and adoption.

**PASSED** by the Council of the City of Marshall, Missouri, this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
President

**APPROVED** by the Mayor this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor

**FILED** this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
City Clerk

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF MARSHALL, MISSOURI ADOPTING THE 2021 EDITION OF THE INTERNATIONAL MECHANICAL CODE, REGULATING AND GOVERNING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF MECHANICAL SYSTEMS IN THE CITY OF MARSHALL, MISSOURI; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ORDINANCE NO. 8238 AND ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH.**

**BE IT ORDAINED** by the Council of the City of Marshall, Missouri, as follows:

**Section 1. Adoption of Mechanical Code.** That a certain document, one (1) digital copy of which is on file in the office of the Clerk of the City of Marshall, being marked and designated as the *International Mechanical Code*, 2021 edition, including Appendix A, as published by the International Code Council, be and is hereby adopted as the Mechanical Code of the City of Marshall, Missouri, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Mechanical Code on file in the office of the Clerk of the City of Marshall, Missouri are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any prescribe in this Ordinance.

**Section 2. Additions, Insertions and Changes.** That the sections of the Mechanical Code are hereby revised:

- a. Section 101.1. Insert: The City of Marshall, Missouri.
- b. [A]103.1 Insert: City Inspection Department.
- c. Section 109.2. Insert: The fees for mechanical work shall be as indicated in the following schedule:

Air Condition Units ≤ 2 ton.....	\$10.00
Air Condition Units > 2 ton.....	\$15.00
Boilers – H.P. ea. ....	\$20.00
Furnaces/Ht. Pumps ≤ 100M Btu .....	\$10.00
Furnaces/Ht. Pumps > 100M Btu .....	\$15.00
Floor Furnaces – B.T.U. ....	\$10.00
Unit Heaters – B.T.U. (M).....	\$10.00
Range Hood.....	\$5.00
Fans .....	\$2.50
Gas Piping.....	\$10.00

Diffuser/Register .....	\$1.00
Minimum Fee.....	\$10.00
Maximum Fee .....	\$200.00

- d. [A] 109.6 Refunds. The code official is authorized to establish a refund policy.
- e. Section 115.4. Insert: Misdemeanor, \$500.00, 90 days.
- f. [A] **113.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fines established by the authority having jurisdiction.
- g. Section 114.1. **REVISED TO READ:**

114.1 **General.** Appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this Code shall be heard by the City of Marshall Board of Building Code Enforcement, as established, adopted and amended from time to time by the City of Marshall, Missouri. The Board of Building Code Enforcement shall follow the practices and procedures established for the Board of Building Code Enforcement.

- h. Section 114.3, inclusive. **REVISED TO READ:**

114.3 **Qualifications.** The Qualifications to serve on the City’s Board of Building Code Enforcement shall be as set forth in those City ordinances establishing the Board of Building Code Enforcement. The Board of Building Code Enforcement shall follow the practices and procedures established for the Board of Building Code Enforcement.

**Section 3. Inconsistent Ordinances Repealed.** That Ordinance No. 8238 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 4. Partial Invalidity.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 5. Savings Clause.** That nothing in this Ordinance or in the Mechanical Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed as cited in Section 3 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance. If any suit or proceeding, either administrative or judicial, is pending at the time of the enactment of this



Ordinance, the provisions of the repealed Ordinance shall apply to all actions taken on or before the date of the enactment of this Ordinance, and the newly enacted Ordinance shall apply to all actions taken in such cause or proceeding after the date of the enactment of this Ordinance.

**Section 6. Date of Effect.** That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and adoption.

**PASSED** by the Council of the City of Marshall, Missouri, this \_\_\_ day of \_\_\_\_\_, 2023.

---

President

**APPROVED** by the Mayor this \_\_\_ day of \_\_\_\_\_, 2023.

---

Mayor

**FILED** this \_\_\_ day of \_\_\_\_\_, 2023.

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City Clerk

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF MARSHALL, MISSOURI ADOPTING THE 2021 EDITION OF THE INTERNATIONAL PLUMBING CODE, REGULATING AND GOVERNING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF PLUMBING SYSTEMS IN THE CITY OF MARSHALL, MISSOURI; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ORDINANCE NO. 8239 AND ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH.**

**BE IT ORDAINED** by the Council of the City of Marshall, Missouri, as follows:

**Section 1. Adoption of Plumbing Code.** That a certain document, one (1) digital copy of which is on file in the office of the Clerk of the City of Marshall, being marked and designated as the *International Plumbing Code*, 2021 edition, including Appendix B, and E, as published by the International Code Council, be and is hereby adopted as the Plumbing Code of the City of Marshall, Missouri, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Plumbing Code on file in the office of the Clerk of the City of Marshall, Missouri are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any prescribe in this Ordinance.

**Section 2. Additions, Insertions and Changes.** That the sections of the Plumbing Code are hereby revised:

- a. Section 101.1. Insert: The City of Marshall, Missouri.
- b. Section [A]109.2. Insert:

The fees for all plumbing work shall be as indicated in the following schedule:

New Sewer .....	\$5.00
Sewer Repair, Replace .....	\$5.00
Septic Tank .....	\$10.00
Water Service.....	\$5.00
Gas Distribution .....	\$5.00
Heating or cooling ventilating system, each .....	\$5.00
Stool, each.....	\$2.00
* Each additional fixture.....	\$2.00
** Re-inspection .....	\$5.00
Minimum Fee.....	\$10.00

Maximum Fee .....\$200.00

\* Additional fixtures include, but are not limited to, bath tubs, lavatory, shower stall, sinks, disposals floor drain, laundry machine, water fountain, urinal-men, urinal-women, water heater, gas fixtures, etc.

\*\* Re-inspection means that Inspector has to re-inspect plumbing because of change needed to meet code requirements.

c. Section 109.5. Insert: Twenty-five Percent (25%).

d. Section 115.4. Insert: Misdemeanor, \$500.00, 90 days.

e. Section 114.1: **REVISED TO READ:**

114.1 **General.** Appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this Code shall be heard by the City of Marshall Board of Building Code Enforcement, as established, adopted and amended from time to time by the City of Marshall, Missouri. The Board of Building Code Enforcement shall follow the practices and procedures established for the Board of Building Code Enforcement.

f. Section 114.3: **REVISED TO READ:**

114.3 **Membership, Qualifications and Procedures.** The Qualifications to serve on the City’s Board of Building Code Enforcement shall be as set forth in those City ordinances establishing the Board of Building Code Enforcement. The Board of Building Code Enforcement shall follow the practices and procedures established for the Board of Building Code Enforcement.

g. Section 305.4.1. Insert: Eighteen Inches (18”) – Eighteen Inches (18”).

h. Section 903.1.1 Insert: Twelve Inches (12”)

**Section 3. Inconsistent Ordinances Repealed.** That Ordinance No. 8239 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 4. Partial Invalidity.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 5. Savings Clause.** That nothing in this Ordinance or in the Plumbing Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any

rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed as cited in Section 3 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance. If any suit or proceeding, either administrative or judicial, is pending at the time of the enactment of this Ordinance, the provisions of the repealed Ordinance shall apply to all actions taken on or before the date of the enactment of this Ordinance, and the newly enacted Ordinance shall apply to all actions taken in such cause or proceeding after the date of the enactment of this Ordinance.

**Section 6. Date of Effect.** That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and adoption.

**PASSED** by the Council of the City of Marshall, Missouri, this \_\_\_ day of \_\_\_\_\_, 2023.

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President

**APPROVED** by the Mayor this \_\_\_ day of \_\_\_\_\_, 2023.

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Mayor

**FILED** this \_\_\_ day of \_\_\_\_\_, 2023.

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City Clerk

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF MARSHALL, MISSOURI ADOPTING THE 2021 EDITION OF THE INTERNATIONAL PRIVATE SEWAGE DISPOSAL CODE, REGULATING AND GOVERNING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF INDIVIDUAL SEWAGE DISPOSAL SYSTEMS IN THE CITY OF MARSHALL, MISSOURI; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ORDINANCE NO. 8240 AND ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH.**

**BE IT ORDAINED** by the Council of the City of Marshall, Missouri, as follows:

**Section 1. Adoption of Private Sewage Disposal Code.** That a certain document, one (1) digital copy of which is on file in the office of the Clerk of the City of Marshall, being marked and designated as the *International Private Sewage Disposal Code*, 2021 edition, including Appendix A and B, as published by the International Code Council, be and is hereby adopted as the Private Sewage Disposal Code of the City of Marshall, Missouri, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of individual sewage disposal systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Private Sewage Disposal Code on file in the office of the Clerk of the City of Marshall, Missouri are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any prescribe in this Ordinance.

**Section 2. Additions, Insertions and Changes.** That the Private Sewage Disposal Code is amended and changed in the following respects:

a. Section 101.1: Insert: The City of Marshall, Missouri.

b. Section 106.4.2: **REVISED TO READ:**

The fees for work shall be as indicated in the Plumbing Code.

c. Section 106.4.3. Insert: Twenty-five Percent (25%), Twenty-five Percent (25%).

d. Section 112.1: **REVISED TO READ:**

112.1 **General.** Appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this Code shall be heard by the City of Marshall Board of Building Code Enforcement, as established, adopted and amended from time to time by the City of Marshall, Missouri. The Board of Building Code Enforcement shall follow the practices and procedures established for the Board of Building Code Enforcement.

e. Section 112.3 to 113.1: **REVISED TO READ:**

**112.3 Membership, Qualifications and Procedures.** The Qualifications to serve on the City's Board of Building Code Enforcement shall be as set forth in those City ordinances establishing the Board of Building Code Enforcement. The Board of Building Code Enforcement shall follow the practices and procedures established for the Board of Building Code Enforcement.

f. Section 405.2.5. Insert: April 15, April 30, May 15.

g. Section 405.2.6. Insert: April 15.

**Section 3. INCONSISTENT ORDINANCES REPEALED.** That Ordinance No. 8240 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 4. PARTIAL INVALIDITY.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 5. SAVINGS CLAUSE.** That nothing in this Ordinance or in the International Private Sewage Disposal Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed as cited in Section 3 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance. If any suit or proceeding, either administrative or judicial, is pending at the time of the enactment of this Ordinance, the provisions of the repealed Ordinance shall apply to all actions taken on or before the date of the enactment of this Ordinance, and the newly enacted Ordinance shall apply to all actions taken in such cause or proceeding after the date of the enactment of this Ordinance.

**Section 6. DATE OF EFFECT.** That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and adoption.

**PASSED** by the Council of the City of Marshall, Missouri, this \_\_\_ day of \_\_\_\_\_, 2023.

---

President

**APPROVED** by the Mayor this \_\_\_ day of \_\_\_\_\_, 2023.

---

Mayor

**FILED** this \_\_\_ day of \_\_\_\_\_, 2023.

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City Clerk

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF MARSHALL, MISSOURI ADOPTING THE 2021 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE CITY OF MARSHALL, MISSOURI; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ORDINANCE NO. 8241 AND ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH.**

**BE IT ORDAINED** by the Council of the City of Marshall, Missouri, as follows:

**Section 1. Adoption of Property Maintenance Code.** That a certain document, one (1) digital copy of which is on file in the office of the Clerk of the City of Marshall, being marked and designated as the *International Property Maintenance Code*, 2021 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Marshall, Missouri, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Clerk of the City of Marshall, Missouri are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any prescribe in this Ordinance.

**Section 2. Additions, Insertions, and Changes.** That the sections of the Property Maintenance Code are hereby revised:

- a. Section 101.1. Insert: The City of Marshall, Missouri.
- b. Section [A] 103.1 Creation of agency. City Inspection Department.
- c. Section 302.4. Insert: Eight Inches (8”).
- d. Section 304.14. Insert: April 1, December 1.
- e. Section 602.3. Insert: October 1, May 15.
- f. Section 602.4. Insert: October 1, May 15.



**g. Section 107.1. Insert: REVISED TO READ:**

107.1 **General.** Appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this Code shall be heard by the City of Marshall Board of Building Code Enforcement, as established, adopted and amended from time to time by the City of Marshall, Missouri. The Board of Building Code Enforcement shall follow the practices and procedures established for the Board of Building Code Enforcement.

**h. Section 107.3, inclusive. Insert: REVISED TO READ:**

107.3 **Membership, Qualifications and Procedures.** The Qualifications to serve on the City's Board of Building Code Enforcement shall be as set forth in those City ordinances establishing the Board of Building Code Enforcement. The Board of Building Code Enforcement shall follow the practices and procedures established for the Board of Building Code Enforcement.

**Section 3. Inconsistent Ordinances Repealed.** That Ordinance No. 8241 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 4. Partial Invalidity.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 5. Savings Clause.** That nothing in this Ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed as cited in Section 3 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance. If any suit or proceeding, either administrative or judicial, is pending at the time of the enactment of this Ordinance, the provisions of the repealed Ordinance shall apply to all actions taken on or before the date of the enactment of this Ordinance, and the newly enacted Ordinance shall apply to all actions taken in such cause or proceeding after the date of the enactment of this Ordinance.

**Section 6. Date of Effect.** That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and adoption.

**PASSED** by the Council of the City of Marshall, Missouri, this \_\_\_ day of \_\_\_\_\_, 2023.

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President

**APPROVED** by the Mayor this \_\_\_ day of \_\_\_\_\_, 2023.

---

Mayor

**FILED** this \_\_\_ day of \_\_\_\_\_, 2023.

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City Clerk

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF MARSHALL, MISSOURI ADOPTING THE 2021 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE, REGULATING AND GOVERNING THE CONSTRUCTION, ALTERATION, MOVEMENT, ENLARGEMENT, REPLACEMENT, REPAIR, EQUIPMENT, LOCATION, REMOVAL AND DEMOLITION OF DETACHED ONE AND TWO FAMILY DWELLINGS AND MULTIPLE SINGLE FAMILY DWELLINGS (TOWNHOUSES) NOT MORE THAN THREE STORIES IN HEIGHT WITH SEPARATE MEANS OF EGRESS IN THE CITY OF MARSHALL, MISSOURI; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ORDINANCE NO. 8242 AND ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH.**

**BE IT ORDAINED** by the Council of the City of Marshall, Missouri, as follows:

**Section 1. Adoption of Residential Code.** That a certain document, one (1) digital copy of which is on file in the office of the Clerk of the City of Marshall, being marked and designated as the *International Residential Code*, 2021 edition, including Appendix Chapters AA, AB, AC, AD, AE, AH, AI, AJ, AK, and AN, as published by the International Code Council, be and is hereby adopted as the Residential Code of the City of Marshall, Missouri, regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal, and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code on file in the office of the Clerk of the City of Marshall, Missouri are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any prescribe in this Ordinance.

**Section 2. Additions, Insertions and Changes.** That the sections of the Residential Code are hereby revised:

a. Section R101.1. Insert: The City of Marshall, Missouri.

b. Section R112.1. **REVISED TO READ:**

R112.1 **General.** Appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this Code shall be heard by the City of Marshall Board of Building Code Enforcement, as established, adopted and amended from time to time by the City of Marshall, Missouri. The Board of Building Code Enforcement shall follow the practices and procedures established for the Board of Building Code Enforcement.

c. Section R112.3. **REVISED TO READ:**

R112.3 **Qualifications.** The Qualifications to serve on the City's Board of Building Code Enforcement shall be as set forth in those City ordinances establishing the Board

of Building Code Enforcement. The Board of Building Code Enforcement shall follow the practices and procedures established for the Board of Building Code Enforcement.

d. Section R301.2. Insert: Table R301.2, (Attachment “A”).

e. Section P2603.5.1. Insert: Eighteen inches (18”)/Eighteen inches (18”).

**Section 3. Inconsistent Ordinances Repealed.** That Ordinance No. 8242 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 4. Partial Invalidity.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 5. Savings Clause.** That nothing in this Ordinance or in the Residential Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed as cited in Section 3 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance. If any suit or proceeding, either administrative or judicial, is pending at the time of the enactment of this Ordinance, the provisions of the repealed Ordinance shall apply to all actions taken on or before the date of the enactment of this Ordinance, and the newly enacted Ordinance shall apply to all actions taken in such cause or proceeding after the date of the enactment of this Ordinance.

**Section 6. Date of Effect.** That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and adoption.

**PASSED** by the Council of the City of Marshall, Missouri, this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
President

**APPROVED** by the Mayor this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor

**FILED** this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
City Clerk

TABLE R301.2(1)  
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY <sup>f</sup>	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP <sup>g</sup>	ICE BARRIER UNDERLAYMENT REQUIRED <sup>h</sup>	FLOOD HAZARDS <sup>g</sup>	AIR FREEZING INDEX <sup>i</sup>	MEAN ANNUAL TEMP <sup>j</sup>
	Speed <sup>d</sup> (mph)	Topographic effects <sup>k</sup>	Special wind region <sup>l</sup>	Wind-borne debris zone <sup>m</sup>		Weathering <sup>a</sup>	Frost line depth <sup>b</sup>	Termite <sup>c</sup>					
20	90	NO	NO	NO	A	SEV.	30"	Mod. Sev.	5 * F	N/A	1/16/13	1000	55 * F

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

- a. Weathering may require a higher strength concrete or *grade* of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index, "negligible," "moderate" or "severe" for concrete as determined from Figure R301.2(3). The *grade* of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.
- b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The *jurisdiction* shall fill in the frost line depth column with the minimum depth of footing below finish *grade*.
- c. The *jurisdiction* shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- d. The *jurisdiction* shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)A]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. The outdoor design dry-bulb temperature shall be selected from the columns of 97<sup>1/2</sup>-percent values for winter from Appendix D of the *International Plumbing Code*. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the *building official*.
- f. The *jurisdiction* shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
- g. The *jurisdiction* shall fill in this part of the table with (a) the date of the *jurisdiction's* entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of the currently effective FIRMs and FBFMs or other flood hazard map adopted by the authority having *jurisdiction*, as amended.
- h. In accordance with Sections R905.1.2, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the *jurisdiction* shall fill in this part of the table with "YES." Otherwise, the *jurisdiction* shall fill in this part of the table with "NO."
- i. The *jurisdiction* shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99 percent) value on the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)."
- j. The *jurisdiction* shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)."
- k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the *jurisdiction* shall fill in this part of the table with "YES." Otherwise, the *jurisdiction* shall indicate "NO" in this part of the table.
- l. In accordance with Figure R301.2(4)A, where there is local historical data documenting unusual wind conditions, the *jurisdiction* shall fill in this part of the table with "YES" and identify any specific requirements. Otherwise, the *jurisdiction* shall indicate "NO" in this part of the table.
- m. In accordance with Section R301.2.1.2.1, the *jurisdiction* shall indicate the wind-borne debris wind zone(s). Otherwise, the *jurisdiction* shall indicate "NO" in this part of the table.

(Attachment A)

BUILDING PLANNING

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF MARSHALL, MISSOURI ADOPTING THE 2020 EDITION OF THE NATIONAL ELECTRICAL CODE, REGULATING AND GOVERNING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF ELECTRICAL SYSTEMS IN THE CITY OF MARSHALL, MISSOURI; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ORDINANCE NO. 8243 AND ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH.**

**BE IT ORDAINED** by the Council of the City of Marshall, Missouri, as follows:

**Section 1. Adoption of Electrical Code.** That a certain document, one (1) digital copy of which is on file in the office of the Clerk of the City of Marshall, being marked and designated as the *National Electrical Code*, 2020 edition, as published by the National Electrical Code Committee, be and is hereby adopted as the Electrical Code of the City of Marshall, Missouri, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use, testing or maintenance of electrical systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Electrical Code on file in the office of the Clerk of the City of Marshall, Missouri are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any prescribe in this Ordinance.

**Section 2. Additions, Insertions and Changes.** That the sections of the Electrical Code are hereby revised: that all references in said Code to the “authority having jurisdiction” shall mean the City of Marshall, Missouri.

**Section 3. Inconsistent Ordinances Repealed.** That Ordinance No. 8234 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 4. Appeal from Decision of Building Official.** That all appeals from the decisions of the Building Official concerning the application, interpretation or implementation of the *National Electric Code*, 2020 edition, shall be taken to the City of Marshall Board of Building Code Enforcement. Appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this Code shall be heard by the City of Marshall Board of Building Code Enforcement, as established, adopted and amended from time to time by the City of Marshall, Missouri. The Board of Building Code Enforcement shall follow the practices and procedures established for the Board of Building Code Enforcement.

**Section 5. Partial Invalidity.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of

the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 6. Savings Clause.** That nothing in this Ordinance or in the Electrical Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed as cited in Section 3 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance. If any suit or proceeding, either administrative or judicial, is pending at the time of the enactment of this Ordinance, the provisions of the repealed Ordinance shall apply to all actions taken on or before the date of the enactment of this Ordinance, and the newly enacted Ordinance shall apply to all actions taken in such cause or proceeding after the date of the enactment of this Ordinance.

**Section 7. Date of Effect.** That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and adoption.

**PASSED** by the Council of the City of Marshall, Missouri, this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
President

**APPROVED** by the Mayor this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor

**FILED** this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
City Clerk

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF MARSHALL, MISSOURI, TO EXECUTE A CONTRACT BETWEEN THE CITY OF MARSHALL AND JD KEHRMAN EXTENDING HIS EMPLOYMENT AS THE CITY ADMINISTRATOR OF THE CITY OF MARSHALL.**

**BE IT ORDAINED** by the Council of the City of Marshall, Missouri, as follows:

**Section 1.** That the Mayor of the City of Marshall, Missouri, is hereby authorized to execute on behalf of said City a contract with JD Kehrman, setting forth the terms and conditions of his continued employment as the City Administrator of the City of Marshall.

**Section 2.** That this Ordinance shall be in full force and effect upon final passage and approval.

**PASSED** by the Council of the City of Marshall, Missouri, this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
President

**APPROVED** by the Mayor this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor

**FILED** this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
City Clerk



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE GRANTING THE EMPIRE DISTRICT GAS COMPANY D/B/A LIBERTY, ITS SUCCESSORS AND ASSIGNS, A NATURAL GAS FRANCHISE AND THE AUTHORITY TO CONSTRUCT, OPERATE, MAINTAIN, AND EXTEND A NATURAL GAS DISTRIBUTION PLANT AND SYSTEM, AND GRANTING THE RIGHT TO USE THE STREETS, ALLEYS, AND OTHER PUBLIC PLACES WITHIN THE PRESENT OR FUTURE CORPORATE LIMITS OF MARSHALL, MISSOURI.**

**BE IT ORDAINED** by the Council of the City of Marshall, Missouri, as follows:

**Section 1. Franchise Granted.** The City of Marshall, Missouri (hereinafter referred to as “Grantor” or “City”) hereby grants a nonexclusive franchise to The Empire District Gas Company d/b/a Liberty (hereinafter referred to as “Grantee”), its lessees, successors, and assigns. Grantee is hereby granted the right, privilege, franchise, permission and authority to lay, construct, install, maintain, operate and extend in, along, over or across the present and future streets, alleys, avenues, bridges, public rights-of-way and public places as are now within the present or future limits of said Grantor, a natural gas distribution system and all facilities necessary for the purpose of supplying natural gas or processed gas for all purposes to the inhabitants of said Grantor and consumers in the vicinity thereof, and for the distribution of natural gas from or through said Grantor to points beyond the limits thereof. Such facilities shall include, but not be limited to, all mains, services, pipes, conduits and appliances necessary or convenient for transmitting, transporting, distributing and supplying natural gas for all purposes for which it may be used, and to do all other things necessary and proper in providing natural gas service to the inhabitants of Grantor and in carrying on such business.

**Section 2. Term.** The rights and privileges granted by this Ordinance shall remain in effect for a period of twenty (20) years from the effective date of this Ordinance.

**Section 3. Governing Rules and Regulations.** This Ordinance is granted subject to all conditions, limitations and immunities now provided for, or as hereafter amended, and applicable to the operations of a public utility, by state or federal law. The rates to be charged by Grantee for service within the present or future corporate limits of Grantor and the rules and regulations regarding the character, quality and standards of service to be furnished by Grantee shall be under the jurisdiction and control of such regulatory body or bodies as may, from time to time, be vested by law with authority and jurisdiction over the rates, regulations and quality and standards of service to be supplied by Grantee (currently, the Missouri Public Service Commission (“Commission”)). Provided however, should any judicial, regulatory or legislative body, having proper jurisdiction, take any action that precludes Grantee from recovering from its customers any cost associated with services provided hereunder, then Grantee and Grantor shall renegotiate the terms of this Ordinance in accordance with the action taken, so as to allow Grantee to be made whole economically. In determining the rights and duties of the Grantee, the terms of this franchise Ordinance shall take precedence over any conflicting terms or requirements contained in any other Ordinance enacted by the Grantor.

If an energy supplier is unable to furnish an adequate supply of energy due to an emergency, an order or decision of a public regulatory body, or other acts beyond the control of the Grantee, then the Grantee shall have the right and authority to adopt reasonable rules and regulations limiting, curtailing or allocating extensions of service or supply of energy to any customers or prospective customers, and withholding the supply of energy to new customers, provided that such rules and regulations shall be uniform as applied to each class of customers or prospective customers, and shall be non-discriminatory as between communities receiving service from the Grantee.

**Section 4. Construction and Maintenance of Company Facilities.** Any pavements, sidewalks or curbing taken up and any and all excavations made shall be done in such a manner as to cause only such inconvenience to the inhabitants of Grantor and to the general public as is reasonably necessary; and repairs and replacements shall be made promptly by Grantee, leaving such properties in as good as condition as existed immediately prior to excavation.

Grantee agrees that for the term of this grant, it will use its best efforts to maintain facilities and equipment sufficient to meet the current and future energy requirements of Grantor, its inhabitants and industries. While maintaining its facilities and equipment, Grantee shall obtain permits as required by ordinance, except that in emergency situations, Grantee shall take immediate unilateral actions as it determines are necessary to protect the public health, safety, and welfare; in which case, Grantee shall notify Grantor as soon as reasonably possible.

Grantor will give Grantee reasonable notice of plans for street improvements where paving or resurfacing of a permanent nature is involved that affect Grantee's facilities. The notice shall contain the nature and character of the improvements, the rights-of-way upon which the improvements are to be made, the extent of the improvements and the time when the Grantor will start the work, and, if more than one right-of-way is involved, the order in which this work is to proceed. The notice shall be given to the Grantee a sufficient length of time, considering reasonable working conditions, in advance of the actual commencement of the work to permit the Grantee to make any additions, alterations, or repairs to its facilities.

**Section 5. Extension of Company Facilities.** Upon receipt and acceptance of a valid application for service, Grantee shall, subject to its own economic feasibility criteria, make reasonable extensions of its distribution facilities to serve customers located within the current or future corporate limits of Grantor.

**Section 6. Relocation of Company Facilities.** If Grantor elects to change the grade of or otherwise alter any street, alley, avenue, bridge, public right-of-way or public place for a public purpose, Grantee, upon reasonable notice from Grantor, shall remove and relocate its facilities or equipment situated in the public rights-of-way, if such removal is necessary to prevent interference and not merely for the convenience of the Grantor, at the cost and expense of Grantee. If Grantor orders or requests Grantee to relocate its facilities or equipment for the primary benefit of a commercial or private project, or as a result of the initial request of a commercial or private developer or other non-public entity, and such removal is necessary to prevent interference and not merely for the convenience of the Grantor or other right-of-way user, Grantee shall receive payment for the cost of such relocation as a precondition to relocating its facilities or equipment. Grantor shall consider reasonable alternatives in designing its public works projects so as not

arbitrarily to cause Grantee unreasonable additional expense in exercising its authority under this section. Grantor shall also provide a reasonable alternative location for Grantee's facilities. Grantor shall give Grantee written notice of vacating of a public right-of-way. Vacating of a public right-of-way shall not deprive the Grantee of its right to operate and maintain existing facilities, until the reasonable cost of relocating the same are first paid to the Grantee.

Any person or corporation desiring to move a building or other structure along, or to make any unusual use of any street, alley, avenue, bridge, public right-of-way or public place which shall interfere with the facilities or equipment of the Grantee, shall first give notice to the Grantor and the Grantee and pay a sum sufficient to cover the expense and damage incident to the moving of Grantee's facilities and equipment.

**Section 7. Confidential Information.** Grantor acknowledges that certain information it might request pursuant to this franchise may be of a proprietary and confidential nature. If Grantee requests that any information provided by Grantee to Grantor be kept confidential due to such proprietary or commercial value, Grantor and its employees, agents, and representatives shall maintain the confidentiality of that information, to the extent allowed by law. If Grantor is requested or required by legal or administrative process to disclose any such confidential information, Grantor shall promptly notify Grantee of such request or requirement so that Grantee may seek an appropriate protective order or other relief. Grantor shall use all reasonable efforts to ensure that the confidentiality of Grantee's confidential information is maintained.

**Section 8. Compensation and Consideration.** In consideration for the granting and exercise of the rights and privileges created hereunder, and in further consideration of the grant to the Franchisee of the right to make use of Public Right-of-Way, Grantee shall pay to the Grantor, during the entire life of the franchise, a sum equal to five percent (5%) of its Revenues. The fee prescribed herein shall be paid to the Grantor monthly, and the Grantee shall furnish to the Grantor a statement of Grantee's Revenues.

"Revenues" refer to and are those amounts of money which the Grantee receives from its customers within the Grantor's geographical limits or boundaries for the retail sale of gas under rates, temporary or permanent, authorized by the Commission and represents amounts billed under such rates as adjusted for refunds, the net write-off of uncollectible accounts, corrections or other regulatory adjustments. Revenues do not include any revenue derived from service supplied to the City or miscellaneous service charges, including but not limited to turn-ons, meter sets, non-sufficient funds, late fees and interest, which are related to but are not a part of the actual retail sale of gas.

Grantee may add a line-item surcharge to the monthly bills of each of its customers located within the geographical boundaries or limits of Grantor, which surcharge may be designated as a franchise fee, in an amount that is sufficient to recover the portion of the franchise fee paid by the Grantee to the Grantor that is attributable to the Revenue derived by Grantee from such customer.

The franchise fee provided herein, together with any charges of the Grantor for services provided by the Grantor to Grantee, and any applicable occupational license fees or sales, ad valorem or other taxes payable to the Grantor by the Grantee under applicable law, shall constitute the only

amounts for which Grantee shall be obligated to pay to the Grantor and shall be in lieu of any and all other costs, levies, assessments, fees or other amounts, of any kind whatsoever, that the Grantor, currently or in the future, may charge Grantee or assess against Grantee's property. The franchise fee herein contemplated shall be uniformly and equally applied to all natural gas and electric utilities, of like services or any other natural gas service that compete with the Grantee, such that Grantee will be excused from collecting and paying franchise fees and/or taxes if Grantee's competitors are not also required to do so.

The Grantor, through its duly authorized representative and at all times reasonable, shall have access to, and the right to inspect Grantee's books and records that are necessary to confirm the accuracy of the amount of the franchise fee being paid to the City.

**Section 9. Service to New Areas.** If during the term of this franchise the boundaries of the Grantor are expanded, the Grantor will promptly notify Grantee in writing of any geographic areas annexed by the Grantor during the term hereof ("Annexation Notice"). Any such Annexation Notice shall be sent to Grantee by certified mail, return receipt requested, and shall contain the effective date of the annexation, maps showing the annexed area and such other information as Grantee may reasonably require in ascertaining whether there exist any customers of Grantee receiving natural gas service in said annexed area. To the extent there are such customers therein, then the revenue of Grantee derived from the retail sale of natural gas to such customers shall become subject to the franchise fee provisions hereof effective on the first day of Grantee's billing cycle immediately following Franchisee's receipt of the Annexation Notice. The failure by the Grantor to advise Grantee in writing through proper Annexation Notice of any geographic areas which are annexed by the Grantor shall relieve Grantee from any obligation to remit any franchise fees to Grantor based upon revenues derived by Grantee from the retail sale of natural gas to customers within the annexed area prior to Grantor delivering an Annexation Notice to Grantee in accordance with the terms hereof.

**Section 10. Force Majeure.** It shall not be a breach or default under this franchise if either party fails to perform its obligations hereunder due to Force Majeure. Force Majeure shall include, but not be limited to, the following: 1) physical events such as acts of God, landslides, lightning, earthquakes, fires, freezing, storms, floods, washouts, explosions, breakage or accident or necessity of repairs to machinery, equipment or distribution or transmission lines; 2) acts of others such as strikes, work-force stoppages, riots, sabotage, insurrections or wars; 3) governmental actions such as necessity for compliance with any court order, law, statute, ordinance, executive order, or regulation promulgated by a governmental authority having jurisdiction; and any other causes, whether of the kind herein enumerated or otherwise not reasonably within the control of the affected party to prevent or overcome. Each party shall make reasonable efforts to avoid Force Majeure and to resolve such event as promptly as reasonably possible once it occurs in order to resume performance; provided, however, that this provision shall not obligate a party to settle any labor strike.

**Section 11. Hold Harmless.** Grantee, during the term of this Ordinance, agrees to save harmless Grantor from and against all claims, demands, losses and expenses arising directly out of the negligence of Grantee, its employees or agents, in the constructing, operating, and maintaining of distribution and transmission facilities or appliances of Grantee; provided, however, that

Grantee need not save harmless Grantor from claims, demands, losses and expenses arising out of the negligence of Grantor, its employees or agents.

**Section 12. Severability.** If any clause, sentence or section of this Ordinance is deemed invalid by any judicial, regulatory or legislative body having proper jurisdiction, the remaining provisions shall not be affected.

**Section 13. Non-waiver.** Any waiver of any obligation or default under this franchise shall not be construed as a waiver of any future defaults, whether of like or different character.

**Section 14. Repeal of Conflicting Ordinances.** This ordinance, when accepted by Grantee as provided below, shall constitute the entire agreement between the Grantor and the Grantee relating to this franchise and the same shall supersede all prior ordinances pertaining to this franchise agreement, and any terms and conditions of such prior ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 15. Effective and Interpretation of Ordinance.** The captions which precede each section of this ordinance are for convenience in reference only and shall not be taken into consideration in the interpretation of any of the provisions of this ordinance.

**Section 16. Acceptance.** This Ordinance shall be a binding contract between the Grantor and Grantee, thirty-one days after its final passage and approval by Grantor if no petition is filed pursuant to Section 88.251, RSMo., or if a petition is filed under Section 88.251, RSMo., in proper form with the City Clerk, upon the approval by voters of the franchise or contract in accordance with applicable laws and regulations. This Ordinance shall further not be binding upon Grantee unless Grantee accepts the terms of this Ordinance by written instrument within sixty (60) days of passage by the governing body, and filed with the City Clerk of the City of Marshall, Missouri. The City Clerk shall sign and affix the community seal to acknowledge receipt of such acceptance, and return one copy to Grantee. If Grantee does not, within sixty (60) days following passage of this Ordinance express in writing its objections to any terms or provisions contained therein, or reject this ordinance in its entirety, Grantee shall be deemed to have accepted this ordinance and all of its terms and conditions.

**Section 17. Effective Date.** This Ordinance renews the non-exclusive franchise granted to Grantee by City on or about May 19, 2003, pursuant to City of Marshall Ordinance No. 7459, and shall become effective the earliest date upon which one of the following events occurs: the bill approving the franchise or contract is signed by the Mayor or person exercising the duties of the Mayor's office; the City Council overrides the Mayor's veto; or the conclusion of the next meeting of the City Council when the Mayor has neither signed nor vetoed the bill.

**Section 18. Notices.** Any notices required to be given hereunder shall be sent to the following:

If to Grantee: The Empire District Gas Company  
Attn: Matt Huber  
602 Joplin Ave.

Joplin, Missouri 64801

If to Grantor: City Clerk  
214 Lafayette  
Marshall, Missouri 65340

**PASSED** by the Council of the City of Marshall, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
President

**APPROVED** by the Mayor \_\_\_ this day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor

**FILED** this \_\_\_\_\_ day of day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
City Clerk

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE MAKING THE APPROPRIATION FOR THE PAYMENT OF ACCOUNTS OUT OF THE DIFFERENT CITY FUNDS.

BE IT ORDAINED by the Council of the City of Marshall, Missouri, as follows:

SECTION I. There is hereby appropriated out of the different funds as follows:

GENERAL FUND	\$ 289,113.46
SANITATION FUND	145,201.98
LIBRARY FUND	7,308.31
BAND FUND	732.97
PARK FUND	33,502.21
CITY OFFICE/REVITALIZATION	1,027.00
STREET FUND	60,828.55
AIRPORT OPERATING FUND	6,106.93
TOURISM	4,030.00
MARTIN COMMUNITY CENTER	2,398.21
HAB CENTER FUND	22,954.59
PARK CAPITAL IMPROVEMENT	13,200.00
SOUTH ODELL SEWER	
AMERICAN RESCUE PLAN	
WATER OPERATING FUND	\$ 129,447.96
ELECTRIC OPERATING FUND	1,613,354.22
SEWER REVENUE FUND	141,537.13
INTERNET OPERATING FUND	76,784.17
NATURAL GAS OPERATING FUND	2,512.40
ELECTRIC CONSUMER DEPOSIT FUND	-
SEWER EQUIPMENT FUND	-
WATER SEGREGATED	-

SECTION II. The City Clerk is hereby instructed to make out warrants in favor of the respective parties set out in the hereto attached lists and when said warrants are properly signed to deliver them to the proper parties.

PASSED by the City Council of the City of Marshall, Missouri, this 6TH day of MARCH, 2023.

\_\_\_\_\_  
President of the City Council

APPROVED by the Mayor of the City of Marshall, Missouri, this 6TH day of MARCH, 2023.

\_\_\_\_\_  
Mayor

FILED this 6TH day of MARCH, 2023.

\_\_\_\_\_  
City Clerk