

CODE OF ORDINANCES
CITY OF
CLINTON, MISSOURI

Published in 2019 by Order of the City Council



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PREFACE

This Code constitutes a recodification of the general and permanent ordinances of the City of Clinton, Missouri.

Source materials used in the preparation of the Code were the 1984 Code, as supplemented through May 18, 2010, and ordinances subsequently adopted by the city council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 1984 Code, as supplemented, and any subsequent ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

CHARTER	CHT:1
RELATED LAWS	RL:1
SPECIAL ACTS	SA:1
CHARTER COMPARATIVE TABLE	CHTCT:1
RELATED LAWS COMPARATIVE TABLE	RLCT:1
SPECIAL ACTS COMPARATIVE TABLE	SACT:1
CODE	CD1:1
CODE APPENDIX	CDA:1
CODE COMPARATIVE TABLES	CCT:1
STATE LAW REFERENCE TABLE	SLT:1
CHARTER INDEX	CHTi:1
CODE INDEX	CDi:1

Index

The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the index itself that stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this

system, the publication will be kept up to date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up to date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of Sandra S. Fox, Senior Code Attorney, and Jean B. Lindsay, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Christina A. Maggi, City Administrator, and Douglas B. Harris, City Attorney, for their cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the city readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the city's affairs.

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CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

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- Sec. 1-2. Definitions and rules of construction.
- Sec. 1-3. Headings.
- Sec. 1-4. History notes and references.
- Sec. 1-5. Provisions considered as continuations of existing ordinances.
- Sec. 1-6. Certain ordinances not affected by Code.
- Sec. 1-7. Enactment of ordinances.
- Sec. 1-8. Repeal of ordinance not to affect liabilities, etc.
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- Sec. 1-10. Supplementation of Code.
- Sec. 1-11. Altering Code.
- Sec. 1-12. Severability.
- Sec. 1-13. General penalty.

Sec. 1-1. How Code designated and cited.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated the "Code of Ordinances, City of Clinton, Missouri," and may be so cited. Such ordinances may also be cited as "Clinton City Code." (Code 1975, § 700.040; Code 1984, § 1-1)

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code and of all other ordinances of the city, the following definitions and rules of construction shall be observed, unless it shall be otherwise expressly provided in any section or ordinance, or unless inconsistent with the manifest intent of the city council, or unless the context clearly requires otherwise:

City. The term "the city" or "this city" means the City of Clinton, Missouri.

City council. The term "city council" or "the council" means the city council of Clinton, Missouri.

Code. The term "Code" means the City of Clinton, Missouri's Code as designated as the "Code of Ordinances, City of Clinton, Missouri," in section 1-1.

Computation of time. The time within which an act is to be done shall be computed by excluding the first day and including the last. If the last day is Sunday, or a lawful holiday on which city offices are closed, it shall be excluded.

County. The term "the county" or "this county" means the County of Henry, State of Missouri.

Fee schedule. The term "fee schedule" means the official consolidated list of city fees and other charges included in the Code that lists rates for utility or other public enterprises, fees of any nature, deposit amounts and various charges as determined from time to time by the city council.

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

Joint authority. Words importing joint authority to three or more persons shall be construed as authority to a majority of such persons.

Keeper and proprietor. The terms "keeper" and "proprietor" mean and include persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or through a servant, agent or employee.

Liberal construction of Code. All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the city council may be fully carried out.

May. The term "may" is permissive.

Mayor. The term "the mayor" or "mayor" means the mayor of the City of Clinton, Missouri.

Mayor and council. The term "mayor and council" or "mayor and city council" means the mayor and city council of the City of Clinton, Missouri.

Month. The term "month" means a calendar month.

Municipal court. The term "municipal court" means the Circuit Court of Henry County, Missouri, municipal division for the city.

Number. When any subject matter, party or person is described or referred to by words importing the singular number, the plural and separate matters and persons and bodies corporate shall be deemed to be included.

Oath, swear, sworn, affirm, affirmed. The term "oath" means and includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

Officers, departments, boards, commissions and other agencies. The mention of any officer, department, board, commission or other agency shall be construed as if followed by "of the City of Clinton."

Owner. The term "owner," as applied to a building or land, means and includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land, or any party holding a possessory interest in such building or land.

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

Preceding, following. The terms "preceding" and "following" mean next before and next after, respectively.

Property. The term "property" means and includes real and tangible and intangible personal property.

Public way. The term "public way" means and includes any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare.

Real property, premises, real estate, lands. The term "real property," "premises," "real estate" or "lands" shall be deemed to be co-extensive with lands, tenements and hereditaments.

RSMo. The abbreviation "RSMo" means the latest edition of the Revised Statutes of Missouri, as amended from time to time.

Shall. The term "shall" is mandatory.

Sidewalk. The term "sidewalk" means that portion of the street between the curblin and the adjacent property line which is intended for the use of pedestrians.

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

State. The term "the state" or "this state" means the State of Missouri.

Street. The term "street" means and includes any public way, highway, street, avenue, boulevard, parkway, alley or other public thoroughfare, and each of such words shall include all of them.

Tangible personal property. The term "tangible personal property" means and includes goods, chattels and all personal property, except intangible personal property.

Tenant, occupant. The term "tenant" or "occupant," applied to a building or land, means and includes any person who occupies the whole or a part of such building or land, whether alone or with others.

Tense. Words used in the past or present tense include the future, as well as the past and present.

Writing, written. The terms "writing" and "written" mean and include printing, lithographing or any other mode of representing words and letters.

Year. The term "year" means a calendar year, unless otherwise expressed, and the term "year" shall be equivalent to the terms "year of our Lord."
(Code 1975, § 700.010; Code 1984, § 1-2)

Sec. 1-3. Headings.

The headings of chapters, articles, divisions and sections are intended merely as guides and not as parts of this Code for purposes of interpretation or construction.
(Code 1975, § 700.030; Code 1984, § 1-3)

Sec. 1-4. History notes and references.

All history notes and references throughout this Code are for the benefit of the user of the Code and shall have no legal effect.
(Code 1984, § 1-4)

Sec. 1-5. Provisions considered as continuations of existing ordinances.

The provisions appearing in this Code, so far as they are the same in substance as those of ordinances existing at the time of the adoption of this Code, shall be considered as continuations thereof and not as new enactments.

(Code 1984, § 1-5)

Sec. 1-6. Certain ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance, when not inconsistent with this Code:

- (1) Promising or guaranteeing the payment of money for the city or authorizing the issue of any bonds of the city or any evidence of the city's indebtedness or any contract or obligation assumed by the city;
- (2) Levying annual taxes;
- (3) Conferring any right or franchise;
- (4) Adopted for purposes which have been consummated;
- (5) Which is temporary, although general in effect, or special, although permanent in effect;
- (6) Pertaining to the compensation or employment of any city officer or employee or pertaining to the personnel system;
- (7) Pertaining to any retirement, disability or other pension or benefit, accrued or accruing to any person;
- (8) Annexing or excluding territory to the city or fixing the boundaries thereof;
- (9) Naming, renaming, opening, accepting or vacating streets or alleys in the city;
- (10) Establishing election or other special districts within the city;
- (11) Calling for any election;
- (12) Approving any subdivision plat;
- (13) Accepting dedications or easements or property interests;
- (14) Dealing with the regulation, permitting or zoning of trailers and trailer parks;
- (15) Establishing any speed limit, one-way street, traffic device, signal or marking, any parking regulation, or any limitation placed upon the use of any specific street for vehicles or pedestrians;
- (16) Zoning or rezoning specific property;

and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code. Such ordinances are on file in the city clerk's office.

(Code 1975, § 705.010; Code 1984, § 1-6)

Sec. 1-7. Enactment of ordinances.

(a) All proposed ordinances shall be introduced in writing in the form of a bill.

(b) All bills shall be introduced in public meetings. Except as otherwise provided in RSMo 610 et seq., notice of all meetings shall be given at least 24 hours prior to the commencement of the meeting and shall include time, place, date and tentative agenda of the meeting. Said notice shall be posted on the bulletin board at city hall and copies of the notice shall be made available to representatives of the news media who have made requests to receive notices.

(c) All bills or proposed ordinances shall be read by title only or in full two times prior to passage. If the proposed ordinance is read by title only, copies of the bill or proposed ordinance shall be made available for public inspection prior to the time the bill is under consideration by the council.

(d) The city clerk shall read the bill by title for the first time when the matter is called up on the agenda without further motion. After the first reading, motions to amend, to accept on the first reading, or to place on the table may be entertained. Unless action is taken as described herein, the second reading shall take place at the next regularly called meeting of the council. The two readings of the bill or proposed ordinance may occur in the same meeting if there is a unanimous vote of all councilmembers present to suspend the rules and read the bill a second time. Upon passage of a motion to suspend the rules, the clerk shall read the bill by title the second time without further motion.

(e) At the time the bill is called up on the agenda for a second meeting, the clerk shall read the bill by title for its second time without further motion. After the bill or proposed ordinance has been read a second time, the council may consider a motion to approve the bill, to amend the bill, or to place the bill on the table. A roll-call vote shall be taken of the members elected to the council on any motion to adopt the bill as an ordinance. No bill shall become an ordinance unless a majority of members elected to the council shall vote therefor. The vote (aye, nay, absent/not voting) for each councilmember shall be recorded on the journal of the proceeding of the council.

(f) The mayor shall not vote, except in the case of a tie vote of the full council.

(g) If the bill or proposed ordinance is approved by a majority of the elected council, the officer presiding at the meeting of the council shall sign the bill and have it delivered to the mayor for his approval or veto.

(Code 1984, § 1-6.1; Ord. No. 2881, § 1, 9-6-1988; Ord. No. 2960, §§ 1—7, 4-2-1991; Ord. No. 4020, § 1, 10-15-2019)

Sec. 1-8. Repeal of ordinance not to affect liabilities, etc.

Whenever any ordinance or part of an ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the ordinance repealing or modifying it shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under any ordinance previous to its repeal shall in anywise be affected, released or discharged but may be prosecuted, enjoyed and recovered as fully as if such ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

(Code 1984, § 1-7)

Sec. 1-9. Repeal not to revive former ordinance.

When an ordinance repealing a former ordinance, clause or provision shall itself be repealed, such repeal shall not be construed to revive such former ordinance, clause or provision unless it is expressly so provided and such former ordinance, clause or provision is set forth at length, or unless the new enactment that created the repeal is later invalidated by any lawful act of any entity other than the city council.

(Code 1984, § 1-8)

Sec. 1-10. Supplementation of Code.

(a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the city council. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the city council or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;

- (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;
 - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
 - (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "section _____ to _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
 - (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.
- (Code 1984, § 1-9)

Sec. 1-11. Altering Code.

It shall be unlawful for any person in the city to change or amend, by additions or deletions, any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the city to be misrepresented thereby.

(Code 1984, § 1-10)

State law reference—Tampering with a public record, RSMo 575.110.

Sec. 1-12. Severability.

The sections, subsections, sentences and clauses of this Code are severable and, if any section, subsection, sentence or clause of this Code is declared to be unconstitutional by a court of competent jurisdiction, such unconstitutionality shall have no effect upon any of the remaining sections, subsections, sentences or clauses of this Code.

(Code 1975, § 710.010; Code 1984, § 1-11)

Sec. 1-13. General penalty.

(a) Whenever in this Code or in any ordinance or resolution of the city, any act is prohibited or is made or declared to be unlawful or an offense or infraction, or whenever in such Code, ordinance or resolution the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code, ordinance or resolution shall be punished by a fine not exceeding \$500.00 or by imprisonment not exceeding three months or by both such fine and imprisonment; as may be just for

any offense, recoverable with costs of suit, together with judgment of imprisonment, until the fine and costs are paid and satisfied; and any person committed for the nonpayment of fines and costs, or either, may be compelled to work out the same; provided, however, that in any case wherein the penalty for an offense is fixed by any state law or statute, the same penalty so fixed by state law or statute shall be imposed for the punishment of such offense and no other. Imprisonments, when made under this section, may be in the city jail instead of the county jail.

(b) Each day any violation of any provision of this Code or of any such ordinance or resolution shall constitute a separate offense.

(c) In addition to the penalty provided in subsection (a) of this section, any condition caused or permitted to exist in violation of any of the provisions of this Code or any such ordinance or resolution shall be deemed a public nuisance and may be, by the city, abated as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.

(d) The provisions of subsection (a) of this section notwithstanding, any person convicted of a minor traffic violation, as defined by RSMo 479.350, and as the same may be amended, shall be subject only to a fine that, when combined with court costs, does not exceed the amount provided in that section. No confinement will be imposed for a minor traffic violation unless the violation involved:

- (1) Alcohol or controlled substances;
- (2) Actions that endangered the health or welfare of others; or
- (3) Eluding law enforcement or giving false information to a law enforcement officer.

(e) The provisions of subsection (a) of this section notwithstanding any person convicted of an offense related to nuisances, vegetation, zoning or subdivision ordinances, shall be subject only to a fine that, when combined with court costs, does not exceed the amount provided in RSMo 479.350, and as the same may be amended. No confinement will be imposed unless the violation endangered the health or welfare of others.

(Code 1975, § 100.070; Code 1984, § 1-13)

State law reference—Maximum penalty for violations of ordinances, RSMo 77.590.

Chapter 2

ADMINISTRATION

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- Sec. 2-2. Main entrance to city hall designated.
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- Sec. 2-60. City prosecutor duties.
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Article IV. Departments

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Sec. 2-139. Police department manual adopted.

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Sec. 2-193. Created; membership; terms of members; chairperson.

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ADMINISTRATION

- Sec. 2-275. Specifications.
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- Sec. 2-305. Declaration of policy.
- Sec. 2-306. Goals.
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- Sec. 2-308. Reports.

ARTICLE I. IN GENERAL**Sec. 2-1. Form of government.**

On April 19, 1983, the city electorate ratified an ordinance of the city council designating the city a third class city under state law. The city is governed by a mayor and a city council made up of eight councilmembers, two from each of the city's four wards, pursuant to RSMo 77.030. The city functions under a mayor-administrator-council form of governance.

State law reference—Third class cities generally, RSMo ch. 77.

Sec. 2-2. Main entrance to city hall designated.

The city council established that 105 East Ohio Street is the main entrance to city hall.

(Ord. No. 3756, 11-2-2010)

Sec. 2-3. Open and closed meetings.

All meetings, records and votes are open to the public, except the city may close any meeting, record or vote in accordance with RSMo ch. 610. All records which are authorized to be closed pursuant to RSMo 610.021, and as hereafter amended, are hereby declared to be closed.

(Code 1984, § 2-17(1); Ord. No. 2897, §§ 1—8, 12-20-1988; Res. No. 1304, 7-20-2004)

Secs. 2-4—2-24. Reserved.**ARTICLE II. CITY COUNCIL*****Sec. 2-25. Standing committees.**

(a) The following committees shall be appointed by the mayor within the provisions of this section:

- (1) Public works committee;
- (2) Public safety committee;
- (3) Finance committee.

(b) The three committees shall consist of three members each, with the mayor serving as a member of the finance committee. Each committee shall meet and select its own chairperson, who shall be responsible for maintaining a record of the proceedings of each meeting.

***State law references—**Powers and duties of mayor and council generally, RSMo 77.060 et seq.; recall of elected officials, RSMo 77.650 et seq.; regulations governing open, closed meetings, RSMo 610.010 et seq.

(c) Within 30 days after the general election in each year, the mayor shall appoint the standing committees within the provisions of this section.
(Code 1975, § 100.040; Code 1984, § 2-16; Ord. No. 2504, §§ II—IV, 1-6-1976)

Secs. 2-26—2-53. Reserved.

ARTICLE III. OFFICERS*

DIVISION 1. GENERALLY

Sec. 2-54. Personnel manual adopted.

The city council has adopted, and adopts herein by reference, a personnel manual for the city, as amended from time to time, which is on file in the office of the city clerk.

Sec. 2-55. Procedure to disclose conflicts of interest.

(a) *Declaration of policy.* The proper operation of government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the city.

(b) *Conflicts of interest.*

- (1) All elected and appointed officials as well as employees of a political subdivision must comply with RSMo 105.454 on conflicts of interest as well as any other state law governing official conduct.
- (2) Any member of the governing body of a political subdivision who has a substantial or private interest in any measure, bill, order or ordinance proposed or pending before such governing body must disclose that interest to the secretary or clerk of such body and such disclosure shall be recorded in the appropriate journal of the governing body. The term "substantial or private interest" means ownership by the individual, his spouse, or his dependent children, whether singularly or collectively, directly or indirectly of:
 - a. Ten percent or more of any business entity;

***State law references**—Date and term of election of officers, RSMo 77.040; appointment, discharge, regulations concerning other officers, RSMo 77.046; elective officers, generally, RSMo 77.370 et seq.; officer's oath and bond, RSMo 77.390, 77.480; recall of elected officials, RSMo 77.650 et seq.

- b. An interest having a value of \$10,000.00 or more; or
- c. The receipt of a salary, gratuity, or other compensation or remuneration of \$5,000.00 or more, per year, from any individual, partnership, organization, or association within any calendar year.

(c) *Disclosure reports.* Each elected official, candidate for elective office, the chief administrative officer, the chief purchasing officer, and the full-time general counsel shall disclose the following information by May 1, or the appropriate deadline as referenced in RSMo 105.487, if any such transactions occurred during the previous calendar year:

- (1) For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of \$500.00, if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision.
- (2) The date and the identities of the parties to each transaction known to the person with a total value in excess of \$500.00, if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision.
- (3) The chief administrative officer, chief purchasing officer, and candidates for either of these positions also shall disclose by May 1, or the appropriate deadline as referenced in RSMo 105.487, the following information for the previous calendar year:
 - a. The name and address of each of the employers of such person from whom income of \$1,000.00 or more was received during the year covered by the statement;
 - b. The name and address of each sole proprietorship that he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the secretary of state; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corpora-

tion or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests;

- c. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

(d) *Filing of reports.*

- (1) The financial interest statements shall be filed at the following times, but no person is required to file more than one financial interest statement in any calendar year:

- a. Every person required to file a financial interest statement shall file the statement annually not later than May 1 and the statement shall cover the calendar year ending the immediately preceding December 31, provided that any member of the council/board may supplement the financial interest statement to report additional interests acquired after December 31 of the covered year until the date of filing of the financial interest statement.
- b. Each person appointed to office shall file the statement within 30 days of such appointment or employment covering the calendar year ending the previous December 31.
- c. Every candidate required to file a personal financial disclosure statement shall file no later than 14 days after the close of filing at which the candidate seeks nomination or election or nomination by caucus. The time period of this statement shall cover the 12 months prior to the closing date of filing for candidacy.

- (2) Financial disclosure reports giving the financial information required in subsection (c) of this section shall be filed with the local political subdivision and with the state ethics commission. The reports shall be available for public inspection and copying during normal business hours.

(Code 1984, § 2-1; Ord. No. 2972, §§ 1—5, 8-20-1991; Ord. No. 3066, §§ 1—5, 9-7-1993; Ord. No. 3119, §§ 1—5, 8-16-1994; Ord. No. 3683, §§ 1—5, 7-15-2008; Ord. No. 3742, 7-6-2010; Ord. No. 3831, 9-4-2012; Ord. No. 3881, 9-2-2014; Ord. No. 3928, 8-16-2016; Ord. No. 3985, 8-21-2018)

Sec. 2-56. Compensation of elected and appointed officials.

The duly elected and appointed officials of this city shall receive such compensation for their services as is designated from time to time by the city council.

(Code 1975, § 100.060; Code 1984, § 2-31)

State law reference—Compensation of officers and employees, RSMo 77.440.

Sec. 2-57. City attorney.

The mayor, with the consent and approval of a majority of the members elected to the city council, shall appoint an attorney licensed to practice law in the state as city attorney. The city attorney shall serve at the pleasure of the mayor and the city council. The city attorney may be, but is not required to be the same attorney as appointed as city prosecutor. The city attorney may be an individual or a law firm; however if a law firm is appointed, such firm shall designate, to the satisfaction of the mayor and city council, one attorney to be the primary attorney. The city attorney shall be compensated in accordance with a contract for professional services entered into in accordance with article VI, division 2 of this chapter. (Ord. No. 3962, § 4, 7-18-2017)

Sec. 2-58. City attorney duties.

(a) It shall be the duty of the city attorney to prosecute and defend all actions originating or pending in any court in this state to which the city is a party, or in which the interests of the city are involved. The city attorney shall also perform all general legal services required on behalf of the city.

(b) When the city attorney shall deem it proper to take an appeal or to take any legal action in any case to which the city is a part or in which its interests are involved, he shall for that purpose for and on behalf of the city, make the necessary affidavits and execute all necessary papers. He shall report to the mayor the action in each case, which shall be laid before the council at the next regular meeting thereafter.

(c) It shall be the duty of the city attorney to attend all meetings of the city council unless excused by the mayor.

(d) It shall be the duty of the city attorney to report to the city council any legal defects in city ordinances, and to give a written legal opinion upon any and all matters submitted to him by the council upon matters pertaining to the city or the enforcement of its ordinances. (Ord. No. 3962, § 5, 7-18-2017)

Sec. 2-59. City prosecutor.

The mayor, with the consent and approval of a majority of the members elected to the city council, shall appoint an attorney licensed to practice law in the state as city prosecutor. The city prosecutor shall serve at the pleasure of the mayor and the city council. The city prosecutor may be, but is not required to be, the same attorney as appointed as city attorney. The city prosecutor may be an individual or a law firm; however if a law firm is appointed, such firm shall designate one attorney, to the

satisfaction of the mayor and city council, to be the primary attorney. The city prosecutor shall be compensated in accordance with a contract for professional services entered into in accordance with article VI, division 2, of this chapter.

(Ord. No. 3962, § 7, 7-18-2017)

Sec. 2-60. City prosecutor duties.

The city prosecutor shall prosecute all persons charged with violating ordinances of the city; and, to that end, he shall attend the circuit court, municipal division, and prosecute all complaints and information that may be brought by the city therein; he shall also handle all appeals in which the city is a party arising from the circuit court, municipal division. The city prosecutor shall perform such other duties as prescribed by state law.

(Ord. No. 3962, § 8, 7-18-2017)

Sec. 2-61. Outside attorneys employed; when; how.

In any suit or action at law or in equity brought by or against the city, except in prosecutions for violations of municipal ordinances, or for assistance with voluminous or complex legal matters affecting the city, the city council may, by resolution, employ an attorney, other than the city attorney, and pay him a reasonable fee for those services.

(Ord. No. 3962, § 10, 7-18-2017)

Sec. 2-62. Police chief.

The chief of police shall be responsible for the peace, preservation of good order within the city. He shall also be responsible for the enforcement of the city ordinances and the general supervision and direction of the police department. In the discharge of his duties, he shall be subject to the orders of the mayor only.

(Code 1975, § 200.010; Code 1984, § 2-91)

State law reference—Similar provisions, RSMo 85.561(2).

Secs. 2-63—2-82. Reserved.

DIVISION 2. CITY ADMINISTRATOR*

Sec. 2-83. Office created.

There is hereby created and established the office of city administrator.

(Code 1984, § 2-41; Ord. No. 2496, § 1, 11-4-1975)

***State law reference**—Employment of city administrator authorized, RSMo 77.042.

Sec. 2-84. Appointment and tenure.

A qualified person shall be appointed city administrator by the mayor, with the approval of a majority of the city council. The person so appointed shall serve for an indefinite term.

(Code 1984, § 2-42; Ord. No. 2496, § 2, 11-4-1975)

Sec. 2-85. Qualifications.

The person appointed to the office of city administrator shall be a resident of the county at the time of the effective date of such appointment. He shall be a graduate of an accredited university or college, having majored in public or municipal administration or shall have the equivalent qualifications and experience in the financial, administration and/or public relations fields.

(Code 1984, § 2-43; Ord. No. 2496, § 3, 11-4-1975)

Sec. 2-86. Bond.

The city administrator, before entering upon the duties of his office, shall file with the city a bond in the amount of \$50,000.00. This bond shall be approved by the city council and it shall insure the city for the faithful and honest performance of the duties of the city administrator and for rendering a full and proper account to the city for funds and property which shall come into the possession or control of the city administrator. The cost of such bond shall be paid by the city; however, should the city administrator be covered by a blanket bond to the same extent, the individual bond shall not be required.

(Code 1984, § 2-44; Ord. No. 2496, § 4, 11-4-1975)

Sec. 2-87. Compensation.

The city administrator shall receive such compensation as may be determined from time to time by the city council and such compensation shall be payable bi-weekly.

(Code 1984, § 2-45; Ord. No. 2496, §§ 5, 6, 11-4-1975)

Sec. 2-88. Removal.

The city administrator shall serve at the pleasure of the mayor and city council. The mayor, with the consent of a majority of the whole city council, may remove the city administrator from office at will. The city administrator may also be removed by a three-fourths vote of the whole city council independently of the mayor's approval or disapproval. If requested, the mayor and city council shall grant the city administrator a public hearing within 30 days following notice of his removal. During the interim, the mayor, with the approval of a majority of the whole city council, or by a three-fourths vote of the city council without the mayor's approval, may suspend the city administrator from duty, but shall continue to pay his salary.

If after the hearing removal becomes final, the city administrator shall continue to receive his salary for two calendar months following the final removal date; provided, however, if the city administrator shall be removed for acts of dishonesty or acts of moral turpitude, such salary shall not be continued.

(Code 1984, § 2-46; Ord. No. 2496, § 6, 11-4-1975)

Sec. 2-89. Duties.

The duties of the city administrator shall be as follows:

- (1) *Administrative officer.* The city administrator shall be the chief administrative assistant to the mayor and as such shall be the administrative officer of the city government. Except as otherwise specified by ordinance or by the law of the state, the city administrator shall coordinate and generally supervise the operation of all departments of the city.
- (2) *Purchasing.* The city administrator shall be the purchasing agent for the city. All purchases amounting to less than \$5,000.00 shall be made under his direction and supervision, and all such purchases shall be made in accordance with purchasing rules and procedures approved by the city council.
- (3) *Budget.* The city administrator shall be the budget officer of the city and shall assemble estimates of the financial needs and resources of the city for each ensuing year. He shall prepare a program of activities within the financial power of the city, embodying therein a budget document with proper supporting schedules and an analysis to be proposed to the mayor and city council for their final approval.
- (4) *Financial reports.* The city administrator shall make monthly reports to the mayor and city council relative to the financial condition of the city. Such reports shall show the financial condition of the city in relation to the budget.
- (5) *Annual report.* The city administrator shall prepare and present to the mayor and city council an annual report of the city's affairs, including therein a summary of reports from department heads, and submit such other reports as the mayor and city council may require.
- (6) *Policy formulation.* The city administrator shall recommend to the mayor and city council adoption of such measures as he may deem necessary or expedient for the health, safety or welfare of the city or for improving the administrative services for the city.
- (7) *City council agenda.* The city administrator shall submit to the mayor and city council a proposed agenda for each city council meeting at least 48 hours before the time of any regular council meeting.
- (8) *Boards and committees.* The city administrator shall work with all city boards and committees to help coordinate their work.

- (9) *Attend city council meetings.* The city administrator shall attend all meetings of the city council.
 - (10) *Bid specifications.* The city administrator shall supervise the preparation of all bid specifications for services and equipment, and receive sealed bids for presentation to the city council.
 - (11) *State and federal aid programs.* The city administrator shall coordinate federal and state programs which may have application to the city.
 - (12) *Conference attendance.* The city administrator shall attend state and regional conferences and programs applicable to his office and the business of the city, whenever such attendance is directed and approved by the city council and mayor.
 - (13) *Press releases.* The city administrator shall be responsible for keeping the public informed as to the purposes and methods of city government through all available news media.
 - (14) *Recordkeeping.* The city administrator shall keep full and accurate records of all actions taken by him in the course of his duties. He shall safely and properly keep all records and papers belonging to the city and entrusted to his care. All such records shall be and remain the property of the city and be open to inspection by the mayor and city council at all times.
 - (15) *Miscellaneous.* In addition to the foregoing duties, the city administrator shall perform any and all other duties or functions prescribed by the mayor and city council.
- (Code 1984, § 2-47; Ord. No. 2496, § 7, 11-4-1975)

Sec. 2-90. Powers.

The city administrator shall have powers as follows:

- (1) *City property.* The city administrator shall have responsibility for all real and personal property of the city. He shall have responsibility for all inventories of such property and for the upkeep of all such property. Personal property may be sold by the city administrator only with approval of the city council. Real property may be sold only with the approval of the city council by resolution or ordinance.
- (2) *Recommend administrative policies.* The city administrator shall have the power to recommend to the city council such rules and regulations as he shall deem necessary or expedient for the conduct of the administrative agencies of the city.
- (3) *Coordinate departments.* The city administrator shall have the power to coordinate the work of all the departments of the city, and at times of an

emergency shall have authority to assign the employees of the city to any department where they are needed for the most effective discharge of the functions of city government.

- (4) *Investigate and report.* The city administrator shall have the power to investigate and to examine or inquire into the affairs or operation of any department of the city under his jurisdiction. He shall also report on any condition or fact concerning the city government which is requested by the mayor or city council.
 - (5) *Coordinate officials.* The city administrator shall have the power to overrule any action taken by a department head, and may supersede him in the functions of his office.
 - (6) *Appear before the city council.* The city administrator shall have the power to appear before and address the city council at any meeting.
- (Code 1984, § 2-48; Ord. No. 2496, § 8A—F, 11-4-1975)

Sec. 2-91. Conflicts of responsibility with elected officials.

At no time shall the duties or powers of the city administrator supersede any action by the mayor and city council.

(Code 1984, § 2-49; Ord. No. 2496, § 8G, 11-4-1975)

Sec. 2-92. Interference by members of the city council.

No member of the city council shall directly interfere with the conduct of any department or with the duties of employees subordinate to the city administrator absent the express direction of three-fourths of the whole city council, or the approval of the city administrator, or at the direction of the mayor with the consent of a majority of the whole city council.

(Code 1984, § 2-50; Ord. No. 2496, § 9, 11-4-1975)

Secs. 2-93—2-112. Reserved.

ARTICLE IV. DEPARTMENTS

DIVISION 1. GENERALLY

Secs. 2-113—2-137. Reserved.

DIVISION 2. POLICE DEPARTMENT*

Sec. 2-138. Powers and duties.

(a) Every police officer in this city may arrest on view, and without a warrant, any person he sees violating or who he has reasonable grounds to believe has violated any law of this state, including a misdemeanor, or has violated any section of this Code or other city ordinance over which the officer has jurisdiction.

(b) The power of arrest authorized by this section is in addition to all other powers conferred upon police officers, and shall not be construed so as to limit or restrict any other power of a police officer.

(Code 1975, § 200.040; Code 1984, § 2-176)

State law reference—Similar provisions, RSMo 610.120(2).

Sec. 2-139. Police department manual adopted.

The police department manual of the city, as amended from time to time, is hereby approved and adopted by the city.

(Code 1984, § 2-177; Ord. No. 2799, § 1, 3-18-1986)

Secs. 2-140—2-161. Reserved.**ARTICLE V. BOARDS AND COMMISSIONS**

DIVISION 1. GENERALLY

Secs. 2-162—2-175. Reserved.

DIVISION 2. TOURISM COMMISSION

Sec. 2-176. Established.

The city has established a tourism commission to consist of five members appointed by the mayor with the advice and consent of the city council. Of these five members, one will be a representative of the hotel and motel industry and two shall be active in the tourism industry; the remaining members of the commission will be members of local general business interests in the city. One member of the city or county governing body shall serve as liaison in a nonvoting capacity. All members shall be residents of the city. Members of the tourism commission will be appointed for a term of three years; but, of the members first appointed, one shall be appointed

***State law reference**—Powers and duties of police officers generally, RSMo 85.561.

for a term of one year, two shall be appointed for a term of two years, and two shall be appointed for a term of three years. Members of the commission may serve no more than two consecutive terms. The members will serve without compensation.

Secs. 2-177—2-192. Reserved.

DIVISION 3. CLINTON REGIONAL AIRPORT BOARD

Sec. 2-193. Created; membership; terms of members; chairperson.

The Clinton Regional Airport Board consists of five members, such members to be appointed by the mayor, subject to approval of the city council. Members shall be appointed for terms of three years each. The board shall select a chairperson from its members.

(Code 1984, § 2-241; Ord. No. 2164, § 1, 8-3-1965)

Secs. 2-194—2-224. Reserved.

DIVISION 4. TAX INCREMENT FINANCING COMMISSION

Sec. 2-225. Created; membership; terms of members.

(a) Pursuant to RSMo 99.820, the city has created the tax increment financing commission. The commission is composed of 11 members. Of the 11 members, six members, referred to as the municipal members, shall be appointed by the mayor, with the consent of a majority of the council. Of the remaining five members, referred to as the non-municipal members, two members shall be appointed by the county, two members shall be appointed by the school district and one member shall be appointed to represent all other taxing jurisdictions levying ad valorem taxes within the redevelopment project or area, in any manner agreed upon by the affected jurisdictions.

(b) The terms of the six municipal members shall be for four years except as otherwise provided in this division. Initially, two members shall serve for a term of two years, two members shall serve for a term of three years, and two members shall serve for a term of four years. After the initial terms have expired, the terms of the members shall each be for four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

(c) At the option of the municipal members, the non-municipal members may serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area is considered for approval by the commission, or for a definite term.

Sec. 2-226. Delegation of powers; duties; meetings; officers; policies and procedures.

(a) The commission shall have the authority to exercise all powers delegable under the Real Property Tax Increment Allocation Redevelopment Act, RSMo 99.800 et seq., and in particular those enumerated in RSMo 99.820.

(b) The commission shall perform the duties as authorized by the statute, including, but not limited to, providing for notices and holding public hearings regarding redevelopment plans, projects, and areas; voting on redevelopment plans, projects, and areas; and making recommendations to the council regarding redevelopment plans, projects, and areas.

(c) The commission shall meet as needed; members of the commission shall elect a chair from their membership and may elect other officers as the members deem necessary.

(d) The commission shall adopt policies and procedures for operation as shall enable it to maintain an orderly process for its business and to effectively and efficiently exercise the powers authorized by the statute and delegated by the council.

(Ord. No. 3920, § 1, 1-13-2016)

Secs. 2-227—2-245. Reserved.

ARTICLE VI. FINANCE***DIVISION 1. GENERALLY****Sec. 2-246. Sale and disposal of real and personal property.**

(a) When, from time to time, real and personal property is determined to be not needed for municipal purposes a description of the property shall be presented to the city council and it shall declare the property to be surplus.

(b) The city council shall determine how, when, where and any other terms or conditions relating to the sale of the property.

(c) Prior to the time and date of the sale, and at least seven days prior to the date of sale, a public advertisement shall be made in a newspaper of general circulation within the city, indicating a general description of the property, and the time, date, place, any special conditions and how the property is to be sold. Where multiple items are being sold at a public auction additional similar items may be added to the sale without needing to be advertised.

***State law reference**—Financial administration and indebtedness, RSMo ch. 95.

(d) No bids will be accepted after the date and time for receiving of bids. The city may request original bidders to clarify or amend their original proposals.

(e) For real estate and unusual personal property items, the city may request a certified appraisal or opinion of value be prepared to be used in evaluating the proposals being submitted. Unless the city council determines it desirable to release the results of this determination of value earlier, the results shall be made public at the time the bids are opened.

(f) The city council may transfer ownership of real and personal property to approved, not-for-profit corporations, other governmental units and 353 corporations without offering the property for public sale.

(g) The city may reject any and all bids submitted.
(Code 1984, § 2-351; Ord. No. 2971, 8-20-1991)

Secs. 2-247—2-270. Reserved.

DIVISION 2. PURCHASING*

Sec. 2-271. Authorizations.

All purchases must be authorized as follows:

- (1) Purchases less than or equal to \$500.00: department heads.
 - (2) Purchases over \$500.00 and less than or equal to \$5,000.00: city administrator.
 - (3) Purchases over \$5,000.00 and less than or equal to \$10,000.00: mayor.
 - (4) Purchases above \$10,000.00: city council.
- (Code 1984, § 2-366; Ord. No. 3407, § 1, 4-4-2000)

Sec. 2-272. Appropriations and budgets.

(a) Funds must be appropriated and included in the annual adopted budget before the funds are obligated via purchase orders or contracts.

(b) At the end of each month, department heads will receive an expense report showing funds expended as compared to the approved annual budget. Purchases that will result in budget shortfalls shall not knowingly be authorized.
(Code 1984, § 2-367; Ord. No. 3407, § 1, 4-4-2000)

Sec. 2-273. Bidding policy.

The bidding policy shall be as follows:

- (1) Purchases less than or equal to \$500.00: open market.

***State law reference**—Requirement to purchase state products, RSMo 71.140.

- (2) Purchases over \$500.00 and less than or equal to \$10,000.00: at least three quotes shall be obtained.
 - (3) Purchases over \$10,000.00: sealed bids shall be requested by advertisement for bids in an official newspaper of the city and by mailing said request to prospective vendors. Advertisements shall appear at least ten days prior to the date set to open sealed bids.
- (Code 1984, § 2-368; Ord. No. 3407, § 1, 4-4-2000)

Sec. 2-274. Exceptions to bidding policy.

- (a) Exceptions to the bidding policy shall be as follows:
 - (1) *Contracts for professional services.* For the purpose of this section, professional services shall include architectural services, engineering services, land surveying, planning services, accounting services, real estate broker services, and legal services provided by an attorney.
 - a. Contracts for professional services shall be negotiated on the basis of demonstrated competence and qualifications for the type of service required and at fair and reasonable prices.
 - b. When a project requiring professional services is anticipated, the city council, or a committee of the city council, shall evaluate statements of qualifications and performance data of firms capable of performing the required service. The following criteria shall be used in evaluating the qualifications:
 - 1. The specialized experience and technical competence of the firm with respect to the type of services required.
 - 2. The capacity and capability of the firm to perform the work in question within the time limitations fixed for completion of the project.
 - 3. The past record of performance of the firm with respect to such factors as control of costs, quality of work, and ability to meet schedules.
 - 4. The firm's proximity to and familiarity with the area.
 - c. The city will meet with representatives of one or two of the firms best qualified, and attempt to negotiate a satisfactory contract. If there is a failing of accord, the city will undertake negotiations with other qualified firms.
 - d. Nothing in this section will prevent the city from negotiating directly with a firm that has provided the required services to the city within the past 12 months and said services were provided in a satisfactory manner and at fair and reasonable prices.

- (2) *Sole source purchases.* If there is only one source of a particular service or commodity required by the city, the city administrator may waive competitive bidding for the service or commodity.
- (3) *Emergency purchases.* In an emergency situation which requires the immediate procurement of services or commodities, the mayor or city administrator may waive competitive bidding for the services or commodities.
- (4) *Cooperative purchases.* The bidding policy shall not apply to purchases made under cooperative government purchase contracts which the city is authorized to use, such as state purchasing contracts, state department of transportation contracts and federal General Services Administration (GSA) contracts.
- (5) *Medical and legal services.* Due to their specialized nature, medical and legal services are not subject to the competitive bidding policy. Contracts for such services shall be negotiated.
- (6) *Construction of buildings.* Contracts for the construction of buildings, including associated site preparation, utilities and parking areas, may be negotiated on the basis of demonstrated competence and qualifications and at fair and reasonable prices, following procedures listed in subsection (a) of this section.

(b) For purchases of equipment, the council has the authority to waive the requirement that bids be sealed.

(Code 1984, § 2-369; Ord. No. 3407, § 1, 4-4-2000; Ord. No. 3501, § 1, 1-21-2003; Ord. No. 3962, § 12, 7-18-2017)

Sec. 2-275. Specifications.

Whenever possible, requests for bids shall be accompanied by specifications providing a complete description of the essential qualities products and services bidders must have to meet the requirements of the city. Specifications may be in the form of drawings, written descriptions, commercial designations, industry or government standards or other descriptive references.

(Code 1984, § 2-370; Ord. No. 3407, § 1, 4-4-2000)

Sec. 2-276. Lowest responsible bidder.

(a) The city reserves the right to reject any and all bids and to waive minor irregularities in bids. Purchases and contracts will be awarded to the lowest responsible bidder. Purchases and contracts shall not be awarded to bidders who are in default on the payment of taxes, license fees or other moneys due the city.

(b) In determining the lowest responsible bidder, in addition to price, the following shall be considered:

- (1) Ability of the bidder to provide the goods or services promptly and meet time deadlines.

- (2) Ability, capacity and skill of the bidder to provide the goods or services required.
- (3) Quality of goods and services previously provided to the city.
- (4) Ability of the bidder to provide future parts, service and maintenance on a prompt basis.
- (5) Ability of the bidder to provide and maintain required insurance and bonds.
- (6) Whether the quality of goods and materials to be provided by the bidder are equal to or greater than the quality of goods and materials specified by the city.
- (7) The number and scope of conditions attached to the bid.

(c) Negotiation. The city may open negotiations with bidders to obtain lower prices if the bids received exceed the engineer's estimate or the budget established by the city for the products and/or services bid.

(Code 1984, § 2-371; Ord. No. 3407, § 1, 4-4-2000; Ord. No. 3561, § 1, 12-6-2004)

Sec. 2-277. Procedures/documentation.

(a) The accounts payable clerk shall serve as the purchasing clerk and shall be responsible for preparing and issuing purchase orders when requested; preparing advertisement for bids and arranging for the publishing of same; maintaining purchasing records, vendor catalogs and cooperative purchase contracts; obtaining or assisting in obtaining prices and bids; preparing or assisting in preparing specifications; attending bid openings and preparing bid tabulations.

(b) Material request forms shall be completed by department heads or assistant department heads for all purchases over \$500.00. All invoices shall be reviewed and approved by department heads or assistant department heads certifying receipt of the goods or services ordered.

(c) The city administrator shall approve invoices over \$500.00 prior to payment.

(d) Each year, a vendor file shall be created by the purchasing clerk for every vendor from whom the city purchases goods or services during the fiscal year. For each purchase, the vendor file shall contain the original invoice, a copy of the check to the vendor, if required, a material request, purchase order or contract, and bid tabulation or written record of quotes received.

(e) Except for construction contracts, the purchasing clerk shall create a bid file for each purchase of \$10,000.00 or more. The bid file shall contain a copy of the affidavit of publication of the advertisement for bids, the specifications, the bids received and the bid tabulation. Construction contracts shall be maintained by the city administrator or city clerk.

(f) No purchase or contract shall be subdivided to avoid the requirements of this division.

(Code 1984, § 2-372; Ord. No. 3407, § 1, 4-4-2000)

Sec. 2-278. Insurance and bonds.

(a) Workers compensation insurance, as required by state law, shall be required from all vendors providing a service to the city on city property.

(b) Contractors' liability insurance in the amount of \$1,000,000.00 and a payment/performance bond in the amount of the contract, shall be required from contractors engaged by the city in the construction, reconstruction, alteration or demolition of buildings, utilities, parks or other public works.

(c) Bid security in the form of a bid bond or a certified check in the amount of five percent of the bid shall be required for major service contracts or material purchases. The bid security of the successful bidder will be forfeited for failure to execute a contract within 30 days of the notice of award. After execution of a contract, all bid securities will be returned to bidders.

(Code 1984, § 2-373; Ord. No. 3407, § 1, 4-4-2000)

Secs. 2-279—2-304. Reserved.

DIVISION 3. CASH MANAGEMENT POLICY

Sec. 2-305. Declaration of policy.

It is hereby declared to be the policy of the city to diligently and efficiently manage the financial resources of the city in the most beneficial manner possible and to increase the non-tax revenues of the city by investing available cash when it is not needed for current obligations.

(Code 1984, § 2-386; Ord. No. 2633, § I, 9-16-1980)

Sec. 2-306. Goals.

The goals of the policy are to develop a written program of cash management, to increase the availability of cash by improving the control on receipts and disbursement, and to increase the interest earnings of the city by more aggressive investment practices.

(Code 1984, § 2-387; Ord. No. 2633, § II, 9-16-1980)

Sec. 2-307. Delegation.

The city administrator is hereby charged with the duty of carrying out and implementing the policies and goals established herein.

(Code 1984, § 2-388; Ord. No. 2633, § III, 9-16-1980)

Sec. 2-308. Reports.

The city administrator is requested to make monthly reports to the city council on the progress and success in implementing these policies and goals. These reports, besides showing current investments and interest earnings, may include recommendations for actions by the council to improve the cash management practices of the city.

(Code 1984, § 2-389; Ord. No. 2633, § IV, 9-16-1980)

Chapter 3

RESERVED

Chapter 4

ALCOHOLIC BEVERAGES*

Article I. In General

- Sec. 4-1. Definitions.
- Sec. 4-2. Inspection by police.
- Sec. 4-3. Place of sale.
- Sec. 4-4. Proximity of place of sale to church or school.
- Sec. 4-5. Hours of sale; generally.
- Sec. 4-6. Sale by minors prohibited; exception.
- Sec. 4-7. When certain pre-holidays and holidays fall on Sunday.
- Sec. 4-8. General restrictions on sales.
- Secs. 4-9—4-36. Reserved.

Article II. Licenses

Division 1. Generally

- Sec. 4-37. Required.
- Sec. 4-38. Qualifications.
- Sec. 4-39. Transfer; duration; abandonment of business.
- Sec. 4-40. Application.
- Sec. 4-41. Issuance.
- Sec. 4-42. Fees.
- Sec. 4-43. Suspension, revocation of licenses.
- Sec. 4-44. Revocation shall forfeit license fee.
- Sec. 4-45. Temporary location for liquor by drink; permit and fee required; other ordinances applicable.
- Secs. 4-46—4-63. Reserved.

Division 2. Intoxicating Liquors For Off-Premises Consumption

- Sec. 4-64. Original package; consumption on premises.
- Sec. 4-65. Sales by whom.
- Sec. 4-66. Permitted hours.

***State law references**—Municipal authority to prohibit sale to minors and drunkards, RSMo 77.570; liquor control law, RSMo ch. 311; nonintoxicating beer, RSMo ch. 312; municipal authority to license and regulate intoxicating liquor and nonintoxicating beer, RSMo 311.220(2), 312.140.

ARTICLE I. IN GENERAL**Sec. 4-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Church means and includes any building or structure regularly used as a place of worship by any organized religious society, organization or congregation, regardless of whether or not the building or structure was originally designed and constructed for that purpose.

Closed place means a place where all doors are locked and where no patrons are in the place or about the premises.

Intoxicating liquor means and includes alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt, or other liquors, or combination of liquors, a part of which is spirituous, vinous, or fermented, and all preparations or mixtures for beverage purposes, containing in excess of one-half of one percent alcohol by volume.

School means and includes any place which is regularly used as a public, private or parochial school, elementary school, high school, college, university or professional school.

(Code 1975, § 600.010; Code 1984, § 3-1)

Sec. 4-2. Inspection by police.

The police chief and police officers generally shall have the authority to inspect all premises covered by licenses issued under this chapter, to see that provisions of this chapter are being obeyed. Failure to allow entry for inspection shall constitute good cause for the suspension, revocation, or nonrenewal of the license of the premises in question.

(Code 1975, § 600.170; Code 1984, § 3-2)

Sec. 4-3. Place of sale.

No person shall sell intoxicating liquor in any other place than that designated in the license.

(Code 1975, § 600.100; Code 1984, § 3-3)

Sec. 4-4. Proximity of place of sale to church or school.

(a) No license under this chapter shall be granted for the sale of intoxicating liquor within a distance of 300 feet of any school, church, or other building regularly used as a place of worship, except upon approval of the city council. The distance

shall be measured from closest point of the main building structure utilized as a school, church or other place of worship to the closest point of the main building structure utilized for the sale of intoxicating liquor.

(b) The establishment of a school, church or place of worship within 300 feet of a licensed establishment under this chapter shall not affect the renewal of any existing license or the application for a new license upon change of ownership or otherwise for the previously licensed premises.

(Code 1975, § 600.160; Code 1984, § 3-4; Ord. No. 3641, 6-19-2007)

State law reference—Similar provisions, RSMo 311.080.

Sec. 4-5. Hours of sale; generally.

No person having a license under this chapter, nor any employee of such person, shall sell, give away or otherwise dispose of or suffer the same to be done upon or about his premises, any intoxicating liquor in any quantity between the hours of 1:30 a.m. and 6:00 a.m. on weekdays or Saturdays. No intoxicating liquor may be sold as herein provided between the hours of 1:30 a.m. Saturday and 6:00 a.m. Monday, unless a license for Sunday sales is issued, in which case sales may be permitted between 9:00 a.m. Sunday and 12:00 midnight Monday.

(Code 1975, § 600.180; Code 1984, § 3-5; Ord. No. 3170, § 1, 3-21-1995)

State law reference—Similar provisions, RSMo 311.290, 311.480(3).

Sec. 4-6. Sale by minors prohibited; exception.

(a) Except as provided in subsection (b) of this section, no person under the age of 21 years shall sell or assist in the sale or dispensing of intoxicating liquor.

(b) In any place of business licensed in accordance with RSMo 311.200 where at least 50 percent of the gross sales made consists of goods, merchandise, or commodities other than intoxicating liquor, persons at least 18 years of age may stock, arrange displays, accept payment for and sack for carry out intoxicating liquor. Delivery of intoxicating liquor away from the licensed business premises cannot be performed by anyone under the age 21 years. Any licensee who employs any person under the age of 21 years as authorized by this section, shall, when at least 50 percent of the licensee's gross sales do not consist of non-alcoholic sales, have an employee 21 years of age or older on the licensed premises during all hours of operation.

(Code 1975, § 600.140; Code 1984, § 3-6)

State law reference—Similar provisions, RSMo 311.300.

Sec. 4-7. When certain pre-holidays and holidays fall on Sunday.

When the Sunday before Memorial Day, Sunday before Labor Day and on Super Bowl Sunday, as well as when January 1, March 17, July 4, and December 31, fall on a Sunday, any person having a license to sell intoxicating liquor by the drink may be

open for business and sell intoxicating liquor by the drink under the provisions of his license on that day after 1:00 p.m. and until the time which would be lawful on another day of the week notwithstanding any provisions of this chapter.

(Code 1975, § 600.185; Code 1984, § 3-7; Ord. No. 2592, § 1, 12-19-1978; Ord. No. 3640, 6-5-2007)

State law reference—Similar provisions, RSMo 311.298.

Sec. 4-8. General restrictions on sales.

No licensee under the provisions of this chapter shall, either individually or through his agents or employees:

- (1) Sell or possess for sale any package containing intoxicating liquor or malt liquor unless the same shall have affixed thereto all cancelled revenue stamps which may be required by state or federal laws;
- (2) Permit any window display of advertising matter or decorations for the sale of intoxicating liquor or nonintoxicating beer which obstructs a clear view into the premises;
- (3) Permit any conduct which shall disturb the peace or quiet of neighborhoods around the premises or fail to keep an orderly place of business;
- (4) Make a sale of intoxicating liquor or malt liquor in excess of or contrary to the powers granted in the license for the premises or in violation of the state liquor control act;
- (5) Sell intoxicating liquor or malt liquor to any minor, or to any person who is intoxicated;
- (6) Distribute or cause to be distributed any handbills, circulars or cards as a medium for advertising intoxicating liquors.

(Code 1975, § 600.200; Code 1984, § 3-9; Ord. No. 2666, §§ 2—4, 6-16-1981; Ord. No. 2870, § 1, 6-21-1988; Ord. No. 3640, 6-5-2007)

State law reference—Similar provisions, RSMo 311.310, 311.350.

Secs. 4-9—4-36. Reserved.

ARTICLE II. LICENSES*

DIVISION 1. GENERALLY

Sec. 4-37. Required.

It shall be unlawful for any manufacturers, distillers, brewers, wholesalers and retailers of all intoxicating liquor located within the corporate limits to manufacture,

***State law references**—State license required, RSMo 311.050 et seq.; state retail license provisions, RSMo 311.200.

sell or expose for sale, either at wholesale or retail, in the city, intoxicating liquor, as herein defined, in any quantity without first having obtained a license from the city therefor, except as otherwise herein provided.

(Code 1975, § 600.020; Code 1984, § 3-26)

State law reference—Similar provisions, RSMo 311.050.

Sec. 4-38. Qualifications.

(a) No person shall be granted a license under this article unless such person is of good moral character and a qualified legal voter and taxpaying citizen of the state, nor shall any corporation be granted a license unless the managing officer of such corporation is of good moral character and a qualified legal voter and taxpaying citizen of the state.

(b) No person shall be granted a license whose license as a dealer has been revoked, or who has been convicted, since the ratification of the Twenty-First Amendment to the Constitution of the United States of America, of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor or who employs in his business as a dealer any person whose license has been revoked or who has been convicted of violating such law since the date aforesaid.

(Code 1975, § 600.030; Code 1984, § 3-27; Ord. No. 2684, § 1, 11-17-1981)

State law reference—Similar provisions, RSMo 311.060.

Sec. 4-39. Transfer; duration; abandonment of business.

(a) No license issued under this article shall be transferable or assignable, except that a valid license may be transferred to a family member in the result of a death of the primary or sole owner of the license after application has been made to the city. There shall be no transfer fee upon said application as applies to this subsection.

(b) Each license issued in compliance with this article shall be valid until June 30 next succeeding.

(c) If any licensee shall discontinue or abandon the operation of the liquor establishment for which a license was issued for a period of 90 days or more, the city council may declare such license abandoned and forfeited. The licensee shall have five days' notice in writing of the contemplated action.

(Code 1975, § 600.090; Code 1984, § 3-28; Ord. No. 3170, § 2, 3-21-1995; Ord. No. 3640, 6-5-2007)

State law reference—Similar provisions, RSMo 311.250.

Sec. 4-40. Application.

(a) Application for a permit and license, as herein provided for, shall be made by the individual who is to be, in fact, actively engaged in the actual control and management of the particular liquor establishment for which such permit and license are sought.

(b) Any person desiring to secure any permit and license under the terms of this article shall make application therefor to the city clerk in writing. Each question in the application blank shall be considered material to the issuance of the permit, and each question in such application must be answered in full by the applicant. Such application shall state:

- (1) The name and residence of the applicant; if the application is on behalf of a partnership, the names and addresses of all partners or any person who has a financial interest in such partnership; if the application is on behalf of a corporation or limited liability company, the date of incorporation or organization and the state in which incorporated or organized;
- (2) The location, place or premises for which a permit and license are sought;
- (3) The class of the permit and license for which application is made;
- (4) Any further reasonable information required by the city clerk.

(c) The application must be submitted to the city clerk accompanied by the fee charge as hereafter provided; and with a copy of the state liquor license; a copy of state voter registration card or proof thereof; and a certificate of good standing if a corporation or limited liability company.

(Code 1975, §§ 600.040—600.060; Code 1984, § 3-29; Ord. No. 3641, 6-19-2007)

Sec. 4-41. Issuance.

(a) The city clerk may issue a license under this article upon the filing of an application for a liquor license with the city. Licenses issued by the city shall not be valid without a valid license issued by the state. This provision is subject to meeting the distance requirements of section 4-4.

(b) A separate license shall be required for each place of business.

(c) Every license issued under the provisions of this article shall particularly describe the premises at which intoxicating liquor may be sold thereunder, and such license shall not be deemed to authorize or permit the sale of intoxicating liquor at any place other than that described therein. The city clerk shall not deliver to any person a license under the provisions of this article until such person shall produce the receipt showing that the taxes levied on the premises have been paid.

(d) A separate, additional license shall be required for the sale of intoxicating or malt liquor on Sunday as provided by Missouri Revised Statutes.

(e) Any license issued under this article may be issued without a criminal background check by the city, so long as this is a requirement of the state for a state liquor license.

(Code 1975, § 600.070; Code 1984, § 3-30; Ord. No. 3053, § 1, 6-15-1993; Ord. No. 3170, § 3, 3-21-1995; Ord. No. 3640, 6-5-2007; Ord. No. 3641, 6-19-2007)

State law reference—Similar provisions, RSMo 311.240.

Sec. 4-42. Fees.

(a) The city hereby adopts all licenses issued by this state regarding the sale of alcoholic beverages. The fee charged by the city for a license to sell alcoholic beverages shall be 1½ times the amount charged by the state as allowed by RSMo 311.220.

(b) All licenses can be renewed by the city clerk upon receipt of a renewal application, without city council approval, unless directed by the chief of police under review of circumstances recorded by the police department during the previous year, at which time the renewal shall be approved or disapproved by the city council.

(c) Of the fees to be paid for any license under this article, the applicant shall pay as many twelfths as there are months (part of a month counted as a month) remaining from the date of the license to the next succeeding July 1.

(Code 1975, § 600.080; Code 1984, § 3-31; Ord. No. 3170, § 4, 3-21-1995; Ord. No. 3480, 6-4-2002; Ord. No. 3640, 6-5-2007; Ord. No. 3685, 8-5-2008)

State law reference—Similar provisions, RSMo 311.180.

Sec. 4-43. Suspension, revocation of licenses.

(a) The city council may, on hearing, suspend upon whatever terms and conditions or for such time period deemed appropriate or revoke any license or permit issued under the provisions of this article:

- (1) Upon being advised that any licensee has violated the terms of this chapter or RSMo ch. 311 or the regulations adopted by the state under RSMo ch. 311;
- (2) Upon conviction for a violation of this article (which shall result in a suspension of his license for a period of 15 days, whether or not any other penalty of fine or imprisonment is adjudged); or
- (3) For other good cause shown.

(b) The licensee shall be given not less than ten days' notice in writing of the complaint to suspend or revoke his license or permit, prior to the hearing on such complaint for revocation or suspension of the license. The notice shall contain the grounds set out in the complaint seeking revocation of the license and the notice shall advise the licensee to be present for hearing at the regular, adjourned or special meeting of the city council, to show cause, if any, why such license should not be suspended or revoked. The licensee shall have the full right to be represented by counsel at the hearing and may produce evidence and witnesses in his behalf at the hearing. A notice of the suspension or revocation hearing shall be served by the chief of police of the city or any other police officer of the city, and this notice or any other notice referred to in this section may be served upon the licensee by leaving a copy thereof with the licensee or any person or employee in charge of the place of business of the licensee.

(c) Upon request from the city police chief, the city council may review the license of any person under this section and suspend or revoke said license in accordance with this section, and as deemed necessary.

(Code 1975, §§ 275.010D, 600.240; Code 1984, § 3-32; Ord. No. 2666, § 5, 6-16-1981; Ord. No. 3640, 6-5-2007)

State law reference—Similar provisions, RSMo 311.610 et seq.

Sec. 4-44. Revocation shall forfeit license fee.

In case of revocation or forfeiture of any license granted and issued under the provisions of this article for cause or otherwise, the city shall in no event return any part of the license fee paid for such license.

(Code 1975, § 600.250; Code 1984, § 3-33)

Sec. 4-45. Temporary location for liquor by drink; permit and fee required; other ordinances applicable.

(a) The city clerk may issue a temporary permit to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this chapter who furnish provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises, effective for a period not to exceed 120 consecutive hours, which shall authorize the service of alcoholic beverages at such function, occasion or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption in the city. For every permit issued pursuant to the provisions of this section, the permittee shall pay the sum of \$15.00 for each calendar day, or fraction thereof, for which the permit is issued.

(b) All provisions of the ordinances, rules and regulations of the city shall extend to such premises and shall be in force and enforceable during all the time that the permittee, its agents, servants, employees, or stock are in such premises. This section will not include the sale of packaged goods covered by this temporary permit. (Code 1984, § 3-34; Ord. No. 3340, § 1, 11-17-1998)

Secs. 4-46—4-63. Reserved.

DIVISION 2. INTOXICATING LIQUORS FOR OFF-PREMISES CONSUMPTION

Sec. 4-64. Original package; consumption on premises.

No person holding a license to sell intoxicating liquor in the original package shall permit the package to be opened or the contents consumed upon the premises where sold. However, this shall not apply to any person holding a tasting license as allowed under state statute.

(Code 1975, § 600.120; Code 1984, § 3-41; Ord. No. 3640, 6-5-2007)

State law reference—Intoxicating liquor in original package not to be consumed on premises where sold, RSMo 311.200.

Sec. 4-65. Sales by whom.

No license shall be issued for the sale of intoxicating liquor in the original package, not to be consumed upon the premises where sold, except to a person engaged in, and to be used in connection with, the operation of one of the following businesses:

- (1) A drug store;
- (2) A cigar and tobacco store;
- (3) A grocery store;
- (4) A general merchandise store;
- (5) A confectionery or delicatessen;

nor to any such person who does not have and keep in his store a stock of goods having a value according to invoices of at least \$1,000.00, exclusive of fixtures and intoxicating liquors.

(Code 1975, § 600.130; Code 1984, § 3-42)

State law reference—Similar provisions, RSMo 311.200.

Sec. 4-66. Permitted hours.

The sale of intoxicating liquor, malt liquor and original package liquor on Sunday shall be permitted from 9:00 a.m. to 12:00 midnight for any establishment holding a valid license permitting Sunday sales.

(Code 1984, § 3-62; Ord. No. 3053, § 2, 6-15-1993; Ord. No. 3170, § 6, 3-21-1995; Ord. No. 3516, § 1, 9-16-2003)

Chapter 5

RESERVED

Chapter 6

ANIMALS*

Article I. In General

- Sec. 6-1. Definitions.
- Sec. 6-2. Cruelty to animals.
- Sec. 6-3. Impoundment for observation.
- Sec. 6-4. Transportation of dead animals.
- Sec. 6-5. Design for vehicles transporting dead animals.
- Sec. 6-6. Code enforcement officer.
- Sec. 6-7. Nuisances.
- Sec. 6-8. Dangerous animals.
- Sec. 6-9. Livestock.
- Secs. 6-10—6-36. Reserved.

Article II. Dogs and Cats

- Sec. 6-37. Running at large prohibited.
- Sec. 6-38. Dangerous dogs or cats.
- Sec. 6-39. Confinement while in heat.
- Sec. 6-40. Impoundment; release; fees.
- Sec. 6-41. Vaccination required.
- Sec. 6-42. Keeping an habitually noisy dog or cat prohibited.

***State law reference**—Municipal authority concerning animals, RSMo 77.510.

ARTICLE I. IN GENERAL**Sec. 6-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means any living creature, domestic or wild.

Animal shelter means any premises designated by city administrative officials for the purpose of impounding and caring for animals held under the authority of this chapter.

At large means off the premises of the owner and not under the reasonable control of the owner or a member of his immediate family, either by leash or by voice command.

Cat means any member of the feline (genus *Felis*) family.

Dog means any member of the canine (genus *Canis*) family.

Livestock means cows, horses, mules, hogs, goats, domestic fowl or other animals commonly associated with farming and agriculture.

Owner means any person owning, harboring or keeping an animal.

POST means Peace Officer Standards and Training Program, a state regulatory program with responsibility for licensing peace officers.

Reasonable control means when an animal is on the premises of its owner, or when an animal is on another's premises but is with and under the control of its owner, his agent or some member of the owner's family. Not under reasonable control as used herein is deemed when an animal, not being on its owner's premises, is not with or under the control of its owner, his agent or some member of the owner's family, or when it commits damage to the person or property of anyone other than its owner, except when the animal is acting in defense of its owner, his family or property.

Veterinary hospital means any establishment maintained and operated by a licensed veterinarian for the boarding of animals or the diagnosis and treatment of diseases and injuries of animals.

(Code 1975, § 245.070B, L, M, Q, T, U; Code 1984, § 5-1)

Sec. 6-2. Cruelty to animals.

Any person who shall, within the city, overdrive, overload, ill-treat, torture, torment, or unnecessarily or cruelly whip, beat, or needlessly mutilate or kill, or cause or procure such treatment for any animal, in each and every instance, shall be deemed guilty of an offense.

(Code 1975, § 245.010; Code 1984, § 5-2)

Sec. 6-3. Impoundment for observation.

Any animal that bites a person or other animal shall be quarantined for observation for ten days if so ordered by the city. During quarantine the animal shall be securely confined and kept from contact with any other animal. At the discretion of the city, the quarantine may be on the premises of the owner. If the city requires other confinement, the owner shall surrender the animal for the quarantine period to an animal shelter or shall, at his own expense, place it in a veterinary hospital. If the owner is not found or the animal is not claimed, then the city will pay all costs in the interest of the health and welfare of the city. Any unclaimed or disowned animal for which the city has to pay the cost of hospitalization, will be disposed of after the ten-day observation period by euthanasia, unless someone wishes to pay all costs and redeem the animal.

(Code 1975, §§ 245.040, 245.0705; Code 1984, § 5-3)

State law reference—Municipal authority to impound animals, lien therefor, RSMo 430.165.

Sec. 6-4. Transportation of dead animals.

No person may haul or transport over the highways, streets or alleys of the city, the bodies of dead animals (except those that have been slaughtered and intended for human food) without first obtaining and holding a license to transport bodies of dead animals or unless the person doing the transporting is acting for a licensee under this section.

(Code 1975, § 345.250B; Code 1984, § 5-4)

State law reference—Similar provisions, RSMo 269.030.

Sec. 6-5. Design for vehicles transporting dead animals.

All vehicles used in the transportation of the bodies of dead animals, under the provisions of this section, shall have a tank or metal lining in the bed of the vehicle, so that no drippings or seepage from dead bodies shall escape from the vehicle while engaged in such transportation. Every vehicle shall have a bed of such depth and type of construction and equipment that any dead bodies therein shall be completely hidden from view of persons using the highways, streets or alleys, and to obviate any public nuisance while transporting.

(Code 1975, § 345.250A; Code 1984, § 5-5)

State law reference—Similar provisions, RSMo 269.130.

Sec. 6-6. Code enforcement officer.

The position of animal control officer is designated as code enforcement officer. The code enforcement officer shall have all of the authority as set forth in this chapter. In addition, the code enforcement officer is hereby authorized to issue summonses directing the individual to appear in municipal court, for violations actually observed and occurring in the presence of the code enforcement officer, of

the sections set forth herein. The code enforcement officer is not authorized to make arrests, unless the officer is POST-certified, or given any authority not specifically designated herein or designated in this chapter.

(Code 1984, § 5-6; Ord. No. 3189, §§ 1—4, 8-15-1995)

Sec. 6-7. Nuisances.

No owner shall fail to exercise proper control and care of his animals to prevent them from becoming a public nuisance. Excessive, continuous or untimely barking or crying, molesting passersby, chasing vehicles, habitually attacking other animals, trespassing upon school grounds, or trespassing upon any public or private property in such a manner as to damage, shall be deemed a nuisance.

(Code 1975, § 245.070P; Code 1984, § 5-7)

Sec. 6-8. Dangerous animals.

(a) It shall be unlawful to keep or harbor or to permit to be kept or harbored any dangerous animal within the city except as provided in subsection (c) of this section.

(b) For the purpose of this article, the term "dangerous animal" means:

- (1) Poisonous reptiles.
- (2) Wild animals inherently or potentially dangerous including, but not limited to, lions, tigers, bears, leopards, ocelots, jaguars, cheetahs, margays, cougars, lynxes, bobcats, hyenas, wolves, coyotes, crocodiles, and alligators.
- (3) Any animal having killed or attacked and injured, without provocation, any person or other animal.

(c) Dangerous animals may be kept by a properly licensed and maintained zoological park, research laboratory, scientific institution, veterinary hospital, circus or by the state department of conservation.

(Code 1984, § 5-66; Ord. No. 3510, § 1(5-43), 5-20-2003)

Sec. 6-9. Livestock.

(a) *Running at large prohibited.* All persons or parties are hereby prohibited from allowing any livestock to wander through the streets of the city without an attendant, or in such a manner as to permit the livestock to go upon or damage the sidewalks or parkways in the city, or to damage private property of other persons or to do injury to any person.

(b) *Annoyance to businesses or residences.* It shall be unlawful for any person to keep or maintain any livestock in such close proximity to any business or residence as to cause annoyance to the occupants thereof, or in such a place as will render it a nuisance.

(c) *Close proximity to residences prohibited.* The location of livestock pens or enclosures shall be in accordance with A-1 Agricultural Rural Residential District zoning requirements as provided in chapter 36.

(Code 1975, §§ 245.020, 245.030, 245.060; Code 1984, §§ 5-21, 5-22, 5-23)

Secs. 6-10—6-36. Reserved.

ARTICLE II. DOGS AND CATS

Sec. 6-37. Running at large prohibited.

It shall be unlawful for the owner of any dog or cat to let it run at large, whether licensed or not, at any time, within the city. Any dog or cat found to be running at large shall be impounded by the city.

(Code 1975, § 245.070B; Code 1984, § 5-36)

Sec. 6-38. Dangerous dogs or cats.

(a) It shall be unlawful for any person to keep and harbor within the city any dangerous dog or cat, as defined in subsection (b) of this section, or permit the same to be or run at large upon any public street, sidewalk or thoroughfare, or on the premises of persons other than the owner or keeper, within this city.

(b) Any dog or cat with the following characteristics shall be classified as dangerous:

- (1) Any dog or cat which has inflicted a severe or fatal injury on a human being on public or private property. The term "severe injury" means any physical injury, resulting directly from a dog or cat's bite, which results in broken bones, or lacerations requiring stitches, or in-patient hospitalization. The victim receiving severe injuries, as defined above, must provide the supervisor of animal control a signed physician's statement documenting injury and treatment qualifying such as a severe injury or sign an authorization for release of such statement.
- (2) Any dog or cat which has killed a domestic animal, livestock, or poultry, without provocation, while off the owner's property.
- (3) Any dog or cat owned or harbored primarily or in part for the purpose of dog or cat fighting or any dog or cat trained for fighting.
- (4) Any dog or cat which has bitten a human being, without provocation, on public or private property other than the property of the owner.
- (5) Any dog or cat which, while on the owner's property, has bitten a human being other than the owner or a member of the owner's family who is under the age of 14 years and normally resides at the place where the dog or cat is kept.

- (6) Any dog or cat which, when unprovoked, chases or approaches a person upon the streets, sidewalks, or any public grounds, or private property other than that property of the owner, in a menacing fashion or apparent attitudes of attack, regardless of whether or not a person is injured by such dog or cat.
- (7) Any dog or cat with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of human beings or domestic animals.

(Code 1975, § 245.070C, I; Code 1984, § 5-37; Ord. No. 3270, §§ 1, 2, 7-15-1997; Ord. No. 3880, 9-2-2014)

Sec. 6-39. Confinement while in heat.

(a) Every female dog or cat in heat shall be confined in a building or secure enclosure in such manner as the female dog or cat cannot come into contact with another animal, except for planned breeding.

(b) If the owner or possessor of any female dog or cat shall permit her to run at large while in heat, he shall be deemed guilty of an offense, and upon conviction thereof, shall be subject to penalties as provided in section 1-13. It is hereby made the duty of the animal control officer and police officers of the city to impound and keep any female dog or cat seized for as long as she is in heat. The female dog or cat may be released to its owner if proper provision has been made by the owner for restraining the female dog or cat from running at large during its heat and the owner has paid all impoundment and board fees.

(Code 1975, § 245.070E, J; Code 1984, § 5-38)

Sec. 6-40. Impoundment; release; fees.

(a) Any dog or cat of vicious habits, or which causes injury to any person or animal, or which habitually chases vehicles, or which by its own runs at large, may be impounded by the animal control officer or police officers of the city.

(b) Any dog or cat so impounded shall be held by the city for a period of not less than five business days before such dog or cat is euthanized or offered for adoption. A business day shall be considered Monday through Friday, except days that the city hall is closed for business due to an observed holiday.

(c) If the owner of a dog or cat so impounded can be ascertained, the owner shall be notified by telephone or mail by the animal control officer as soon as possible after impoundment.

(d) The owner of any dog or cat so impounded may redeem the animal upon payment of a \$10.00 impoundment fee and a boarding fee as provided in the city fee schedule, and the payment of any veterinarian fees for treatment and/or rabies vaccination.

(e) Any dog or cat so impounded and not redeemed by its owner may be adopted, provided the animal is sterilized and vaccinated by a veterinarian and the adopting party pays a veterinarian for the sterilization and vaccination.

(f) Adoption fees for unredeemed animals shall be as provided in the city fee schedule. The fee shall include rabies vaccination, spay/neuter procedure, microchip with lifetime registration, and basic three-way vaccination. The city administrator may authorize lower adoption fees at certain times in order to assist with decreasing the number of animals in the shelter.

(Code 1975, § 245.070F; Code 1984, § 5-39; Ord. No. 2614, § 2, 10-16-1979; Ord. No. 3151, § 1, 12-6-1994; Ord. No. 3661, § 1, 12-18-2007; Ord. No. 3880, 9-2-2014)

Sec. 6-41. Vaccination required.

Owners of dogs and cats in the city shall have them vaccinated for rabies by a veterinarian and shall securely fasten the vaccination tag to a collar, which must be worn at all times by the dog or cat.

(Code 1975, § 245.070G, H; Code 1984, § 5-40; Ord. No. 2839, § 1, 9-29-1987; Ord. No. 3088, § 1, 2-1-1994; Ord. No. 3151, § 1, 12-6-1994)

Sec. 6-42. Keeping an habitually noisy dog or cat prohibited.

No person shall keep or harbor a dog or cat which habitually barks or cries between the hours of 10:00 p.m. and 6:00 a.m.

(Code 1975, § 245.070N; Code 1984, § 5-41)

Chapter 7

RESERVED

Chapter 8

BUILDINGS AND CONSTRUCTION

Article I. In General

- Sec. 8-1. Enforcement of chapter.
- Sec. 8-2. Fees.
- Sec. 8-3. Appeals.
- Secs. 8-4—8-24. Reserved.

Article II. Building Code

- Sec. 8-25. Adoption.
- Sec. 8-26. Amendments.
- Secs. 8-27—8-55. Reserved.

Article III. Existing Building Code

- Sec. 8-56. Adoption.
- Sec. 8-57. Amendments.
- Secs. 8-58—8-87. Reserved.

Article IV. Electrical Code

- Sec. 8-88. Adoption.
- Secs. 8-89—8-119. Reserved.

Article V. Plumbing Code

- Sec. 8-120. Adoption.
- Sec. 8-121. Amendments.
- Secs. 8-122—8-142. Reserved.

Article VI. Mechanical Code

- Sec. 8-143. Adoption.
- Sec. 8-144. Amendments.
- Secs. 8-145—8-171. Reserved.

Article VII. One- and Two-Family Dwelling Code

- Sec. 8-172. Adoption.
- Sec. 8-173. Amendments.
- Secs. 8-174—8-199. Reserved.

CLINTON CITY CODE

Article VIII. Property Maintenance Code

- Sec. 8-200. Adoption.
- Sec. 8-201. Amendments.
- Secs. 8-202—8-225. Reserved.

Article IX. Moving of Buildings

- Sec. 8-226. Compliance.
- Sec. 8-227. Permit required.
- Sec. 8-228. License.
- Sec. 8-229. Bond.
- Sec. 8-230. Applications for permits.
- Sec. 8-231. Consent needed to remove trees and fixtures.
- Sec. 8-232. Notice of the removal of wires or cables.
- Sec. 8-233. Refusal to repair damages.
- Sec. 8-234. Deposit required.
- Sec. 8-235. Buildings left standing at night.
- Sec. 8-236. Moving buildings over railroad tracks.
- Sec. 8-237. Time limit specified in permit.
- Sec. 8-238. Penalty; abatement of violation.
- Secs. 8-239—8-269. Reserved.

Article X. Dangerous Buildings

- Sec. 8-270. Purpose; scope.
- Sec. 8-271. Dangerous buildings defined.
- Sec. 8-272. Declaration of nuisance.
- Sec. 8-273. Standards for repair, vacation or demolition.
- Sec. 8-274. Building inspector—Designation.
- Sec. 8-275. Building inspector—Duties.
- Sec. 8-276. Building commissioner—Designation.
- Sec. 8-277. Building commissioner—Duties.
- Sec. 8-278. Appeal.
- Sec. 8-279. Emergencies.
- Sec. 8-280. Violations.
- Sec. 8-281. Penalties.

ARTICLE I. IN GENERAL**Sec. 8-1. Enforcement of chapter.**

The community development director, or other employee appointed by the city as building official, shall serve as the city's code official and shall be responsible for enforcement of this chapter, unless otherwise indicated.

(Code 1984, § 6-1; Ord. No. 3222, § 1, 6-4-1996)

Sec. 8-2. Fees.

(a) Fees for building permits and inspections shall be as provided in the city fee schedule.

(b) No fees shall be charged to a taxing entity, provided the taxing entity provides plans signed by a registered engineer or architect who shall assume full responsibility of inspection and shall submit statements of compliance to the city for all inspection phases including final occupancy. If it becomes necessary to submit plans to an independent body for review, the cost of review shall be borne by the property owner.

(c) Failure to obtain a building permit prior to the start of construction will result in a penalty equal to twice the permit fee, which would otherwise be applicable.

(d) When a stop work order has been issued, the builder will be charged a penalty for each inspection required as a result of the stop work order. This charge shall apply to each inspection required until the circumstances giving rise to the stop work order have been corrected. The amount of the penalty charged shall be equal to the cost of required staff work, including employee benefits.

(Code 1984, § 6-2; Ord. No. 3222, § 1, 6-4-1996; Ord. No. 3594, § 1, 12-20-2005; Ord. No. 3844, 1-15-2013)

Sec. 8-3. Appeals.

Any person shall have the right to appeal a decision of the code official to the city board of adjustment in accordance with the procedures as now established by ordinances for that body. An appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, or the provisions of this Code do not fully apply, or an equivalent form of construction is to be used.

(Code 1984, § 6-3; Ord. No. 3222, § 1, 6-4-1996)

Secs. 8-4—8-24. Reserved.

ARTICLE II. BUILDING CODE*

Sec. 8-25. Adoption.

The International Building Code, 2012 Edition, including appendix chapters H and I published by the International Code Council is hereby adopted as the building code for the city with the additions, deletions, insertions and changes set out in section 8-26. Two copies of the adopted code shall be maintained, one in the office of the community development director and one in the office of the city clerk. (Code 1984, § 6-16; Ord. No. 3222, § 2, 6-4-1996; Ord. No. 3631, § 1, 3-6-2007)

Sec. 8-26. Amendments.

The following sections of the International Building Code, 2012 Edition, are hereby revised as follows:

Sec. 101.1: Insert "City of Clinton, Missouri."

Sec. 103: This section is deleted.

Sec. 105.2:

Building:

Subsec. 1: Add the words "and is not placed upon a permanent foundation."

Subsec. 2: Change seven feet to three feet.

Subsec. 6: Add the words "and not over 150 square feet and not involving the removal or replacement of curb and gutter."

Subsec. 7: Add the words "and interior work not involving load bearing walls, electrical, or plumbing."

Subsec. 9: Change to read "Prefabricated swimming pools installed entirely above ground."

Subsec. 12: Add the words "and do not extend beyond the property line."

Electrical:

Add "Any work when costs do not exceed \$1,500.00."

Plumbing:

Add "Subsec. 3: Any work when costs do not exceed \$1,500.00."

Sec. 113: Change the words "board of appeals" to "board of adjustment."

Sec. 113.2: This section is deleted.

***State law reference**—Municipal authority to regulate construction of buildings, RSMo 77.500.

Sec. 113.3: This section is deleted.

(Code 1984, § 6-17; Ord. No. 3222, § 2, 6-4-1996; Ord. No. 3564, § 1, 1-18-2005; Ord. No. 3631, § 2, 3-6-2007)

Secs. 8-27—8-55. Reserved.

ARTICLE III. EXISTING BUILDING CODE

Sec. 8-56. Adoption.

That certain document being marked and designated as The International Existing Building Code, 2012 Edition, as published by the National International Code Council, be and is hereby adopted as the existing building code of the city for regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings; provided for the issuance of permits and collection of fees therefor. Each and all the regulations, provisions, penalties, conditions and terms of such electrical code are hereby referred to, adopted and made a part hereof as if fully set out in this chapter, subject to the amendments contained in this article. Two copies of the adopted code shall be maintained, one in the office of the community development director and one in the office of the city clerk.

Sec. 8-57. Amendments.

The following sections of the International Existing Building Code adopted in this article are amended or deleted as indicated:

Sec. 101.1: Insert "City of Clinton, Missouri."

Sec. 103: Delete section.

Sec. 105.1.1: Delete section.

Sec. 105.1.2: Delete section.

Sec. 105.2: Add: "Electrical: When costs do not exceed \$1,500.00" and "Plumbing: When costs do not exceed \$1,500.00."

Sec. 108: Delete section.

Sec. 112: Change "board of appeals" to "board of adjustments."

Sec. 112.2: Delete section.

Sec. 112.3: Delete section.

Sec. 1401.2: Insert "date these changes are adopted."

Secs. 8-58—8-87. Reserved.

ARTICLE IV. ELECTRICAL CODE

Sec. 8-88. Adoption.

That certain document being marked and designated as The National Electrical Code, 2011 Edition, as published by the National Fire Protection Association, be and is hereby adopted as the electrical code of the city; and each and all the regulations, provisions, penalties, conditions and terms of such electrical code are hereby referred to, adopted and made a part hereof as if fully set out in this chapter. Two copies of the adopted code shall be maintained, one in the office of the community development director and one in the office of the city clerk.

(Code 1984, § 6-36; Ord. No. 3222, § 3, 6-4-1996)

Secs. 8-89—8-119. Reserved.

ARTICLE V. PLUMBING CODE

Sec. 8-120. Adoption.

The International Plumbing Code, 2012 Edition, including appendix chapters B, C, D, E, F, G and L published by the International Code Council is hereby adopted as the plumbing code for the city with the additions, deletions, insertions and changes set out in section 8-121. Two copies of the adopted code shall be maintained, one in the office of the community development director and one in the office of the city clerk.

(Code 1984, § 6-56; Ord. No. 3222, § 4, 6-4-1996; Ord. No. 3633, § 1, 3-6-2007)

Sec. 8-121. Amendments.

The following sections of the International Plumbing Code, 2003 Edition, are hereby revised as follows:

Sec. 101.1. Insert "City of Clinton, Missouri."

Sec. 103: Sections 103.1, 103.2 and 103.3 are deleted.

Sec. 106.2: Add "When costs do not exceed \$1,500.00."

Sec. 106.6.2: The fees shall be as listed in the city fee schedule.

Sec. 106.6.3: Subsections (2) and (3) are deleted.

Sec. 109: Change the words "board of appeal" to "board of adjustment."

Secs. 109.2 through 109.7 are deleted in their entirety.

Sec. 3054.1: Insert 12."

Sec. 9034.1: Insert 12."

(Code 1984, § 6-57; Ord. No. 3222, § 4, 6-4-1996; Ord. No. 3633, § 2, 3-6-2007)

Secs. 8-122—8-142. Reserved.

ARTICLE VI. MECHANICAL CODE

Sec. 8-143. Adoption.

The International Mechanical Code, 2012 Edition, including appendix chapters A published by the International Code Council is hereby adopted as the mechanical code for the city with the additions, deletions, insertions and changes set out in section 8-144. Two copies of the adopted code shall be maintained, one in the office of the community development director and one in the office of the city clerk.
(Code 1984, § 6-76; Ord. No. 3222, § 5, 6-4-1996; Ord. No. 3634, § 1, 3-6-2007)

Sec. 8-144. Amendments.

The following sections of the International Mechanical Code, 2012 Edition, are hereby revised as follows:

Sec. 101.1: Insert "City of Clinton, Missouri."

Sec. 103: Sections 103.1, 103.2 and 103.3 are deleted.

Sec. 106.5.2: The fees shall be as listed in the city fee schedule.

Sec. 106.5.3: Subsections (2) and (3) are deleted.

Sec. 109: Change the words "board of appeals" to "board of adjustment."

Secs. 109.2 through 109.7 are deleted in their entirety.

(Code 1984, § 6-77; Ord. No. 3222, § 5, 6-4-1996; Ord. No. 3634, § 2, 3-6-2007)

Secs. 8-145—8-171. Reserved.

ARTICLE VII. ONE- AND TWO-FAMILY DWELLING CODE

Sec. 8-172. Adoption.

The International Residential Code, 2012 Edition, including appendix chapters A, B, C, D, E, G, H, J and L published by the International Code Council is hereby adopted as the residential code for the city with the additions, deletions, insertions and changes set out in section 8-173. Two copies of the adopted code shall be maintained, one in the office of the community development director and one in the office of the city clerk.
(Code 1984, § 6-91; Ord. No. 3222, § 6, 6-4-1996; Ord. No. 3632, § 1, 3-6-2007)

Sec. 8-173. Amendments.

The following sections of the International Residential Code, 2012 Edition, are hereby revised as follows:

Sec. R101.1: Insert "City of Clinton, Missouri."

Sec. R103: This section is deleted.

Sec. R105.2 Building:

Subsec. 1: Replace the words "200 square feet (18.58 m²)" with "120 square feet (11.15 m²) and is not placed upon a permanent foundation."

Subsec. 2: Change six feet to three feet.

Subsec. 5: Add the words "not more than 30 inches (762 mm) above any adjacent grade, and not over 150 square feet and not involving the removal or replacement of curb and gutter."

Subsec. 6: Add the words "and interior work not involving load bearing walls, electrical, or plumbing."

Subsec. 7: Change to read "Prefabricated swimming pools installed entirely above ground."

Subsec. 9: Add the words "and do not extend beyond the property line."

Subsec. 10: Replace the words "200 square feet (18.58 m²)" with "150 square feet (11.15 m²)."

Add: "Electrical: When costs do not exceed \$1,500.00." and "Plumbing: When costs do not exceed \$1,500.00."

Sec. R112: Change the words "board of appeals" to "board of adjustment."

Sec. R112.3: Delete.

Sec. R301.2(1): Insert the following in Climatic and Geographic Design Criteria Table: 20 lb., 90, No. A, Severe, 30", Moderate to Heavy, 0°, No, 1988, 500-1000, 55°.

Sec. P2603.5.1 Insert 12" and 12."

(Code 1984, § 6-92; Ord. No. 3632, § 2, 3-6-2007)

Secs. 8-174—8-199. Reserved.

ARTICLE VIII. PROPERTY MAINTENANCE CODE

Sec. 8-200. Adoption.

That certain document being marked and designated as the International Property Maintenance Code, 2012 Edition, published by the International Code

Council, is adopted as the property maintenance code of the city for the control of buildings and structures as herein provided. All of the regulations, provisions, penalties, conditions and terms of the adopted code are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes prescribed in section 8-201. Two copies of the adopted code shall be maintained, one in the office of the community development director and one in the office of the city clerk.

(Code 1984, § 6-111; Ord. No. 3222, § 7, 6-4-1996; Ord. No. 3317, § 1, 6-2-1998)

Sec. 8-201. Amendments.

The following sections of the International Property Maintenance Code, 2012 Edition, are amended as follows:

Sec. 101.1: Insert "City of Clinton, Missouri."

Secs. 103.1, 103.2, 103.3 and 103.5 are deleted.

Sec. 106.2: This subsection is deleted.

Sec. 109.6: Change last sentence to read: "Any affected person shall thereafter, upon petition directed to the board of adjustment, be afforded a hearing."

Sec. 111.1.: Change the words "board of appeals" to "board of adjustment."

Secs. 111.2 through 111.8: Delete.

Sec. 304.14: Enter dates March 1 to December 1.

Sec. 602.3: Enter dates November 1 to March 15.

Sec. 602.4: Enter dates November 1 to March 15.

(Code 1984, § 6-112; Ord. No. 3317, § 2, 6-2-1998)

Secs. 8-202—8-225. Reserved.

ARTICLE IX. MOVING OF BUILDINGS

Sec. 8-226. Compliance.

No building now or hereafter erected shall be removed or relocated unless such building can be and is made to comply with the requirements of the ordinances governing the erection of new buildings upon the proposed new location.

(Code 1975, § 620.010; Code 1984, § 6-131)

Sec. 8-227. Permit required.

No person shall move any building or structure along or across any street or other highway within the corporate limits of the city without a permit therefor from the building inspector, issued in accordance with the provisions of this article. No such permit shall be granted to any person except a licensed house mover.

(Code 1975, § 620.020; Code 1984, § 6-132)

Sec. 8-228. License.

Every person who shall engage in the business of house moving within the city shall obtain a license, and no such license shall be granted until the party applying therefor has given the bond or filed the certificate required by this article, and paid the license tax required in chapter 48. The license tax shall be paid on or before October 1 and shall expire September 30 of each year.

(Code 1975, § 620.030; Code 1984, § 6-133)

Sec. 8-229. Bond.

(a) The bond required of a licensed house mover shall be in the penal sum of \$50,000.00 and shall run in favor of the city for the benefit of the city and any persons sustaining damages under the conditions thereof. These persons shall be entitled to sue on the bond in their own names. This bond shall be subject to the approval of the mayor. It shall be conditioned that if the license is granted, the licensee will pay any and all damages which may be caused to any person or to any property, either public or private, within the city, when such injury or damages shall be inflicted by the licensee or his agents, servants, employees, workers, contractors or subcontractors. The bond shall be conditioned also, that the licensee will save, indemnify and protect the city from all liability which may arise either directly or indirectly from the moving of any building by the licensee, his agents, servants, employees, workers, contractors, or subcontractors, and that the licensee will in all respects comply with the ordinances of the city in regard to the moving of houses and to the use and obstruction of the streets and other public places of the city. The form of the bond shall be approved by the city attorney.

(b) In lieu of the bond required in subsection (a) of this section, the applicant may file a certificate of liability insurance in an amount no less than \$100,000.00.

(Code 1975, § 620.040; Code 1984, § 6-134)

Sec. 8-230. Applications for permits.

(a) All applications for permits to move buildings upon or across the streets or other highways of the city shall be made to the building inspector. Applications shall state the location of the building proposed to be moved, its greatest length, width,

and height and the principal material of its walls and roof. Applications shall state definitely the route over which the building is to be moved, the length of time required for removal and the proposed new location thereof.

(b) Before granting any permit, it shall be the duty of the building inspector to examine the building, the route over which it is to be moved, and the new location. If the condition of the building, the character of such location, and the nature of the proposed route is such that the building can be moved with safety and in accordance with this article, the permit shall be granted, otherwise it shall be refused.

(c) Before issuing any permit, the building inspector shall, whenever practicable, consult the person having charge of the maintenance of any electrical wires or cables belonging to any public service corporation which are suspended over or across any public street or alley, to determine the practicability of the route proposed. The building inspector shall have authority to require any change in such route which he shall deem proper under the attendant circumstances.

(Code 1975, § 620.050; Code 1984, § 6-135)

Sec. 8-231. Consent needed to remove trees and fixtures.

No tree on any street shall be removed or the branches of any tree cut or trimmed in order to facilitate the moving of any building, except with the consent of the property owner, and under the supervision of the building inspector. No fixture, other than a tree on any street or alley, shall be removed, displaced or otherwise disturbed to facilitate the moving of any building except with the consent and under the supervision of the building inspector.

(Code 1975, § 620.060; Code 1984, § 6-136)

Sec. 8-232. Notice of the removal of wires or cables.

If, for the purpose of facilitating the moving of any building, it is necessary to raise or cut any telephone or telegraph wire or cable, or any electrical wire, or to move any pole bearing any such wire, or cable, it shall be the duty of the house mover having charge of the moving of such building to give the person owning or operating such poles, wires or cables at least 120 hours' notice of the time and place of the removal of such poles or the raising or cutting of such wires or cables will be necessary. In the case the of poles or wires of the fire or police department or the interference with alarm systems, such notice shall be served upon the chief of the fire department. After the service of this notice, it shall be the duty of the person owning or operating the poles, wires or cables or the duty of the chief of the fire department, as the case may be, to furnish competent workers and linepersons to remove such poles or raise or cut wires or cables. The regular wages of the workers or linepersons while engaged at such work shall be paid by the house mover, except when the poles, wires or cables are not installed in conformity with the governing regulations of the city, or authority of the state. No house mover shall raise, cut or move any such pole, wire

or cable unless the person or authority owning or having control thereof fail or refuse so to do after proper notice is given. Then only competent workers or linepersons shall be employed in such work, and the same shall be done in a careful and workmanlike manner, and the poles, wires and cables promptly replaced and damages thereto promptly repaired at the expense of the house mover.
(Code 1975, § 620.070; Code 1984, § 6-137)

Sec. 8-233. Refusal to repair damages.

If any house mover, his servants, agents or employees, shall, while acting within the scope of this article, damage or destroy any public or private property and fail or refuse to repair, renew, or pay therefor, or shall fail or refuse to pay the expense of the raising, cutting or repair of any electrical wire or cable, or the removal and replacement of any pole bearing the wire or cable as required by the terms of this article, a written claim containing a statement of the damages or expense may be filed with the building inspector. He shall investigate the claim, and if he finds it to be just and reasonable, no further permits within the scope of this article shall be issued to such house mover until the claim is satisfied.
(Code 1975, § 620.080; Code 1984, § 6-138)

Sec. 8-234. Deposit required.

Prior to issuance of a permit to move a building in or out of the corporate limits of the city, as provided by section 8-230, the applicant for a permit shall deposit the sum provided in the city fee schedule with the city clerk, who shall hold the amount as escrow agent until such time as the building inspector shall notify the city clerk that the applicant has complied with all the provisions of this article and with the building code of the city. When the city clerk is so notified in writing by the building inspector of compliance by the applicant, the entire deposit in escrow shall be returned to the applicant. If the provisions of this article are not complied with within 20 days, the deposit with the clerk shall be forfeited and the same shall be considered as being paid to the city for a permit. The clerk shall then forthwith deposit the money in the general fund of the city. Should the applicant desire additional time to comply with the provisions of this article, a request for additional time shall be made to the building inspector. If the request is granted by the building inspector, he shall notify the city clerk of the extension of time and his reason for granting the time extension shall be made in writing to the clerk.
(Code 1975, § 620.090; Code 1984, § 6-139)

Sec. 8-235. Buildings left standing at night.

No building shall be allowed to remain standing in any public street or other public place for a longer period than eight hours without the consent, in writing, of the building inspector. When any building is left standing in any street at night, two or more visible warning devices shall be conspicuously posted at each end of the

building so as to give warning in both directions. All other obstructions left standing in the street shall be safeguarded by similar visible warning devices. All visible warning devices shall be in good order and securely placed in position. No building or other obstruction shall be left standing at night in any street intersection. The chief of the fire department shall be notified of the location of any such building left standing in the street at night. When necessary to protect the pavement or sidewalk, planks of a sufficient size and thickness to prevent injury to such pavement or sidewalk shall be laid for the wheels of the moving truck. The building inspector shall have power to require the use of other precautionary measures than those specifically mentioned in this article, when necessary or proper to protect life, limb or property.

(Code 1975, § 620.100; Code 1984, § 6-140)

Sec. 8-236. Moving buildings over railroad tracks.

If it is necessary to move any building upon or across any railroad tracks, the same shall be done in such manner and at such time so as to interfere as little as possible with the operation of trains thereon.

(Code 1975, § 620.110; Code 1984, § 6-141)

Sec. 8-237. Time limit specified in permit.

No house mover shall permit any building to be or remain in any of the streets or alleys for any time longer than is specified in the permit of the building inspector.

(Code 1975, § 620.120; Code 1984, § 6-142)

Sec. 8-238. Penalty; abatement of violation.

Any person violating any of the provisions of this article shall be deemed guilty of an offense, and upon conviction thereof, shall be punished as provided in section 1-13. It shall be the responsibility of the offended to abate the violation as expeditiously as possible, and each day that such violation is permitted to continue shall constitute a separate offense.

(Code 1975, § 620.130; Code 1984, § 6-143)

Secs. 8-239—8-269. Reserved.

ARTICLE X. DANGEROUS BUILDINGS

Sec. 8-270. Purpose; scope.

It is the purpose of this article to provide a just, equitable and practicable method for the repairing, vacation or demolition of buildings or structures that may endanger the life, limb, health, property, safety or welfare of the occupants of such

buildings or the general public, and this article shall apply to all dangerous buildings, as herein defined, that now are in existence or that may hereafter exist in the city.

(Code 1984, § 6-171; Ord. No. 3144, § 1, 11-15-1994)

Sec. 8-271. Dangerous buildings defined.

All buildings that are detrimental to the health, safety or welfare of the residents of the city and that have any or all of the following defects shall be deemed dangerous:

- (1) Those with interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
- (2) Those that, exclusive of the foundation, show 33 percent or more damage or deterioration of the supporting member or members, or 50 percent damage or deterioration of the nonsupporting enclosing or outside walls or covering.
- (3) Those that have improperly distributed loads upon the floors or roofs, or in which the same are overloaded or that have insufficient strength to be reasonably safe for the purpose used.
- (4) Those that have been damaged by fire, wind or other causes so as to become dangerous to life, safety or the general health and welfare of the occupants or the people of the city.
- (5) Those that are so dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or welfare of those occupying such building.
- (6) Those having light, air and sanitation facilities that are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.
- (7) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other adequate means of evacuation.
- (8) Those that have parts thereof that are so attached that they may fall and injure members of the public or property.
- (9) Those that, because of their condition, are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this city.

(Code 1984, § 6-172; Ord. No. 3144, § 1, 11-15-1994)

Sec. 8-272. Declaration of nuisance.

All dangerous buildings, as defined by section 8-271, are hereby declared to be public nuisances, and shall be repaired, vacated or demolished as provided herein. (Code 1984, § 6-173; Ord. No. 3144, § 1, 11-15-1994)

Sec. 8-273. Standards for repair, vacation or demolition.

The following standards shall be followed in substance by the building inspector and the building commissioner in ordering the repair, vacation or demolition of any dangerous building:

- (1) If the dangerous building reasonably can be repaired so that it no longer will exist in violation of the terms of this article, it shall be ordered repaired.
- (2) If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, it shall be ordered to be vacated and repaired.
- (3) In all cases where a building cannot be repaired so that it no longer will exist in violation of the terms of this article, it shall be demolished.
- (4) In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this article or any ordinance of the city or statute of the state, it shall be repaired or demolished.

(Code 1984, § 6-174; Ord. No. 3144, § 1, 11-15-1994)

Sec. 8-274. Building inspector—Designation.

All city police officers and all other city employees so designated by the mayor or city administrator shall be building inspectors within the meaning of this article. (Code 1984, § 6-175; Ord. No. 3144, § 1, 11-15-1994)

Sec. 8-275. Building inspector—Duties.

The building inspector shall have the duty under this article to:

- (1) Inspect or cause to be inspected, as often as may be necessary, all residential, institutional, assembly, commercial, industrial, garage, special or miscellaneous occupancy buildings for the purpose of determining whether any conditions exist that render such places a dangerous building when he has reasonable grounds to believe that any such building is dangerous.
- (2) Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this article, and the building inspector determines that there are reasonable grounds to believe that such building is dangerous.
- (3) Inspect any building, wall or structure reported by the fire or police departments of the city as probably existing in violation of this article.

- (4) Notify in writing, either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of these modes of service, then service may be had by publication in a newspaper qualified to publish legal notices for two successive weeks, the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in such building, as shown by the land records of the recorder of deeds of the county, of any building found by him to be a dangerous building within the standards set forth in section 8-271. The notice required shall state that:
 - a. The owner must vacate, vacate and repair, or vacate and demolish such building and clean up the lot or property on which the building is located in accordance with the terms of the notice and this article;
 - b. The occupant or lessee must vacate such building or have it repaired in accordance with the notice and remain in possession;
 - c. The mortgagee, agent or other persons having an interest in such building, as shown by the land records of the recorder of deeds of the county wherein the land is located, may, at his own risk, repair, vacate, or demolish the building and clean up the property or have such work done, provided that any person notified under this subsection to repair, vacate or demolish any building or clean up the property shall be given such reasonable time not exceeding 30 days to commence the required work.

The notice provided for in this subsection shall state a description of the building or structure deemed dangerous, a statement of the particulars that make the building or structure a dangerous building, and an order requiring the designated work to be commenced within the time provided for in this subsection.

- (5) Report in writing to the city building commissioner the noncompliance with any notice to vacate, repair, demolish, and clean up the property or upon the failure to proceed continuously with the work without unnecessary delay.
- (6) Appear at all hearings conducted by the building commissioner and testify as to the condition of dangerous buildings.
- (7) Immediately report to the building commissioner concerning any building found by him to be inherently dangerous and that he determined to be a nuisance per se. The building commissioner may direct that such building be marked or posted with a written notice reading substantially as follows:

"This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building or property until it is repaired, vacated or demolished and property is cleaned up in accordance with the notice that has been given the owner, occupant, lessee, mortgagee or agent of this building, and all other persons having an interest in said

building as shown by the land records of the Recorder of Deeds of Henry County. It is unlawful to remove this notice until such notice is complied with."

Provided, however, that the order by the building commissioner and the posting of such notice, shall not be construed to deprive all persons entitled thereto by this article to the notice and hearing prescribed herein.

(Code 1984, § 6-176; Ord. No. 3144, § 1, 11-15-1994)

Sec. 8-276. Building commissioner—Designation.

The city council or other designated officer shall act as building commissioner under this article.

(Code 1984, § 6-177; Ord. No. 3144, § 1, 11-15-1994)

Sec. 8-277. Building commissioner—Duties.

The building commissioner shall have the power pursuant to this article to perform the following duties:

- (1) Supervise all inspections required by this article, and cause the building inspector to make inspections and perform all the duties required of him by this article. Upon receiving a complaint or report from any source that a dangerous building exists in the city, the building commissioner shall cause an inspection to be made forthwith. If the building commissioner deems it necessary to the performance of his duties and responsibilities imposed herein, the building commissioner may request an inspection and report be made by any other city department or retain services of an expert whenever the building commissioner deems such service necessary.
- (2) Upon receipt of a report from the building inspector indicating failure by the owner, lessee, occupant, mortgagee, agent or other persons having interest in such building to commence work of reconditioning or demolition within the time specified by this article or upon failure to proceed continuously with work without unnecessary delay, the building commissioner shall hold a hearing giving the affected parties full and adequate hearing on the matter. Written notice, either by personal service or by certified mail, return receipt requested, or by publication for two successive weeks in a newspaper qualified to publish legal notices, shall be given at least ten days in advance of a hearing date to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in such building, as shown by the land records of the recorder of deeds of the county wherein the land is located, to appear before the building commissioner on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the

statement of particulars set forth in the building inspector's notice as provided herein. Any party may be represented by counsel and all parties shall have an opportunity to be heard.

- (3) Make written findings of fact from the evidence offered at such hearing as to whether or not the building in question is a dangerous building within the terms of section 8-271.
- (4) If the evidence supports a finding based upon competent and substantial evidence that the building or structure is a dangerous building, the building commissioner shall issue an order based upon its findings of fact commanding the owner, occupant, mortgagee, lessee, agent or other persons having an interest in such building, as shown by the land records of the county wherein the land is located, to repair, vacate or demolish any building found to be a dangerous building and to clean up the property, provided that any person so notified shall have the privilege of either repairing or vacating and repairing such building, if such repair will comply with the ordinances of this city or the owner or any person having an interest in such building, as shown by the land records of the county wherein the land is located, may vacate and demolish such dangerous building at his own risk to prevent the acquiring by the city of the lien against the land where the dangerous building stands. If the evidence does not support a finding that a building or structure is a dangerous building, no order shall be issued.
- (5) If the owner, occupant, mortgagee or lessee fails to comply with the order within 30 days, the building commissioner shall cause such building or structure to be repaired, vacated or demolished and the property cleaned up as the facts may warrant; and the building commissioner shall certify the cost of the work borne by the city for such repair, vacation or demolition or cleaned up to the city clerk as a special assessment represented by a special tax bill against the real property affected; such tax bill shall be a lien upon such property and shall be deemed a personal debt against the property owner unless the building or structure is demolished, secured or repaired by a contractor pursuant to an order issued by the city and such contractor files a mechanic's lien against the property where the dangerous building is located. The contractor may enforce this lien as provided in RSMo 429.010 through 429.360. Except as provided in subsection (6) of this section, at the request of the taxpayer, this special tax bill may be paid in installments over a period of not more than ten years as permitted by RSMo 67.410; such assessment shall bear interest at the rate of eight percent per annum until paid.
- (6) As to damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, if an order is issued by the building commissioner as provided in subsection (5) of this section, and a

special tax bill or assessment is issued against the property, it shall be deemed a personal debt against the property owner. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire explosion or other casualty loss, the following procedure is established for the payment of up to 25 percent of the insurance proceeds, as set forth in subsections (6)a and b of this section. This subsection shall apply only to a covered claim payment that is in excess of 50 percent of the face value of the policy covering a building or other structure:

- a. The insurer shall withhold from the covered claim payment up to 25 percent of the covered claim payment, and shall pay such moneys to the city to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this article.
 - b. The city shall release the proceeds and any interest that has accrued on such proceeds received under subsection a of this subsection to the insured or as the terms of the policy and endorsements thereto provide within 30 days after the receipt of such insurance moneys, unless the city has instituted legal proceedings under the provisions of subsection (5) of this section. If the city has proceeded under the provisions of subsection (5) of this section, all moneys in excess of that necessary to comply with the provisions of subsection (5) of this section for the removal, securing, repair and cleanup of the building or structure and the lot on which it is located, less salvage value, shall be paid to the insured.
- (7) If there are no proceeds of any insurance policy as set forth in subsection (6) of this section, at the request of the taxpayer the tax bill may be paid in installments over a period of not more than ten years. The tax bill from the date of its issuance shall be a lien on the property and a personal debt against the property owners until paid.
 - (8) Subsection (6) of this section shall apply to fire, explosion or other casualty loss claims arising on all buildings and structures.
 - (9) Subsection (6) of this section does not make the city a party to any insurance contract, and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.
 - (10) The building commissioner may certify in lieu of payment of all or part of the covered claim under subsection (6) that it has obtained satisfactory proof that the insured has removed or will remove the debris and repair, rebuild or otherwise make the premises safe and secure. In this event, the building commissioner shall issue a certificate within 30 days after receipt of proof to permit covered claim payment to the insured without the deduction pursuant

to subsection (6) of this section. It shall be the obligation of the insured or other person making the claim to provide the insurance company with the written certificate provided from this subsection.

(Code 1984, § 6-178; Ord. No. 3144, § 1, 11-15-1994)

Sec. 8-278. Appeal.

Any owner, occupant, lessee, mortgagee, agent or any other person having an interest in a dangerous building, as shown by the land records of the recorder of deeds of the county wherein the land is located, may, within 30 days from the receipt of the order of the building commissioner, appeal such decision to the circuit court of the county wherein the land is located, pursuant to the procedure established in RSMo ch. 536.

(Code 1984, § 6-179; Ord. No. 3144, § 1, 11-15-1994)

Sec. 8-279. Emergencies.

In cases where it reasonably appears that there is immediate danger to the health, life or safety of any person unless a dangerous building, as defined herein, is immediately repaired, vacated or demolished and the property is cleaned up, the building inspector shall report such facts to the building commissioner and the building commissioner may cause the immediate repair, vacation or demolition of such dangerous building and cleanup of the property. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in section 8-277(5).

(Code 1984, § 6-180; Ord. No. 3144, § 1, 11-15-1994)

Sec. 8-280. Violations.

(a) The owner, occupant or lessee in possession of any dangerous building who shall fail to comply with the order to repair, vacate or demolish such building given by the building commissioner shall be guilty of a misdemeanor and, upon conviction, shall be punishable as set forth in section 8-281.

(b) Any person removing any notices provided for in this article shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with section 8-281.

(Code 1984, § 6-181; Ord. No. 3144, § 1, 11-15-1994)

Sec. 8-281. Penalties.

Any person violating the provisions of this article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500.00. Each day that a person fails to comply with an order of the building commissioner may be deemed a separate offense.

(Code 1984, § 6-182; Ord. No. 3144, § 1, 11-15-1994)

Chapter 9

RESERVED

Chapter 10

BUSINESSES*

Article I. In General

Sec. 10-1. Amusement rides; bond or liability insurance required.
Secs. 10-2—10-20. Reserved.

Article II. Carnivals

Sec. 10-21. Carnival companies to comply with Code and ordinances.
Sec. 10-22. Carnivals within 300 yards of hospital prohibited.

***State law references**—Municipal authority to license, regulate and prohibit amusement places, RSMo 94.110; shows, circuses, amusement buildings and festivals, RSMo ch. 316.

ARTICLE I. IN GENERAL**Sec. 10-1. Amusement rides; bond or liability insurance required.**

No person shall conduct, operate, manage or sponsor any Ferris wheel, merry-go-round or other amusement ride operated for hire, or for the purpose of promoting or advertising any trade or business, without first filing with the city clerk a bond or certificate of liability insurance, in the amount of at least \$250,000.00 indemnifying the public against damages sustained by reason of the operation of the ride. The bond or certificate of insurance shall be subject to approval by the city attorney. This section shall apply to all persons, whether or not such persons are exempted from any other provision of this Code.

(Code 1975, § 610.060; Code 1984, § 4-1)

Secs. 10-2—10-20. Reserved.**ARTICLE II. CARNIVALS****Sec. 10-21. Carnival companies to comply with Code and ordinances.**

Carnival companies must comply with the provisions of this Code and other ordinances of the city.

(Code 1975, § 610.020; Code 1984, § 4-16)

Sec. 10-22. Carnivals within 300 yards of hospital prohibited.

It shall be unlawful for any circus, carnival, street fair, concert troupe or show of any kind to be held within a distance of 300 yards of any hospital or sanitarium within the city.

(Code 1975, § 280.080; Code 1984, § 4-17)

Chapter 11

RESERVED

Chapter 12

CEMETERIES*

Article I. In General

- Sec. 12-1. Duties of city clerk.
- Sec. 12-2. Oak Grove Cemetery closed to burial.
- Sec. 12-3. Human remains.
- Secs. 12-4—12-24. Reserved.

Article II. Burial Rules and Regulations

- Sec. 12-25. Burial permits.
- Sec. 12-26. Vault restrictions.
- Sec. 12-27. Monuments at Englewood Cemetery; permits; regulations.
- Sec. 12-28. Grave lot prices.
- Sec. 12-29. Certificate of grave lot.
- Sec. 12-30. Deed recording fees.
- Sec. 12-31. Cremains.
- Sec. 12-32. Columbarium.
- Sec. 12-33. Indigent and unknown burials.
- Secs. 12-34—12-54. Reserved.

Article III. Cemetery Board

- Sec. 12-55. Created; purpose.
- Sec. 12-56. Appointed; term of office; removal.
- Sec. 12-57. Duties.
- Sec. 12-58. Acceptance of donations.
- Secs. 12-59—12-89. Reserved.

Article IV. Perpetual Care Cemetery Fund

- Sec. 12-90. Established.
- Sec. 12-91. Investment of donations.
- Sec. 12-92. Englewood Cemetery Perpetual Fund, Inc.
- Sec. 12-93. Filling vacancies.
- Sec. 12-94. Powers of fund.

***State law references**—Municipal authority with respect to cemeteries, RSMo 77.010, 77.120, 77.130; cemeteries, RSMo ch. 214.

ARTICLE I. IN GENERAL**Sec. 12-1. Duties of city clerk.**

(a) It shall be the duty of the city clerk to issue the proper permits and collect the authorized fee for permits for services at the Englewood Cemetery owned by the city. The city clerk shall issue deeds for the sale of cemetery lots and shall collect the funds paid to the city for their sale.

(b) All fees collected for the permit and sale of lots shall be deposited in the cemetery fund.

(Ord. No. 3874, 5-23-2014)

Sec. 12-2. Oak Grove Cemetery closed to burial.

No person shall be permitted to bury any body in Oak Grove Cemetery. The city clerk is forbidden to issue any permit for the opening of a grave in this cemetery. The sexton of the cemetery is forbidden to open or to permit to be opened any grave in this cemetery for the purpose of burying any body therein.

(Ord. No. 3874, 5-23-2014)

Sec. 12-3. Human remains.

Only human remains shall be buried in Englewood Cemetery.

(Ord. No. 3874, 5-23-2014)

Secs. 12-4—12-24. Reserved.**ARTICLE II. BURIAL RULES AND REGULATIONS****Sec. 12-25. Burial permits.**

No person shall be interred in Englewood Cemetery until a burial permit is purchased for said interment.

- (1) Burial permit fees for burials on Monday through Friday shall be as provided in the city fee schedule.
- (2) No permits shall be issued for burials on Sundays, New Year's Day, Memorial Day, July 4th (Independence Day), Labor Day, Thanksgiving, and Christmas.
- (3) An additional fee as provided in the city fee schedule shall be assessed for burials on Saturdays and all holidays recognized by the city that are not listed in subsection (2) of this section: Martin Luther King Jr. Day, President's Day and the Friday following Thanksgiving.

- (4) A fee as provided in the city fee schedule shall be assessed for the disposition of cremains within the cemetery by means other than burial or placement in the columbarium.
 - (5) A burial permit shall be purchased at least 24 hours prior to the scheduled burial. This may be waived at the discretion of the sexton.
- (Ord. No. 3874, 5-23-2014)

Sec. 12-26. Vault restrictions.

All caskets or coffins shall be placed in an outer container of concrete, steel, bronze or other material approved by policy. No vault or outer container shall be placed above ground in Englewood Cemetery.

(Ord. No. 3874, 5-23-2014)

Sec. 12-27. Monuments at Englewood Cemetery; permits; regulations.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Monument means any grave stone or marker of a permanent nature intended to mark and memorialize a burial grave.

(b) *Permits.* No monument, monument foundation or other object of a permanent nature shall be installed or constructed in Englewood Cemetery until a permit is obtained from the cemetery sexton. Any monument or foundation placed without a permit shall be removed at the owner's expense.

(c) *Inspections.* The cemetery sexton shall inspect foundations and monuments to verify conformance with cemetery regulations.

(d) *Monument permit fees.* Monument permit fees are as provided in the city fee schedule.

(e) *Monument regulations.*

- (1) All monuments shall be installed or constructed in accordance with the Englewood Cemetery Monument Installation and Construction Manual maintained by the cemetery sexton.
- (2) Foundations shall not encroach upon adjoining graves. Exceptions may be made by the cemetery sexton if the graves are owned by the same party.
- (3) Neither foundations nor monuments shall encroach upon cemetery property, such as walkways and driveways.
- (4) Removal or resealing of monuments after a grave is opened shall be done at the owner's expense.

(5) Any foundation or monument placed in violation of these regulations shall be removed or corrected at the owner's expense.
(Ord. No. 3874, 5-23-2014)

Sec. 12-28. Grave lot prices.

The price of each grave lot shall be as provided in the city fee schedule.
(Ord. No. 3874, 5-23-2014)

Sec. 12-29. Certificate of grave lot.

Upon the payment of the purchase price of a grave lot, the grave lot shall be conveyed by deed signed by the mayor and attested by the city clerk. The clerk shall keep a record of the certificate when it is issued and the certificate shall be and hereby is made the deed of the city. The certificate shall be subject to a vendor's lien and any and all annuities or assessments that by ordinance are to be required to be paid annually or otherwise. The certificate shall be in a form compliant with state statutes.
(Ord. No. 3874, 5-23-2014)

Sec. 12-30. Deed recording fees.

There shall be a fee, as provided in the city fee schedule, charged to transfer and record a grave lot deed.
(Ord. No. 3874, 5-23-2014)

Sec. 12-31. Cremains.

All cremains to be buried in Englewood Cemetery shall be placed in a burial urn made of a suitable material as approved by policy. Any disposition of cremains, other than burial or placement in the columbarium, shall require a permit and fee. This shall include, but is not limited to, scattering, placement within a monument, and placement within a casket.
(Ord. No. 3874, 5-23-2014)

Sec. 12-32. Columbarium.

The purchase price for a columbarium niche shall be as provided in the city fee schedule. The charge to open any columbarium niche shall be as provided in the city fee schedule. Cemetery policy shall determine the specific format and size of engravings allowed on face plates of columbarium niches.
(Ord. No. 3874, 5-23-2014)

Sec. 12-33. Indigent and unknown burials.

Englewood Cemetery sections 706, 706.5 and 707 shall be reserved for burials for indigent or unknown persons. A grave lot may be provided at no cost upon the

recommendation of a funeral home located within the city. The location of the grave lot shall be determined by the sexton. Monuments in sections 706, 706.5 and 707 shall not exceed 22 inches wide by 24 inches tall.

(Ord. No. 3874, 5-23-2014)

Secs. 12-34—12-54. Reserved.

ARTICLE III. CEMETERY BOARD

Sec. 12-55. Created; purpose.

A cemetery board is hereby created to make recommendations concerning matters related to the city-owned cemeteries.

(Ord. No. 3874, 5-23-2014)

Sec. 12-56. Appointed; term of office; removal.

(a) The mayor shall appoint, with the approval of the city council, a cemetery board, which shall consist of five members. The members shall be chosen from the citizens at large, with reference to their fitness to the office. No member of the municipal government shall be a member of the board.

(b) The members shall hold office as follows: two members for one year; two members for two years; and one member for three years, from April 1 following their appointment. The mayor shall appoint annually thereafter, before April 1 of each year, the appropriate number of members to maintain five members who shall hold office for three years and until their successors are appointed.

(c) The mayor may, with the consent of the city council, remove any member for misconduct or neglect of duty. Vacancies in the board, occasioned by removals, resignations or otherwise, shall be filled in a manner similar to original appointments.

(d) No member shall receive compensation for serving on the board.

(Ord. No. 3874, 5-23-2014)

Sec. 12-57. Duties.

(a) The cemetery board shall, immediately after appointment, meet and organize itself through the election of one of its number as president, and the election of such other officers as it may deem necessary.

(b) The duties of the cemetery board shall be to:

- (1) Meet periodically with the cemetery sexton to receive reports and review the finances and operations of the of the city's cemeteries.

- (2) Assist the department in the development of policies and procedures and the preparation of plans for the use, maintenance, repair and replacement of the city's cemetery facilities and equipment.
 - (3) Review the proposed annual budget for the city's cemeteries. Prior to June 1 of each year, the sexton shall submit the budget along with the board's recommendations to the city administrator for city council consideration.
 - (4) Address concerns of citizens and groups.
 - (5) Submit an annual report to the city council regarding cemetery activities, finances and programs with any recommendations it deems appropriate.
 - (6) Address concerns of the city council and provide the council advice on matters concerning the cemeteries.
- (Ord. No. 3874, 5-23-2014)

Sec. 12-58. Acceptance of donations.

Any person desiring to make donations of money or real or personal property for the benefit of Englewood Cemetery shall have the right to vest title to the money or property in the city for the benefit of Englewood Cemetery.

(Ord. No. 3874, 5-23-2014)

Secs. 12-59—12-89. Reserved.

ARTICLE IV. PERPETUAL CARE CEMETERY FUND

Sec. 12-90. Established.

There is hereby established a fund for the preservation, care, upkeep and adornment of Englewood Cemetery known as the perpetual care cemetery fund. The fund may accept and acquire by gift or donation, money or property which shall be credited thereto.

(Ord. No. 3874, 5-23-2014)

Sec. 12-91. Investment of donations.

All moneys and funds placed in the perpetual care cemetery fund shall be invested by the treasurer of the perpetual care cemetery fund, from time to time, in bonds of the United States government, insured savings accounts, insured certificates of deposit, and insured corporate savings accounts in banks in the United States. The investment income shall be expended by the administrator of the fund for the preservation, care, upkeep and adornment of Englewood Cemetery, and for no other

purpose whatsoever. The principal of the perpetual care cemetery fund shall not be encroached upon for any purpose whatsoever and no money shall be transferred out of the fund except for the purpose of being invested as herein provided.

(Ord. No. 3874, 5-23-2014)

Sec. 12-92. Englewood Cemetery Perpetual Fund, Inc.

Englewood Cemetery Perpetual Fund, Inc., a nonprofit corporation, shall administer the perpetual care cemetery fund upon the terms and conditions of this article. The Englewood Cemetery board shall seat two of its members on the governing body of the Englewood Cemetery Perpetual Fund, Inc., which, together with one member representing the McLane Memorial Trust Fund, one member representing the Henry S. Kimbrough Trust, and one member representing the Truman Lake Community Foundation, shall comprise the membership and board of directors of the Englewood Cemetery Perpetual Fund, Inc. Members representing the McLane Memorial Trust Fund, the Henry S. Kimbrough Trust, and the Truman Lake Community Foundation shall be residents of the city.

(Ord. No. 3874, 5-23-2014)

Sec. 12-93. Filling vacancies.

If the McLane Memorial Trust Fund, the Henry S. Kimbrough Trust, or the Truman Lake Community Foundation is unable to appoint a representative, the circuit court of the county shall appoint a duly qualified citizen of the city to fill the vacancy.

(Ord. No. 3874, 5-23-2014)

Sec. 12-94. Powers of fund.

The Englewood Cemetery Perpetual Fund, Inc., shall possess such powers as may be necessary to carry on its purposes, including the employment of a bonded treasurer.

(Ord. No. 3874, 5-23-2014)

Chapter 13

RESERVED

Chapter 14

CHARITABLE SOLICITATIONS

Sec. 14-1. Definitions.

Sec. 14-2. Unlawful to solicit by misrepresentation.

Sec. 14-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Charitable organization means any patriotic, philanthropic, social service, welfare, benevolent, educational, civic or fraternal organization, but shall not include any recognized religious organization.

Solicitation means the request of money or other thing of value upon the representation that the same will be used for a charitable or religious purpose, and shall include any oral or written request, the publication or distribution of any handbill or advertisement, the making of any announcement to or through the news media concerning any event or gathering to which the public is requested to attend or patronize, and the offer to sell or the sale of any advertisement, merchandise, subscription or other thing in connection with any charitable or religious purpose. (Code 1984, § 8-1)

Sec. 14-2. Unlawful to solicit by misrepresentation.

It is unlawful for any person to directly or indirectly solicit contributions for any purported charitable or religious purpose by misrepresentation of his identity or affiliation with any charitable or religious organization, and it is unlawful for any such person to otherwise make any misstatement, deception or fraud in connection with any such solicitations in the city.

(Code 1984, § 8-3)

Chapter 15

RESERVED

Chapter 16

CIVIL DISASTERS AND EMERGENCIES

Article I. In General

Secs. 16-1—16-18. Reserved.

Article II. Local Organization for Disaster Planning

Sec. 16-19. Created; functions.
Sec. 16-20. Membership.
Sec. 16-21. Functions.
Sec. 16-22. Duties of coordinator.
Sec. 16-23. Powers of executive officers.
Sec. 16-24. Oath.
Secs. 16-25—16-51. Reserved.

Article III. Civil Emergencies

Sec. 16-52. Definitions.
Sec. 16-53. Mayor to proclaim existence of civil emergency.
Sec. 16-54. Notification of public.
Sec. 16-55. Imposition of curfew.
Sec. 16-56. Powers of mayor.
Sec. 16-57. Proclamation to remain in effect; city council to have power to terminate.

ARTICLE I. IN GENERAL

Secs. 16-1—16-18. Reserved.

ARTICLE II. LOCAL ORGANIZATION FOR DISASTER PLANNING*

Sec. 16-19. Created; functions.

There is hereby created, within and for the city, a disaster planning organization, which is responsible for the preparation and implementation of emergency functions required to prevent, minimize and repair injury and damage due to disasters, and to include emergency activities (excluding functions for which military forces are primarily responsible) in accordance with RSMo ch. 44, and the state survival plan and program adopted thereunder.

(Code 1984, § 9-16; Ord. No. 2667, § 1, 6-16-1981)

Sec. 16-20. Membership.

The disaster planning organization shall consist of a coordinator and other members appointed by the mayor, to conform to the state organization and procedures for the conduct of emergency operations as outlined in the state survival plan and program.

(Code 1984, § 9-17; Ord. No. 2667, § 2, 6-16-1981)

Sec. 16-21. Functions.

The disaster planning organization shall perform civil defense functions within the territorial limits of the city, and may conduct these functions outside the territorial limits as directed by the governor during the time of emergency pursuant to the provisions of RSMo ch. 44.

(Code 1984, § 9-18; Ord. No. 2667, § 3, 6-16-1981)

Sec. 16-22. Duties of coordinator.

The coordinator shall be appointed by the mayor and shall serve at the pleasure of the mayor. The coordinator shall have direct responsibility for the organization, administration and operations of local disaster planning activities.

(Code 1984, § 9-19; Ord. No. 2667, § 4, 6-16-1981)

***State law references**—Creation of municipal disaster planning organization mandated, powers and duties of organization and its coordinator, RSMo 44.080; organization prohibited from participating in any form of political activity or from being used for political purposes, RSMo 44.113.

Sec. 16-23. Powers of executive officers.

The mayor and the coordinator, in accordance with RSMo ch. 44, may:

- (1) Appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for civil defense purposes, provide for the health and safety of persons, including emergency assistance to victims of an enemy attack, the safety of property, and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of federal and state disaster and emergency planning;
- (2) Appoint, provide, or remove rescue teams, auxiliary fire and police personnel and other operations teams, units or personnel who may serve without compensation;
- (3) In the event of enemy attack, waive the provisions of statutes requiring advertisements for bids for the performance of public work or entering into contracts;
- (4) With the approval of the governor and consistent with the state survival plan and program, enter into mutual-aid agreements with other public and private agencies within and without the state for reciprocal emergency aid; and
- (5) Accept services, materials, equipment, supplies or funds granted or loaned by the federal government for civil defense purposes.

(Code 1984, § 96-20; Ord. No. 2667, § 5, 6-16-1981)

State law reference—Similar provisions, RSMo 44.028, 44.080, 44.090.

Sec. 16-24. Oath.

No person shall be employed or associated in any capacity in any organization established under this chapter who advocates or has advocated a change by force or violence in the constitutional form of the government of the United States or in this state or the overthrow of any government in the United States by force of violence, or has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in an organization shall, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in this state, which oath shall be substantially as follows:

"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Missouri, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that

advocates the overthrow of the government of the United States or of this state by force or violence; and that during such a time as I am a member of the Clinton disaster planning organization, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence."

(Code 1984, § 9-21; Ord. No. 2667, § 6, 6-16-1981)

State law reference—Similar provisions, RSMo 44.115.

Secs. 16-25—16-51. Reserved.

ARTICLE III. CIVIL EMERGENCIES

Sec. 16-52. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Civil emergency means a riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by six or more persons acting together without authority of law, or any natural disaster or manmade calamity including flood, conflagration, cyclone, tornado, earthquake, explosion or accident involving any hazardous materials within the corporate limits of the city resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

Curfew means a prohibition against any person walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the city, excepting persons officially designated to perform a duty with references to the civil emergency.

Mayor means the mayor of the city, or in his absence or inability to act, the chairperson pro tem.

(Code 1975, § 260.060A, B; Code 1984, § 9-36)

Sec. 16-53. Mayor to proclaim existence of civil emergency.

When, in the judgment of the mayor, a civil emergency is deemed to exist within the city, the mayor shall forthwith proclaim, in writing, the existence of same.

(Code 1975, § 260.060C; Code 1984, § 9-37)

Sec. 16-54. Notification of public.

Any proclamation of a civil emergency shall be promptly communicated to all available news media for dissemination to the public, and the original of the same shall be filed in the office of the city clerk.

(Code 1984, § 9-38)

Sec. 16-55. Imposition of curfew.

After the proclamation of a civil emergency by the mayor, the mayor may order a general curfew applicable to certain geographical areas of the city or the city as a whole, as he deems advisable. The curfew shall be applicable during such hours of the day or night as the mayor deems necessary in the interest of the public safety and welfare.

(Code 1975, § 260.060D; Code 1984, § 9-39)

Sec. 16-56. Powers of mayor.

After the proclamation of a civil emergency, the mayor shall, in addition to all other powers granted to him by the laws of the state and the ordinances of the city, be empowered in the interest of the public safety and welfare and to preserve the peace and order of the city, to exercise any or all of the powers hereinafter granted, as follows:

- (1) To order all police officers, reserve police officers, firefighters and any other city employees to report for immediate duty as he may direct;
- (2) To order the closing of any and all business establishments throughout the city or any portion thereof during the period for which the civil emergency exists or during the hours of curfew;
- (3) To order the closing of all retail and wholesale liquor stores, taverns and other places dispensing, serving or permitting the consumption of intoxicating liquor;
- (4) To order the discontinuance of the sale, distribution or giving away of intoxicating liquor;
- (5) To order the closing of all private clubs or portions thereof wherein the consumption of intoxicating liquor is permitted;
- (6) To order the discontinuance of the selling, distribution or giving away of gasoline or other flammable liquids or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;
- (7) To order the closing of gasoline stations and other establishments engaged in the sale, distribution or dispensing of gasoline or other flammable liquids or combustible products;

- (8) To order any public place or building, public street or alley, sidewalk, parking area and any other place closed to motor vehicles, persons and pedestrian traffic;
 - (9) To order the doing of or refraining from all acts necessary and incidental to the protection of life and property.
- (Code 1975, § 260.060; Code 1984, § 9-40)

Sec. 16-57. Proclamation to remain in effect; city council to have power to terminate.

A proclamation issued in accordance with the provisions of this article shall remain in effect continuously from the date and time of the issuance thereof for the period of time specifically prescribed therein or upon the issuance of a proclamation determining the civil emergency no longer exists, whichever occurs first, provided the city council shall have the power to terminate civil emergencies at any time.

(Code 1984, § 9-41)

Chapter 17

RESERVED

Chapter 18

COURT*

Article I. In General

- Sec. 18-1. Municipal judge.
- Sec. 18-2. Failure to appear upon arrest or summons.
- Sec. 18-3. Court costs.
- Secs. 18-4—18-24. Reserved.

Article II. Administrative Search Warrants

- Sec. 18-25. Definition and purpose.
- Sec. 18-26. Requirements.
- Sec. 18-27. Application.
- Sec. 18-28. Hearing and procedure; contents of warrant; execution and return.

***State law reference**—Municipal courts, RSMo ch. 479.

ARTICLE I. IN GENERAL**Sec. 18-1. Municipal judge.**

There shall be an appointed municipal judge who shall be appointed by the city council to serve for a term of two years. No person shall serve as a municipal judge unless he is licensed to practice law in this state. The municipal judge shall be a resident of the city. No municipal judge shall hold any other office in the city. The municipal judge shall be at least 21 years of age and shall not serve after he has attained the age of 75 years.

(Code 1984, § 10-1)

State law reference—Selection of municipal judges, RSMo 479.020.

Sec. 18-2. Failure to appear upon arrest or summons.

Any person failing to appear before the municipal court as ordered shall be caused to appear pursuant to the provisions of the state supreme court rule.

(Code 1984, § 10-2)

Sec. 18-3. Court costs.

(a) Court costs shall be in the amount as set forth in subsections (a)(1) through (6) of this section for each case of a violation of this Code or any city ordinance violation filed before the municipal judge. If the defendant pleads guilty or is found guilty, the municipal judge shall assess the aforementioned costs against the defendant, except in cases where the defendant is found by the municipal judge to be indigent and unable to pay. These costs are in addition to service costs, witness fees and jail costs that may otherwise be authorized to be assessed but are in lieu of other court costs or fees. Court costs shall include and be subject to the following:

- (1) Clerk fee in the amount provided in the city fee schedule or the amount otherwise provided for under RSMo 479.260. The municipal court may order a portion of this amount placed into judicial training funds or appointed counsel funds as allowed under RSMo 479.260.
- (2) CVCF surcharge (Crime Victims' Compensation Fund) fee in the amount provided in the city fee schedule or the amount otherwise provided for under RSMo 595.045.
- (3) POST surcharge (Peace Officer Standards and Training Fund) fee in the amount provided in the city fee schedule or the amount otherwise provided for under RSMo 488.5336.
- (4) LETF surcharge (Law Enforcement Training Fund) fee in the amount provided in the city fee schedule or the amount otherwise provided for under RSMo 488.5336.

- (5) Domestic violence shelter fee in the amount provided in the city fee schedule or the amount otherwise provided for under RSMo 488.607.
- (6) Sheriffs' Retirement Fund fee in the amount provided in the city fee schedule or the amount otherwise provided for under RSMo 488.024.

(b) The collection and disbursement of court costs shall be pursuant to state law. (Code 1984, § 10-3; Ord. No. 2474, § 1, 5-20-1975; Ord. No. 2615, § 1, 10-16-1979; Ord. No. 3070, §§ 1, 2, 10-5-1993; Ord. No. 3121, §§ 1—4, 9-6-1994; Ord. No. 3290, § 1, 10-7-1997; Ord. No. 3474, § 1, 4-16-2002; Ord. No. 3689, 9-2-2008; Ord. No. 3856, 8-20-2013; Ord. No. 3896, § 2, 4-7-2015)

State law references—Municipal court costs, generally, RSMo 479.260; municipal authority to collect court costs for law enforcement training fund, RSMo 590.140.

Secs. 18-4—18-24. Reserved.

ARTICLE II. ADMINISTRATIVE SEARCH WARRANTS

Sec. 18-25. Definition and purpose.

An administrative search warrant is a written order of the municipal judge permitting city officials to enter upon or into private property for the purpose of enforcing the ordinances of the city pertaining to housing, zoning, nuisance, health and safety regulations when entry by a government official upon or into such private property is otherwise authorized by state law. A search warrant may be issued only in conformance with this section and only for the enforcement of the ordinances of the city pertaining to housing, zoning, nuisances, health and safety regulations specifically:

- (1) To abate such physical conditions on private property constituting a public nuisance or otherwise in violation of a specified regulation as provided herein;
- (2) To inspect private property to determine or prove the existence of physical conditions in violation of such a specified regulation; and
- (3) To seize, photograph, copy or record evidence of the violation of a specified regulation.

(Ord. No. 3899, § 1, 5-19-2015)

Sec. 18-26. Requirements.

The municipal judge having original and exclusive jurisdiction to determine violations against the ordinances of the city may issue an administrative warrant when:

- (1) The property to be entered is located within the city limits and the owner or occupant of the property to be entered:
 - a. Has refused to allow entry after an official request by the city; or

- b. Is not available, after reasonable investigation and effort to contact the owner or occupant to request consent to such entry or inspection; and
 - (2) The city establishes probable cause to determine that a public nuisance or other violation of a specified regulation as provided herein may exist.
- (Ord. No. 3899, § 2, 5-19-2015)

Sec. 18-27. Application.

Any such warrant shall be directed to the chief code enforcement officer or any police officer of the city and shall be executed by the chief code enforcement officer or police officer, in conjunction with any other appropriate official of the city.

- (1) Application for an administrative search warrant shall be made by the city attorney to the municipal court judge.
 - a. The application for administrative search warrant must be supported by an affidavit containing a factual basis for probable cause to determine that a public nuisance or other violation of a specified regulation as provided herein may exist.
 - b. An affidavit may be prepared and submitted to the city attorney by any code enforcement officer or police officer.
- (2) The application for an administrative search warrant shall:
 - a. Be in writing;
 - b. State the time and date of the making of the application;
 - c. Identify the property to be entered, inspected or seized in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
 - d. State that the owner or occupant of the property has either been requested by the city to allow such action and has refused to allow such action, or is not available, after reasonable investigation and effort, to consent to such entry or inspection, and in such case the application shall include details of the city's investigation and effort to request such consent;
 - e. State facts sufficient to show probable cause for the issuance of a warrant to enter the private property, including the specification of the housing, zoning, health or safety regulation sought to be enforced;
 - f. Be verified by the oath or affirmation of the applicant; and
 - g. Be signed by the applicant and filed in the municipal court.
- (3) The application may be supplemented by an additional written affidavit verified by oath or affirmation. Such affidavit shall be considered in determining whether there is probable cause for the issuance of a warrant

and in filling out any deficiencies in the description of the property or place to be entered. Oral testimony shall not be considered. The application may be submitted by facsimile or other electronic means.

(Ord. No. 3899, § 3, 5-19-2015)

Sec. 18-28. Hearing and procedure; contents of warrant; execution and return.

(a) *Hearing and procedure.*

- (1) The municipal judge shall determine whether probable cause exists to enter the private property for the purposes noted herein.
- (2) In doing so, the municipal judge shall determine whether the action to be taken by the city is reasonable in light of the facts stated. The municipal judge shall consider the goals of the ordinance or code section sought to be enforced and such other factors as may be appropriate including, but not limited to, the known or suspected violation of any relevant city ordinance or code section, the passage of time since the property's last inspection, and the law, statute or ordinance authorizing government entry onto private property. The standard for issuing a warrant need not be limited to actual knowledge of an existing violation of a city ordinance or code section.
- (3) If it appears from the application and any supporting affidavit that there is probable cause to enter the private property for the enforcement of the city's housing, zoning, health and safety regulations, a warrant shall immediately be issued.
- (4) The warrant shall issue in the form of an original and two copies, and the application, any supporting affidavit and one copy of the warrant as issued shall be retained in the records of the municipal court.

(b) *Contents of warrant.* The warrant shall:

- (1) Be in writing and in the name of the city;
- (2) Be directed to any police officer in the city;
- (3) State the time and date the warrant was issued;
- (4) Identify the property to be entered in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
- (5) Command that the described property be entered for one or more specified enforcement purposes as provided herein, identify the regulation sought to be enforced, and direct that any evidence of any suspected property violations be seized, recorded or photographed, and a description of such property be returned, within ten days after filing of the application, to the clerk of the municipal court, to be dealt with according to law;
- (6) Be signed by the judge, with his title of office indicated.

(c) *Execution and return.*

- (1) A warrant issued under this article shall be executed only by a city police officer; provided, however, that one or more designated city officials may accompany the officer, and the warrant shall be executed in the following manner:
 - a. The warrant may be issued by facsimile or other electronic means.
 - b. The warrant shall be executed by conducting the private property entry as commanded and shall be executed as soon as practicable and in a reasonable manner.
 - c. The officer shall give the owner or occupant of the property entered a copy of the warrant.
 - d. If any property is seized incident to the entry, the officer shall give the person from whose possession it was taken, if the person is present, an itemized receipt for the property taken. If no such person is present, or if no such person is ascertainable, the officer shall leave the receipt at the site of the entry in a conspicuous place. A copy of the itemized receipt of any property taken shall be delivered to an attorney for the city within two working days of the execution of the warrant. The disposition of property seized pursuant to a warrant under this section shall be in accordance with an applicable city ordinance or code section, but in the absence of the same, then with RSMo 542.301.
 - e. The officer may summon as many persons as he deems necessary to assist him in executing the warrant.
 - f. An officer executing an invalid warrant, the invalidity of which is not apparent on its face, may use such force as he would be justified in using if the warrant were valid.
 - g. A warrant shall expire if it is not executed and the required return made within ten days after the date of the making of the application.
- (2) After execution of the warrant, the warrant, with a return thereon signed by the officer executing the warrant, shall be delivered to the municipal court in the following manner:
 - a. The return shall show the date and manner of execution and the name of the possessor and of the owner, when not the same person, if known, of the property entered.
 - b. The return shall be accompanied by any photographs, copies or recordings made and by any property seized, along with a copy of the itemized receipt of such property required by this section; provided, however, that seized property may be disposed of as provided herein, and in such case a description of the property seized shall accompany the return.

- c. The court clerk, upon request, shall deliver a copy of the return to the possessor and the owner, when not the same person, of the property entered or seized.

(Ord. No. 3899, § 4, 5-19-2015)

Chapter 19

RESERVED

Chapter 20

ELECTIONS*

Article I. In General

- Sec. 20-1. General municipal elections.
- Sec. 20-2. Special elections.
- Sec. 20-3. Conduct of election per state law.
- Sec. 20-4. Candidate filing procedure.
- Sec. 20-5. Declaration of candidacy.
- Sec. 20-6. Notification and posting of rules.
- Secs. 20-7—20-30. Reserved.

Article II. Wards

- Sec. 20-31. Adoption.

***State law references**—Conduct of elections, RSMo ch. 111; election authorities and conduct of elections, RSMo ch. 115; municipal elections, RSMo ch. 122.

ARTICLE I. IN GENERAL**Sec. 20-1. General municipal elections.**

A general nonpartisan election for the election of mayor and councilmembers of the city shall be held on the first Tuesday after the first Monday in April of each year. Names of candidates for municipal offices shall be listed on the ballot in the order in which they are filed.

(Code 1984, § 11-1; Ord. No. 3117, § 1, 8-16-1994; Ord. No. 3242, § 1, 10-15-1996; Ord. No. 3291, § 1, 10-7-1997; Ord. No. 3962, § 13, 7-18-2017)

State law reference—Similar provisions, RSMo 115.121(3).

Sec. 20-2. Special elections.

Special elections shall be called by ordinances as may be provided by law.
(Code 1984, § 11-2; Ord. No. 3117, § 1, 8-16-1994)

Sec. 20-3. Conduct of election per state law.

The conduct of all elections in the city shall be governed by all provisions of RSMo ch. 115, as the same now exists or as hereafter amended, except as may now or hereafter be provided by ordinance not inconsistent therewith.

(Code 1984, § 11-3; Ord. No. 3117, § 1, 8-16-1994)

Sec. 20-4. Candidate filing procedure.

(a) Declarations of candidacy filed for any office in the general nonpartisan election held as set forth in section 20-1 of this Code shall be received by the city clerk or designee. The opening and closing dates of filing shall be in compliance with RSMo 115.127.

(b) No candidate's name shall be certified to the election authority unless the candidate has filed a written declaration of candidacy with the city clerk or designee.

(c) All candidates filing their declarations of candidacy shall personally file the declaration with the city clerk or designee.

(d) Declarations of candidacy will be received by the city clerk or designee beginning at 8:00 a.m. on the first day of filing. The order of filing for the first day of filing shall be determined by random drawing of numbers at the time each candidate files, and the candidates' names shall appear on the ballot in ascending order of the numbers so drawn. The City Clerk shall record the number drawn with the declaration of candidacy. Candidates filing thereafter shall appear in the order in which they file.

(Code 1984, § 11-4; Ord. No. 3117, § 1, 8-16-1994; Ord. No. 3291, § 2, 10-7-1997; Ord. No. 4021, § 1, 10-15-2019)

Sec. 20-5. Declaration of candidacy.

No candidate's name shall be printed on any official ballot unless the candidate has filed a written declaration of candidacy and the affidavit required by RSMo 115.306.

(Code 1984, § 11-5; Ord. No. 3117, § 1, 8-16-1994; Ord. No. 3866, § 1, 11-5-2013)

Sec. 20-6. Notification and posting of rules.

(a) The city clerk or his designee shall, prior to any election at which offices are to be filled, notify the general public of the opening and closing filing dates, the office to be filled, and the proper place for filing, in compliance with RSMo 115.127.

(b) At least five days before the first day of filing, the city clerk shall place a sign on the main entrance door to city hall, stating:

- (1) Candidates for filing for office will be admitted only through the main entrance door to city hall, 105 East Ohio, Clinton, Missouri.
- (2) On the first day of filing, no candidate will be admitted inside city hall prior to 8:00 a.m.
- (3) Declarations of candidacy will be received by the city clerk or his designee in the order which the candidates pass through the main entrance door to city hall, and shall continue to be accepted in that order until all persons have filed.
- (4) The person to pass through the main entrance door to city hall shall be the candidate only and not a designee or stand-in.

(Code 1984, § 11-6; Ord. No. 3117, § 1, 8-16-1994)

Secs. 20-7—20-30. Reserved.

ARTICLE II. WARDS*

Sec. 20-31. Adoption.

The wards shall have those boundaries as are presently established or as are hereafter established by ordinance.

(Code 1984, § 11-21)

***State law reference**—Division of city into wards, RSMo 77.030.

Chapter 21

RESERVED

Chapter 22

FIRE PREVENTION AND PROTECTION*

Article I. In General

- Sec. 22-1. Duties of fire chief.
- Sec. 22-2. General authority of fire chief.
- Sec. 22-3. Conduct of fires.
- Sec. 22-4. Volunteer firefighters.
- Sec. 22-5. Charges for fire department assistance outside city limits.
- Secs. 22-6—22-28. Reserved.

Article II. Fire Prevention Code

Division 1. Generally

- Sec. 22-29. Adoption of International Code.
- Secs. 22-30—22-46. Reserved.

Division 2. Fireworks

- Sec. 22-47. Definitions; exceptions to division.
- Sec. 22-48. Common fireworks—Prohibitions.
- Sec. 22-49. Common fireworks—Permitted.
- Sec. 22-50. Common fireworks—Sale; labeling.
- Sec. 22-51. Common fireworks—Where prohibited.
- Sec. 22-52. Sale of fireworks from temporary stands.
- Sec. 22-53. Permits for temporary stands; fee.
- Sec. 22-54. No smoking signs required.
- Sec. 22-55. Dates when common fireworks may be sold.
- Sec. 22-56. Special fireworks.
- Sec. 22-57. Violations.
- Secs. 22-58—22-87. Reserved.

Division 3. Flammable Liquids

- Sec. 22-88. Application.
- Sec. 22-89. Retroactivity.
- Sec. 22-90. Design and construction of tanks.
- Sec. 22-91. Installation of tanks.

***State law references**—Fire protection, RSMo 71.370 et seq.; municipal authority to purchase firefighting equipment, RSMo 77.190; fire protection regulations, RSMo ch. 320.

CLINTON CITY CODE

Sec. 22-92. Dikes.

Sec. 22-93. Withdrawal of flammable liquids from tanks located inside of buildings and buried tanks.

Secs. 22-94—22-114. Reserved.

Division 4. Liquefied Petroleum Gases

Sec. 22-115. Provisions not in conflict with state law adopted.

Secs. 22-116—22-143. Reserved.

Division 5. Explosives

Sec. 22-144. Permit; application.

Sec. 22-145. Submission of application and fee.

ARTICLE I. IN GENERAL**Sec. 22-1. Duties of fire chief.**

(a) The fire chief shall be charged with the responsibility for:

- (1) The extinguishment of fires;
- (2) The saving of life and property from fire;
- (3) The inspection of potential fire hazards;
- (4) The abatement of existing fire hazards;
- (5) The conducting of an educational fire prevention program;
- (6) The proper training of staff;
- (7) The performance of various public services of an emergency nature; and
- (8) Such other duties as may be assigned from time to time by the mayor.

(b) Whenever, in his capacity as inspector, the fire chief finds combustible or explosive matter or dangerous accumulation of rubbish or unnecessary accumulation of waste paper, boxes, shavings, or any other highly flammable materials especially liable to cause fire and which is so situated as to endanger property, to or whenever he shall find obstructions to or on fire escapes, stairs, passageways, doors or windows liable to interfere with the operations of the fire department or egress of occupants in case of fire, he shall order same to be removed or remedied. His order shall be complied with within 48 hours by the owner or occupant of such premises or building.

(Code 1975, §§ 205.010, 560.020; Code 1984, § 12-1)

Sec. 22-2. General authority of fire chief.

(a) In all phases of the operation and control of the fire department, its personnel, equipment, and distribution of its work schedules and shift assignments, this authority shall be vested in the fire chief as head of the fire department.

(b) During the progress of a fire, the fire chief shall have complete and absolute control of the fire department personnel, all fire trucks and all equipment belonging to the fire department.

(Code 1975, §§ 205.020, 205.070; Code 1984, § 12-2)

Sec. 22-3. Conduct of fires.

No vehicle, except by direction of the fire chief or other authorized officer of the fire department, shall approach or park within one block of a fire at any time or be parked or left standing so as to interfere with the work of the firefighters. The fire

chief may order the establishment of fire lines and may prohibit anyone from going within such fire lines, and it shall be the duty of all persons, who are not authorized personnel, to remain on the outside of such lines.

(Code 1975, § 205.030; Code 1984, § 12-3)

Sec. 22-4. Volunteer firefighters.

The fire chief shall have the power to appoint volunteer firefighters. The person so appointed and commissioned shall have the same duties and powers of regular firefighters when on actual duty. When on actual duty, volunteer firefighters shall be under the direct and exclusive control of the fire chief.

(Code 1975, § 205.060; Code 1984, § 12-4)

Sec. 22-5. Charges for fire department assistance outside city limits.

(a) Whenever the fire department is requested to assist by providing stabilization of vehicles, emergency traffic control, fire prevention activities, assistance to ambulance personnel or other similar services at vehicular or other accidents outside the city limits, other than as part of a mutual aid agreement, there shall be a charge assessed to the owner or responsible operator of each vehicle or property owner.

(b) The charges assessed shall be in the amount provided in the city fee schedule for the following services:

- (1) For each vehicle or piece of equipment involved in the accident, a fee will be charged to the owner/operator of each vehicle.
- (2) Where hand tools are required to be used to assist in removing patients or victims from the wreckage, a charge shall be made to the owner/operator of the vehicle or equipment in which the individuals are entrapped. This is in addition to the basic charges provided for in subsection (b)(1) of this section.
- (3) Where heavy extrication requiring hand tools and power assist tools, such as hydraulic extrication equipment, airbags, chains, blocks, etc., are required to be used to assist in removing of patients or victims from the wreckage, a charge shall be made to the owner/operator of the vehicle or equipment in which the individuals are entrapped. This is in addition to the basic charge provided for in subsection (b)(1) of this section.

(c) Bills for services rendered shall be made separately for each vehicle or piece of equipment involved in the accident.

(Code 1984, § 12-5; Ord. No. 2979, §§ 1—3, 11-5-1991)

Secs. 22-6—22-28. Reserved.

ARTICLE II. FIRE PREVENTION CODE**DIVISION 1. GENERALLY****Sec. 22-29. Adoption of International Code.**

The International Fire Code, 2012 Edition, published by the International Code Council, two copies of which are on file, one in the office of the city community development director and one in the office of the city clerk, is hereby adopted as the fire prevention code of the city. The regulations, provisions, conditions and terms of the code are hereby referred to and adopted and made a part hereof, as if fully set out in this article, unless otherwise noted herein. Penalty for violation of this chapter or the adopted fire code shall be as provided in section 1-13.

(Code 1984, § 12-21; Ord. No. 2589, § 1, 12-19-1978)

Secs. 22-30—22-46. Reserved.**DIVISION 2. FIREWORKS*****Sec. 22-47. Definitions; exceptions to division.**

(a) *Definitions.* The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Common fireworks means explosive devices designed primarily to produce visible or audible effects by combustion, deflagration, or detonation. The term "common fireworks" includes aerial devices containing no more than two grains (130 milligrams) of explosive composition or ground devices containing no more than 50 milligrams of explosive composition, all of which are classified as Class 1.4G consumer fireworks by federal regulation, or any similar category implemented in replacement of the 1.4G category by federal regulation.

Distributor means any person engaged in the business of selling fireworks to wholesalers, jobbers, seasonal retailers, other persons, or governmental bodies that possess the necessary permits as specified in RSMo 320.106 to 320.161, including any person that imports any fireworks of any kind in any manner into the state.

Jobber means any person engaged in the business of making sales of fireworks at wholesale or retail, within the state to nonlicensed buyers for use and distribution outside the state during a calendar year from January 1 through December 31.

Manufacturer means any person engaged in the making, manufacture, assembly or construction of fireworks of any kind within the state.

***State law references**—Municipal authority to regulate, RSMo 77.570, 320-180; prohibition by cities, RSMo 320.180.

Special fireworks means explosive devices designed primarily to produce visible or audible effects by combustion, deflagration or detonation. The term "special fireworks" includes devices containing more than two grains (130 mg) of explosive composition intended for public display. These devices are classified as Class 1.3G fireworks by federal regulation.

Wholesaler means any person engaged in the business of making sales of fireworks to any other person engaged in the business of making sales of fireworks at retail within the state.

(b) *Certain fireworks, etc., not regulated by this division.* Matches, toy pistols, toy canes, toy guns, party poppers, or other devices in which paper caps containing 0.25 grains or less of explosive compound, provided that they are so constructed that the hand cannot come into contact with the cap when in place for use, and toy pistol paper caps which contain less than 0.25 grains of explosive mixture shall be permitted for sale and use at all times and shall not be regulated by the provisions of this division.

(c) *Activities exempted.* Nothing in the following sections of this division shall be construed as applying to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation, nor applying to the military or naval forces firing blank cartridges for ceremonial, or theatrical, or athletic events or agricultural purposes.

(Code 1984, § 12-31; Ord. No. 2869, § 2, 5-17-1988; Ord. No. 3373, § 1, 8-3-1999)

Sec. 22-48. Common fireworks—Prohibitions.

It is unlawful for any person to set off, use, burn, explode or fire off fireworks rockets within the city. It is unlawful for any person to set off, use, burn, explode or fire off other common fireworks, pin wheels or any other device of like kind within the city except on July 3 and 4 between the hours of 9:00 a.m. and 10:00 p.m. and at other times designated by the city council.

(Code 1984, § 12-32; Ord. No. 2869, § 2, 5-17-1988; Ord. No. 3373, § 2, 8-3-1999; Ord. No. 3602, § 1, 6-20-2006)

Sec. 22-49. Common fireworks—Permitted.

All fireworks, except fireworks rockets, that are now labeled Class 1.4G fireworks may be sold within the city limits under the terms of this division.

(Code 1984, § 12-33; Ord. No. 2869, § 2, 5-17-1988; Ord. No. 3373, § 3, 8-3-1999)

Sec. 22-50. Common fireworks—Sale; labeling.

(a) It is unlawful for any person to possess, sell or use within the state, or ship into the state, except as provided in RSMo 320.126, any pyrotechnics commonly known as fireworks other than items classified as Class 1.4G fireworks or those items that comply with the construction, chemical composition, labeling and other

regulations relative to fireworks regulation promulgated by the Federal Consumer Product Safety Commission and permitted for use by the general public under its regulations.

(b) No retailer, dealer, or any other person shall sell, offer for sale, store, display, or have in his possession any fireworks that have not been approved and labeled as UNO336, Class 1.4G fireworks.

(c) No jobber, wholesaler, manufacturer, or distributor shall sell to seasonal retailer dealers, or any other person, in this state for the purpose for resale, or use, in this state, any fireworks which do not have the UNO336, Class 1.4G fireworks label printed on the fireworks shipping carton.

(d) The ICC Class C label must be visible on the fireworks or smallest container in which they are sold. The label shall be on the fireworks, or package, or both, that is received by the general public from the dealer.

(Code 1984, § 12-34; Ord. No. 2869, § 2, 5-17-1988; Ord. No. 3373, § 4, 8-3-1999)

Sec. 22-51. Common fireworks—Where prohibited.

(a) It is unlawful for any person to store, sell, fire or shoot fireworks within the C-2 historic business district, with the exception that individuals may shoot common fireworks on private residential property.

(b) It is unlawful to explode or ignite fireworks within 600 feet of any church, hospital, or public school, or within 100 feet of the place where fireworks are stored, sold, or offered for sale.

(c) Common fireworks shall not be discharged on or within any public street, public sidewalk, public park, or public grounds.

(d) The regulations of subsections (b) and (c) of this section are deemed necessary as a protection from fire or injuries to persons within the area designated therein.

(Code 1984, § 12-35; Ord. No. 2869, § 2, 5-17-1988)

Sec. 22-52. Sale of fireworks from temporary stands.

(a) No fireworks shall be offered for sale within any permanent structure. All fireworks sold in the city are to be displayed and sold in temporary stands placed a distance of at least 75 feet from any building, and at least 150 feet from any building used for storing or selling flammable liquids, explosives or volatile liquids.

(b) All stands erected for the purpose of selling or displaying common fireworks shall have an attendant on duty at all times. All attendants or employees of these stands shall have reached the age of 16 years and there shall, at all times, be a person of the age of 18 years physically present at, and in supervision of, the stand.

(c) It is unlawful to attempt to sell or to sell at retail any common fireworks to children under the age of 14 years except when such child is in the presence of a parent or guardian.

(d) Common fireworks shall not be kept in temporary stands overnight, or when stands are closed and unattended. Common fireworks shall be displayed in such a manner that they are inaccessible to the public. Two approved fire extinguishers shall be provided and kept in close proximity to the stock of common fireworks where fireworks are sold.

(e) The term "temporary stand" means any type of skid, trailer or trailer-mount unit. Canvas tents shall not be used as or considered temporary stands.

(f) No common fireworks shall be fired within 150 feet of any temporary stand. (Code 1984, § 12-36; Ord. No. 2869, § 2, 5-17-1988)

Sec. 22-53. Permits for temporary stands; fee.

All temporary stands shall be inspected by the fire chief and, upon his approval and recommendation, a permit to operate the stand shall be obtained from the city clerk. The charge of the permit shall be the amount as provided in the city fee schedule to sell fireworks for the period allowed. The city clerk shall turn over all fees collected for these permits for deposit in the general fund of the city. The city shall have the right to revoke any such permit upon finding the owner or operator in violation of this division.

(Code 1984, § 12-37; Ord. No. 2869, § 2, 5-17-1988)

Sec. 22-54. No smoking signs required.

One or more signs reading "Fireworks—No Smoking" shall be displayed at all places where fireworks are stored or sold in letters not less than four inches in height.

(Code 1984, § 12-38; Ord. No. 2869, § 2, 5-17-1988)

Sec. 22-55. Dates when common fireworks may be sold.

The council shall set annually by May 1 the dates upon which fireworks may be sold at retail stands.

(Code 1984, § 12-39; Ord. No. 2869, § 2, 5-17-1988; Ord. No. 3373, § 5, 8-3-1999)

State law reference—Similar provisions, RSMo 320.150(1).

Sec. 22-56. Special fireworks.

(a) Permits for public displays for special fireworks within the city limits may be granted to organizations upon application to the city fire chief and approval by the city council. Every such display shall be located, discharged or fired so as, in the opinion of the fire chief, after proper inspection, to not be hazardous to any person

or property. After a permit has been granted, the sale, possession, use, and distribution of fireworks for such display shall be lawful for that purpose only. A copy of all permits issued for special fireworks shall be forwarded to the state fire marshal's office. No permit granted hereunder shall be transferable.

(b) Before any permit for special fireworks shall be granted, the organization making application therefor shall furnish proof of financial responsibility to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such organization or any agent or employee thereof.

(Code 1984, § 12-40; Ord. No. 3373, § 6, 8-3-1999)

Sec. 22-57. Violations.

Any person found in violation of any section of this division shall be deemed guilty of an offense, and punished pursuant to section 1-13.

(Code 1984, § 12-41; Ord. No. 3373, § 7, 8-3-1999)

Secs. 22-58—22-87. Reserved.

DIVISION 3. FLAMMABLE LIQUIDS

Sec. 22-88. Application.

This division shall apply to all persons, governmental agencies other than federal and voluntary associations storing, handling or using flammable liquids, and shall also apply to the owner or lessee of any building premises, or equipment in which flammable liquids are stored, handled or used.

(Code 1975, § 535.010; Code 1984, § 12-51)

Sec. 22-89. Retroactivity.

This division shall not be so construed or applied as to prevent the continued operation and use of any plant, storage tank, building or structure in existence at the time of the adoption of this code which does not comply with the requirements thereof with respect to location, tank capacity, clearances, spacing between units, or between units and line of adjoining property; but all existing plants shall comply with all other requirements of this division, including those relating to foundations and supports for aboveground tanks, grounding and bonding, venting or breathing, emergency vents for relief, control valves, tank connections and openings, piping, control of sources of ignition, ventilation and first aid fire control appliances. Existing plants, storage tanks, buildings or structures may be replaced in kind but still not be enlarged.

(Code 1975, § 535.030; Code 1984, § 12-52)

Sec. 22-90. Design and construction of tanks.

Tanks for the storage of flammable liquids shall be designed and constructed in accordance with the city's fire regulations for the storage, handling and use of flammable liquids published by the National Fire Protection Association (No. 30) or similarly nationally recognized good practices, satisfactory to the fire chief.

(Code 1975, § 535.100; Code 1984, § 12-53)

Sec. 22-91. Installation of tanks.

Aboveground tanks shall rest directly on the ground or on foundations or supports of concrete, masonry, piling or steel. Exposed piling or steel supports shall be protected by fire-resistive materials to provide a fire-resistance rating of not less than two hours. Tanks located inside of buildings shall be securely supported to prevent settling, sliding or shifting, and shall be so installed that the bottom pitches are to be a draw-off or drain opening at a slope of not less than one-quarter inch per foot of length.

(Code 1975, § 535.110; Code 1984, § 12-54)

Sec. 22-92. Dikes.

(a) Storage tanks for flammable liquids shall not be located where, because of topography or nearness of streams, flammable liquids could drain or be carried to sites having structures of high values, or to places of habitation or public assembly unless such tanks are diked in a manner to prevent such drainage. Compliance with the provisions for dikes contained in the city's fire regulations for the storage, handling and use of flammable liquids (No. 30) published by the National Fire Protection Association or other nationally recognized standard shall be deemed as complying with this requirement.

(b) Where provision is made for draining rain water from diked areas, such drains shall normally be kept closed and shall be so designed that when in use, they will not permit flammable liquids to enter natural water courses, public sewers or public drains if their presence would constitute a hazard.

(Code 1975, § 535.120; Code 1984, § 12-55)

Sec. 22-93. Withdrawal of flammable liquids from tanks located inside of buildings and buried tanks.

(a) The withdrawal of flammable liquids from storage tanks located inside buildings and from buried tanks shall, except as noted herein, be by an approved pump through continuous piping so as to avoid the exposure of the liquid or its vapors. Gravity feed of a flammable liquid inside a building shall be limited to fuel oil from supply tanks not to exceed 275 gallons individual capacity or 550 gallons aggregate capacity. Flammable liquids shall not be withdrawn from a tank which operates through pressure within a storage tank, unless the tank has been approved

as a pressure vessel for the use to which it is subjected. In no case shall air or gas pressure be used for the withdrawal of a flammable liquid from a storage tank. Tanks operating at above atmospheric pressure shall be designed and constructed in accordance with the Unfired Pressure Vessel Code of the American Society of Mechanical Engineers or a similarly nationally recognized code satisfactory to the fire chief.

(b) Pumps shall be of the type tested and listed by the Underwriters' Laboratories, Inc., or a similarly nationally recognized testing laboratory satisfactory to the fire chief.

(Code 1975, § 535.150; Code 1984, § 12-56)

Secs. 22-94—22-114. Reserved.

DIVISION 4. LIQUEFIED PETROLEUM GASES*

Sec. 22-115. Provisions not in conflict with state law adopted.

All applicable provisions of the International Fire Code adopted in this article shall apply in this division except any which may be in conflict with RSMo ch. 323, dealing with liquefied petroleum gases.

(Code 1984, § 12-66)

Secs. 22-116—22-143. Reserved.

DIVISION 5. EXPLOSIVES†

Sec. 22-144. Permit; application.

The party desiring a permit to store or use explosive material within the city shall submit an application on which shall be set forth the following information, including Tier II compliance under applicable federal regulations:

- (1) The name, address and telephone number of the applicant;
- (2) The type and amount of the explosive material to be used and/or stored;
- (3) The location where the explosive material is to be stored;
- (4) The location where the explosive material is to be used;
- (5) A description of the place of storage of the explosive material;
- (6) A description of storage containers to be used; and

***State law reference**—Liquefied petroleum gases, RSMo ch. 323.

†**State law reference**—Municipal authority to regulate explosives, RSMo 77.570.

(7) The purpose of the explosive materials, including a rough diagram of the area where they are to be used and purpose of their use.
(Code 1975, § 555.030; Code 1984, § 12-76)

Sec. 22-145. Submission of application and fee.

The application for a permit under this division shall be submitted to the fire chief for his review and approval. A permit to store or use explosive materials shall not be issued without approval of the fire chief.
(Code 1975, § 555.040; Code 1984, § 12-77)

Chapter 23

RESERVED

Chapter 24

FLOOD PREVENTION AND PROTECTION

Article I. In General

- Sec. 24-1. Findings of fact.
- Sec. 24-2. Statement of purpose.
- Secs. 24-3—24-22. Reserved.

Article II. Definitions

- Sec. 24-23. Words and terms defined.
- Secs. 24-24—24-49. Reserved.

Article III. General Provisions

- Sec. 24-50. Lands to which chapter applies.
- Sec. 24-51. Floodplain administrator.
- Sec. 24-52. Compliance.
- Sec. 24-53. Abrogation and greater restrictions.
- Sec. 24-54. Interpretation.
- Sec. 24-55. Warning and disclaimer of liability.
- Secs. 24-56—24-83. Reserved.

Article IV. Administration

- Sec. 24-84. Floodplain development permit required.
- Sec. 24-85. Designation of floodplain administrator.
- Sec. 24-86. Duties and responsibilities of community development director.
- Sec. 24-87. Application for floodplain development permit.
- Secs. 24-88—24-117. Reserved.

Article V. Provisions for Flood Hazard Reduction

- Sec. 24-118. General standards.
- Sec. 24-119. Specific standards.
- Sec. 24-120. Manufactured homes.
- Sec. 24-121. Floodway.
- Sec. 24-122. Recreational vehicles.
- Secs. 24-123—24-142. Reserved.

Article VI. Floodplain Management Variance Procedures

- Sec. 24-143. Establishment of appeal board.

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- Sec. 24-144. Responsibility of appeal board.
- Sec. 24-145. Further appeals.
- Sec. 24-146. Floodplain management variance criteria.
- Sec. 24-147. Conditions for approving floodplain management variances.
- Sec. 24-148. Conditions for approving variances for agricultural structures.
- Sec. 24-149. Conditions for approving variances for accessory structures.
- Sec. 24-150. Penalties for violation.
- Sec. 24-151. Amendments.

ARTICLE I. IN GENERAL**Sec. 24-1. Findings of fact.**

(a) *Flood losses resulting from periodic inundation.* The special flood hazard areas of the city are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(b) *General causes of the flood losses.* These flood losses are caused by:

- (1) The cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and
- (2) The occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.

(c) *Methods used to analyze flood hazards.* The flood insurance study (FIS) that is the basis of this chapter uses a standard engineering method of analyzing flood hazards which consist of a series of interrelated steps.

- (1) Selection of a base flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this chapter is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this chapter. It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any one year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials for the county dated January 6, 2011, as amended, and any future revisions thereto.
- (2) Calculation of water surface profiles are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
- (3) Computation of a floodway required to convey this flood without increasing flood heights more than one foot at any point.
- (4) Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.
- (5) Delineation of flood fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood.

(Ord. No. 3759, § 1, 12-7-2010)

Sec. 24-2. Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare; to minimize those losses described in section 24-1(a); to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 CFR 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) by applying the provisions of this chapter to:

- (1) Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;
 - (2) Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
 - (3) Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.
- (Ord. No. 3759, § 1, 12-7-2010)

Secs. 24-3—24-22. Reserved.

ARTICLE II. DEFINITIONS

Sec. 24-23. Words and terms defined.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

100-year flood. See *Base flood*.

Accessory structure means the same as the term "appurtenant structure."

Actuarial rates. See *Risk premium rates*.

Administrator means the Federal Insurance Administrator.

Agency means the Federal Emergency Management Agency (FEMA).

Agricultural commodities means agricultural products and livestock.

Agricultural structure means any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.

Appeal means a request for review of the community development director's interpretation of any provision of this chapter or a request for a variance.

Appurtenant structure means a structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Area of special flood hazard means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Basement means any area of the structure having its floor subgrade (below ground level) on all sides.

Building. See *Structure*.

Chief executive officer or *chief elected official* means the official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community.

Community means any state or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Elevated building means, for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Eligible community or *participating community* means a community for which the administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

Existing construction means, for the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. The term "existing construction" may also be referred to as "existing structures."

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland waters; and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood boundary and floodway map (FBFM) means an official map of a community on which the administrator has delineated both special flood hazard areas and the designated regulatory floodway.

Flood elevation determination means a determination by the administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

Flood elevation study means an examination, evaluation and determination of flood hazards.

Flood fringe means the area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

Flood hazard boundary map (FHBM) means an official map of a community, issued by the administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A zones.

Flood insurance rate map (FIRM) means an official map of a community, on which the administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood insurance study (FIS) means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Floodplain or floodprone area means any land area susceptible to being inundated by water from any source. See *Flood or flooding*.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term "floodplain management regulations" means such state or local regulations, in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

Floodway or *regulatory floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway encroachment lines means the lines marking the limits of floodways on federal, state and local floodplain maps.

Freeboard means a factor of safety, usually expressed in feet above a flood level, for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

Functionally dependent use means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term "functionally dependent use" includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or

- b. Directly by the Secretary of the Interior in states without approved programs.

Lowest floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this article.

Manufactured home means a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a recreational vehicle.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map means the flood hazard boundary map (FHB), flood insurance rate map (FIRM), or the flood boundary and floodway map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).

Market value or fair market value means an estimate of what is fair, economic, just and equitable value under normal local market conditions.

Mean sea level means, for purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map (FIRM) are referenced.

New construction means, for the purposes of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, the term "new construction" means structures for which the start of construction commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

NFIP means the National Flood Insurance Program (NFIP).

Participating community also *eligible community* means a community in which the administrator has authorized the sale of flood insurance.

Person includes any individual or group of individuals, corporation, partnership, association, or any other entity, including federal, state, and local governments and agencies.

Principally above ground means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

Recreational vehicle means a vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Remedy a violation means to bring the structure or other development into compliance with federal, state, or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its noncompliance.

Repetitive loss means flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Risk premium rates mean those rates established by the administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. Risk premium rates include provisions for operating costs and allowances.

Special flood hazard area. See *Area of special flood hazard*.

Special hazard area means an area having special flood hazards and shown on an FHBM, FIRM or FBFM as Zones (unnumbered or numbered) A and AE.

Start of construction includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation

for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State coordinating agency means that agency of the state government, or other office designated by the governor of the state or by state statute at the request of the administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that state.

Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. The term "structure," for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term "structure" includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

Substantial damage.

- (1) The term "substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term "substantial damage" includes repetitive loss buildings (see definition).
- (2) For the purposes of the term "substantial damage," the term "repair" is considered to occur when the first repair or reconstruction of any wall, ceiling, floor, or other structural part of the building commences.
- (3) The term "substantial damage" does not apply to:
 - a. Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the code enforcement official and which are solely necessary to ensure safe living conditions;
 - b. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure; or
 - c. Any improvement to a building.

Substantial improvement.

- (1) The term "substantial improvement" means any combination of reconstruction, alteration, or improvement to a building, taking place during a ten-year period, in which the cumulative percentage of improvement equals or exceeds 50 percent of the current market value of the building.
- (2) For the purposes of the term "substantial improvement," an improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term "substantial improvement" includes structures which have incurred repetitive loss or substantial damage regardless of the actual repair work done.
- (3) The term "substantial improvement" does not apply to:
 - a. Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the code enforcement official and which are solely necessary to ensure safe living conditions;
 - b. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure; or
 - c. Any building that has been damaged from any source or is categorized as repetitive loss.

Substantially improved existing manufactured home parks or subdivisions means where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Variance means a grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this chapter is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified), of floods of various magnitudes and frequencies in the floodplain.
(Ord. No. 3759, § 1, 12-7-2010)

Secs. 24-24—24-49. Reserved.

ARTICLE III. GENERAL PROVISIONS

Sec. 24-50. Lands to which chapter applies.

This chapter shall apply to all lands within the jurisdiction of the city identified as numbered and unnumbered A zones and AE zones on the flood insurance rate map (FIRM) for the county on map panels 29083C0193C, 29083C0194C, 29083C0213C, 29083C0306C, 29083C0307C, and 29083C0326C dated January 6, 2011, as amended, and any future revisions thereto. In all areas covered by this chapter, no development shall be permitted except through the issuance of a floodplain development permit, granted by the city council or its duly designated representative under such safeguards and restrictions as the city council or the designated representative may reasonably impose for the promotion and maintenance of the general welfare and health of the inhabitants of the community, and as specifically noted in article IV of this chapter.

(Ord. No. 3759, § 1, 12-7-2010)

Sec. 24-51. Floodplain administrator.

The community development director is hereby designated as the floodplain administrator under this chapter.

(Ord. No. 3759, § 1, 12-7-2010)

Sec. 24-52. Compliance.

No development located within the special flood hazard areas of this community shall be located, extended, converted, or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

(Ord. No. 3759, § 1, 12-7-2010)

Sec. 24-53. Abrogation and greater restrictions.

It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

(Ord. No. 3759, § 1, 12-7-2010)

Sec. 24-54. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, shall be liberally construed in favor of the city council, and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

(Ord. No. 3759, § 1, 12-7-2010)

Sec. 24-55. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that areas outside the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damage. This chapter shall not create a liability on the part of the city, any officer or employee thereof, for any flood damages that may result from reliance on this chapter or any administrative decision lawfully made thereunder.
(Ord. No. 3759, § 1, 12-7-2010)

Secs. 24-56—24-83. Reserved.**ARTICLE IV. ADMINISTRATION****Sec. 24-84. Floodplain development permit required.**

A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in section 24-50. No person, firm, corporation, or unit of government shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.
(Ord. No. 3759, § 1, 12-7-2010)

Sec. 24-85. Designation of floodplain administrator.

The community development director is hereby appointed to administer and implement the provisions of this chapter.
(Ord. No. 3759, § 1, 12-7-2010)

Sec. 24-86. Duties and responsibilities of community development director.

Duties of the community development director shall include, but not be limited to:

- (1) Review of all applications for floodplain development permits to ensure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this chapter have been satisfied;
- (2) Review of all applications for floodplain development permits for proposed development to ensure that all necessary permits have been obtained from federal, state, or local governmental agencies from which prior approval is required by federal, state, or local law;

- (3) Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
 - (4) Issue floodplain development permits for all approved applications;
 - (5) Notify adjacent communities and the Missouri State Emergency Management Agency (MO SEMA) to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
 - (6) Ensure that the flood-carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse;
 - (7) Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;
 - (8) Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed;
 - (9) Require certification from a registered professional engineer or architect when floodproofing techniques are utilized for a particular non-residential structure.
- (Ord. No. 3759, § 1, 12-7-2010)

Sec. 24-87. Application for floodplain development permit.

To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:

- (1) Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;
- (2) Identify and describe the work to be covered by the floodplain development permit;
- (3) Indicate the use or occupancy for which the proposed work is intended;
- (4) Indicate the assessed value of the structure and the fair market value of the improvement;
- (5) Specify whether development is located in a designated flood fringe or floodway;
- (6) Identify the existing base flood elevation and the elevation of the proposed development;

- (7) Give such other information as reasonably may be required by the community development director;
 - (8) Be accompanied by plans and specifications for proposed construction; and
 - (9) Be signed by the permittee or his authorized agent, who may be required to submit evidence to indicate such authority.
- (Ord. No. 3759, § 1, 12-7-2010)

Secs. 24-88—24-117. Reserved.

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 24-118. General standards.

(a) No permit for floodplain development shall be granted for new construction, substantial improvements, and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A zones and AE zones, unless the conditions of this section are satisfied.

(b) All areas identified as unnumbered A zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A zones is subject to all provisions of this article. If flood insurance study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from federal, state, or other sources.

(c) Until a floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within any numbered A zone or AE zone on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(d) All new construction, subdivision proposals, substantial improvements, prefabricated structures, placement of manufactured homes, and other developments shall require:

- (1) Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) Construction with materials resistant to flood damage;
- (3) Utilization of methods and practices that minimize flood damage;

- (4) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (5) New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and
- (6) Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to ensure that:
 - a. All such proposals are consistent with the need to minimize flood damage;
 - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards; and
 - d. All proposals for development, including proposals for manufactured home parks and subdivisions, of five acres or 50 lots, whichever is lesser, include within such proposals base flood elevation data.
- (e) Storage, material, and equipment.
 - (1) The storage or processing of materials within the special flood hazard area that are in times of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - (2) Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.
- (f) Agricultural structures. Structures used solely for agricultural purposes in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock, may be constructed at-grade and wet-floodproofed, provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; there is no permanent retail, wholesale, or manufacturing use included in the structure; a variance has been granted from the floodplain management requirements of this chapter; and a floodplain development permit has been issued.
- (g) Accessory structures. Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than 400 square feet, may be constructed at-grade and

wet-floodproofed, provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; a variance has been granted from the standard floodplain management requirements of this chapter; and a floodplain development permit has been issued.

(Ord. No. 3759, § 1, 12-7-2010)

Sec. 24-119. Specific standards.

In all areas identified as numbered and unnumbered A zones and AE zones, where base flood elevation data have been provided, as set forth in section 24-118(b), the following provisions are required:

- (1) Residential construction. New construction or substantial improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to one foot above the base flood elevation.
- (2) Non-residential construction. New construction or substantial improvement of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the community development director as set forth in section 24-86(9).
- (3) Require, for all new construction and substantial improvements that fully enclosed areas below the lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; and
 - b. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

(Ord. No. 3759, § 1, 12-7-2010)

Sec. 24-120. Manufactured homes.

(a) All manufactured homes to be placed within all unnumbered and numbered A zones and AE zones on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

(b) Manufactured homes that are placed or substantially improved within unnumbered or numbered A zones and AE zones, on the community's FIRM on sites:

- (1) Outside of a manufactured home park or subdivision;
- (2) In a new manufactured home park or subdivision;
- (3) In an expansion to an existing manufactured home park or subdivision; or
- (4) In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood;

are required to be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(c) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A zones and AE zones, on the community's FIRM, that are not subject to the provisions of subsection (b) of this section, are required to be elevated so that either:

- (1) The lowest floor of the manufactured home is at one foot above the base flood level; or
- (2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(d) Nothing in this section shall be construed to otherwise replace or supersede the requirements of chapter 36 related to the placement of manufactured homes. (Ord. No. 3759, § 1, 12-7-2010)

Sec. 24-121. Floodway.

Located within areas of special flood hazard established in section 24-50 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles, the following provisions shall apply:

- (1) The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point.
- (2) The community shall prohibit any encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (3) If subsection (2) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this article.
- (4) In unnumbered A zones, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from federal, state, or other sources as set forth in section 24-118(b).

(Ord. No. 3759, § 1, 12-7-2010)

Sec. 24-122. Recreational vehicles.

(a) Recreational vehicles placed on sites within all unnumbered and numbered A zones and AE zones on the community's FIRM are required to either:

- (1) Be on the site for fewer than 180 consecutive days;
- (2) Be fully licensed and ready for highway use; or
- (3) Meet the permitting, elevation, and the anchoring requirements for manufactured homes of this chapter.

(b) A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

(Ord. No. 3759, § 1, 12-7-2010)

Secs. 24-123—24-142. Reserved.

ARTICLE VI. FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES

Sec. 24-143. Establishment of appeal board.

The board of adjustment shall hear and decide appeals and requests for variances from the floodplain management requirements of this chapter.
(Ord. No. 3759, § 1, 12-7-2010)

Sec. 24-144. Responsibility of appeal board.

Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the community development director, the applicant may apply for such floodplain development permit or variance directly to the board of adjustment, as defined in section 24-143. The board of adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the community development director in the enforcement or administration of this chapter. Hearings under this chapter shall be conducted under the procedures of chapter 36 related to variance requests.
(Ord. No. 3759, § 1, 12-7-2010)

Sec. 24-145. Further appeals.

Any person aggrieved by the decision of the board of adjustment or any taxpayer may appeal such decision to the county circuit court as provided in RSMo 89.110.
(Ord. No. 3759, § 1, 12-7-2010)

Sec. 24-146. Floodplain management variance criteria.

In passing upon such applications for variances, the board of adjustment shall consider all technical data and evaluations, all relevant factors, standards specified in other sections of this chapter, and the following criteria:

- (1) The danger to life and property due to flood damage;
- (2) The danger that materials may be swept onto other lands to the injury of others;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity to the facility of a waterfront location, where applicable;
- (6) The availability of alternative locations, not subject to flood damage, for the proposed use;

- (7) The compatibility of the proposed use with existing and anticipated development;
 - (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters, if applicable, expected at the site; and
 - (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges.
- (Ord. No. 3759, § 1, 12-7-2010)

Sec. 24-147. Conditions for approving floodplain management variances.

(a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subsections (b) through (f) of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(b) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the state inventory of historic places, or local inventory of historic places upon determination, provided the proposed activity will not preclude the structure's continued historic designation.

(c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(e) Variances shall only be issued upon:

- (1) A showing of good and sufficient cause;
- (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(f) A community shall notify the applicant, in writing, over the signature of a community official that:

- (1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and
 - (2) Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this article.
- (Ord. No. 3759, § 1, 12-7-2010)

Sec. 24-148. Conditions for approving variances for agricultural structures.

(a) Any variance granted for an agricultural structure shall be decided individually based on a case-by-case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in sections 24-146 and 24-147.

(b) In order to minimize flood damage during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-floodproofed:

- (1) All agricultural structures considered for a variance from the floodplain management regulations of this article shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures, such as farm houses, cannot be considered agricultural structures.
- (2) Use of the varied structures must be limited to agricultural purposes in Zone A only, as identified on the community's flood insurance rate map (FIRM).
- (3) For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundations, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation must be built with flood-resistant materials in accordance with section 24-118(d)(2).
- (4) The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with section 24-118(d)(1). All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.

- (5) Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that it is contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with section 24-118(d)(4).
 - (6) The agricultural structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with section 24-119(3).
 - (7) The agricultural structures must comply with the floodplain management floodway encroachment provisions of section 24-121(2). No variances may be issued for agricultural structures within any designated floodway if any increase in flood levels would result during the 100-year flood.
 - (8) Major equipment, machinery, or other contents must be protected from any flood damage.
 - (9) No disaster relief assistance under any program administered by any federal agency shall be paid for any repair or restoration costs of the agricultural structures.
 - (10) A community shall notify the applicant, in writing, over the signature of a community official that:
 - a. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and
 - b. Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this article.
 - (11) Wet-floodproofing construction techniques must be reviewed and approved by the community and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.
- (Ord. No. 3759, § 1, 12-7-2010)

Sec. 24-149. Conditions for approving variances for accessory structures.

(a) Any variance granted for an accessory structure shall be decided individually based on a case-by-case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in sections 24-146 and 24-147.

(b) In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-floodproofed:

- (1) Use of the accessory structures must be solely for parking and limited storage purposes in Zone A only, as identified on the community's flood insurance rate map (FIRM).

- (2) For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundations, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with section 24-118(d)(2).
 - (3) The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with section 24-118(d)(1). All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
 - (4) Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that it is contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with section 24-118(d)(4).
 - (5) The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with article 4, section 24-119(3).
 - (6) The accessory structures must comply with the floodplain management floodway encroachment provisions of section 24-121(2). No variances may be issued for accessory structures within any designated floodway if any increase in flood levels would result during the 100-year flood.
 - (7) Equipment, machinery, or other contents must be protected from any flood damage.
 - (8) No disaster relief assistance under any program administered by any federal agency shall be paid for any repair or restoration costs of the accessory structures.
 - (9) A community shall notify the applicant, in writing, over the signature of a community official that:
 - a. The issuance of a variance to construct a structure the below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and
 - b. Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this article.
 - (10) Wet-floodproofing construction techniques must be reviewed and approved by the community and registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.
- (Ord. No. 3759, § 1, 12-7-2010)

Sec. 24-150. Penalties for violation.

Violation of the provisions of this chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be subject to penalties as provided in section 1-13. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the city or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 3759, § 1, 12-7-2010)

Sec. 24-151. Amendments.

The regulations, restrictions, and boundaries set forth in this chapter may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973; provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the city. At least 20 days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII office of the Federal Emergency Management Agency (FEMA). The regulations of this chapter are in compliance with the National Flood Insurance Program (NFIP) regulations.

(Ord. No. 3759, § 1, 12-7-2010)

Chapter 25

RESERVED

Chapter 26

HEALTH*

Article I. In General

- Sec. 26-1. Fluoride in public water supply.
- Sec. 26-2. Digging of pond or sewer lagoon prohibited.
- Secs. 26-3—26-22. Reserved.

Article II. Wells and Cisterns

- Sec. 26-23. Definitions.
- Sec. 26-24. Filling or covering mandated; owner's duty.
- Sec. 26-25. Uncovered wells and cisterns declared to be public nuisance.
- Sec. 26-26. Penalty.
- Secs. 26-27—26-55. Reserved.

Article III. Tobacco and Electronic Cigarette Smoking

- Sec. 26-56. Definitions.
- Sec. 26-57. Restrictions.
- Sec. 26-58. Exemptions.
- Sec. 26-59. Responsibility of proprietors.
- Sec. 26-60. Notice.
- Sec. 26-61. Complaint.

***State law references**—Division of health, RSMo ch. 192; nursing homes generally, RSMo ch. 198.

ARTICLE I. IN GENERAL**Sec. 26-1. Fluoride in public water supply.**

(a) The water utility company is hereby directed and authorized to provide the means and to proceed with the introduction of the fluoridation into the public water supply of the city in such quantities as are required to provide throughout the pipe distribution system a fluoride concentration of approximately one part fluoride per million parts of water.

(b) The water utility company shall keep an accurate record of the amount of fluoride-bearing chemical applied to the quantities of water treated, and cause analytical tests to be made for fluoride (in terms of the element F) in the untreated and treated water as it shall be directed to do by the state division of health.

(Code 1975, § 285.020A, B; Code 1984, §§ 14-16, 14-17)

State law reference—State department of natural resources prohibited from promulgating rules requiring or prohibiting fluoridation of water, RSMo 640.135.

Sec. 26-2. Digging of pond or sewer lagoon prohibited.

To promote the health, safety and general welfare of the city it is hereby declared unlawful for any person to erect or dig a pond or sewer lagoon within the city limits. (Code 1975, § 285.040A; Code 1984, § 14-31)

Secs. 26-3—26-22. Reserved.**ARTICLE II. WELLS AND CISTERNS*****Sec. 26-23. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Open well or *cistern* means any well or cistern having a diameter of more than six inches which is not covered by a permanent concrete cover.

(Code 1975, § 285.050E; Code 1984, § 14-46; Ord. No. 2584, § 2, 10-3-1978)

Sec. 26-24. Filling or covering mandated; owner's duty.

(a) To promote the health, safety and general welfare of the city, it is hereby declared unlawful for any owner, lessee or occupant, or any agent, servant, representative or employee thereof having control of any occupied or unoccupied lot or land or any part thereof, in the city, to have on such lot or land, any open well or cistern.

***State law reference**—Municipal authority to regulate wells and cisterns, RSMo 71.700, 71.710, 77.140.

(b) It shall be the duty of any owner, lessee or occupant of any lot or land to cause any well or cistern thereon to be filled with soil, clay or rock or to be covered with a permanent concrete covering.

(Code 1975, § 285.050A, B; Code 1984, § 14-47; Ord. No. 2584, § 1, 10-3-1978)

Sec. 26-25. Uncovered wells and cisterns declared to be public nuisance.

Any uncovered well or cistern is declared an emergency situation and immediate threat to the health and safety of the public and a public nuisance. Abatement and correction of open wells and cisterns shall be pursuant to chapter 30.

(Code 1975, § 285.050C; Code 1984, § 14-48; Ord. No. 2584, § 1, 10-3-1978)

Sec. 26-26. Penalty.

Any person who shall neglect or refuse to comply with the provisions of this article, after receiving such notice, or who shall resist or obstruct the city building inspector or his representative in making an inspection of such property shall be guilty of an offense subject to penalties as provided in section 1-13.

(Code 1975, § 285.050D; Code 1984, § 14-49; Ord. No. 2489, § 1, 8-19-1975)

Secs. 26-27—26-55. Reserved.

ARTICLE III. TOBACCO AND ELECTRONIC CIGARETTE SMOKING

Sec. 26-56. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Smoking means the inhaling, exhaling, burning or carrying of any lighted cigarette, cigar, pipe, plant material or combustible substance in any manner or in any form; including the use of an electronic cigarette or similar device for the inhalation of smoke, gas or vapor. An electronic cigarette or e-cigarette is a device used to simulate the experience of smoking by generating an airborne emission such as smoke, gas or vapor.

(Ord. No. 3889, 1-20-2015)

Sec. 26-57. Restrictions.

Except as provided in this article, smoking and the use of e-cigarettes is unlawful in any of the following places used by or open to the public or serving as a place of work:

- (1) Any commercial establishment including, but not limited to, retail stores, banks, office buildings, offices, restaurants, bars and hookah lounges (or establishments of a like nature);

- (2) Any public transportation vehicle, including, but not limited to, buses, limousines for hire, and taxicabs;
 - (3) Restrooms;
 - (4) Libraries, educational facilities, day care facilities (child or adult), museums, auditoriums, churches, and art galleries;
 - (5) Any indoor public area of a health care facility, health clinic, or ambulatory care facility including, but not limited to, laboratories associated with the rendition of health care treatment, hospitals, rest homes, nursing homes, long-term care facilities, and offices of health professionals;
 - (6) Any indoor place of entertainment or recreation including, but not limited to, bowling alleys, theaters, gymnasiums, concert halls, bingo halls, arenas and swimming pools;
 - (7) All public areas and waiting rooms of public transportation facilities including, but not limited to, bus and airport facilities;
 - (8) Any other enclosed areas serving as a place of work or used by the public, including open office landscaping and shopping malls;
 - (9) Rooms in which meetings or hearings open to the public are held, except where such rooms are in a private residence;
 - (10) All property owned or managed by the city. This subsection shall not apply to any person in a motor vehicle not owned or controlled by the city;
 - (11) Within 20 feet outside, horizontally measured, of any entrance to any structure in which smoking is prohibited or limited by this article. This subsection shall not apply to any person in a motor vehicle or to any person merely passing by an entrance used for public access to a structure;
 - (12) The seating areas and enclosed spaces of any stadium, outdoor arena or athletic field;
 - (13) All rooms in a commercial building used as a hotel or motel;
 - (14) All vehicles owned or controlled by the city;
 - (15) Any private club, whether organized for fraternal, social, beneficent or other purposes;
 - (16) The entire facility, inside and outside, if the proprietor or person in control declares the property to be non-smoking; and
 - (17) Any industrial facility or enterprise, whether engaged in the manufacture, remanufacture, modification, or adjustment of any product, whether edible or inedible.
- (Ord. No. 3889, 1-20-2015)

Sec. 26-58. Exemptions.

Except as otherwise provided in this section, the restrictions of this article shall not apply to:

- (1) A designated patio area of any bar, restaurant or other commercial establishment, if such patio area has no more than three walls, or has no overhead cover and such designated patio area shall be open to outside air and no closer than 20 feet, measured horizontally, from any entrance to the establishment.
 - (2) Areas of public parks, stadiums, arenas and other like structures that have been designated as a smoking area, each and all of which shall be no closer than 50 feet measured horizontally from the area normally and usually used for seating or eating for the general public.
 - (3) Private residences, unless a portion of the residence is used for business purposes.
- (Ord. No. 3889, 1-20-2015)

Sec. 26-59. Responsibility of proprietors.

(a) The proprietor or other person having control of a place governed by this article shall prominently post the entrance thereof with "NO SMOKING" signs, as applicable, in letters no less than one inch in height in every place where the smoking or the use of e-cigarettes is regulated by this article;

(b) The proprietor or other person having control of a place governed by this article shall cause all ashtrays to be removed from the premises;

(c) The proprietor or other person having control of a place governed by this article upon observing a person smoking or using e-cigarettes shall immediately request that person cease that action;

(d) If that person smoking or using e-cigarettes fails to immediately comply with the request, the proprietor or other person in control shall refuse service to the user and request them to leave the premises;

(e) If that person smoking or using e-cigarettes fails to peaceably leave the premises, the proprietor or other person having control shall request assistance from the police department.

(Ord. No. 3889, 1-20-2015)

Sec. 26-60. Notice.

The city shall give a notice of the provisions of this article to all applicants for a business license in the city, both initially and at each renewal thereafter. Additionally, all city employees shall inspect for compliance while undergoing otherwise mandated inspections.

(Ord. No. 3889, 1-20-2015)

Sec. 26-61. Complaint.

Any person who desires to register a complaint under this article may initiate enforcement with the police department.

(Ord. No. 3889, 1-20-2015)

Chapter 27

RESERVED

Chapter 28

HUMAN RIGHTS*

Article I. In General

Sec. 28-1. ADA policy and procedure.

Secs. 28-2—28-20. Reserved.

Article II. Fair Housing

Sec. 28-21. Definitions.

Sec. 28-22. Discriminatory practices.

Sec. 28-23. Discrimination in the financing of a house.

Sec. 28-24. Administration.

Sec. 28-25. Enforcement.

***State law references**—Human rights, RSMo ch. 213; discriminatory employment practices, RSMo ch. 296; discriminatory practices, RSMo ch. 314; discrimination by a public servant against employees or applicants, RSMo 576.040(1).

ARTICLE I. IN GENERAL**Sec. 28-1. ADA policy and procedure.**

(a) *Generally.* In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990, 42 USC ch. 126 (ADA), the city will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

(b) *Employment.* The city does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

(c) *Effective communication.* The city will generally, upon request, make accommodation to communicate in ways accessible to people with hearing or vision impairments.

(d) *Modifications to policies and procedures.* The city will make all reasonable modifications to policies or procedures to participate in a program, service, or activity of the city. Persons requesting accommodations should contact the office of the city administrator, in city hall, as soon as possible but no later than 48 hours before the scheduled event. The ADA does not require the city to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

(e) *Complaints.* Complaints that a program, service, or activity of the city is not accessible to persons with disabilities should be directed to the city administrator, at city hall.

(f) *Surcharges.* The city will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids or services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

(Code 1984, § 2-3; Ord. No. 3638, § 1(att.), 6-5-2007)

Secs. 28-2—28-20. Reserved.

ARTICLE II. FAIR HOUSING***Sec. 28-21. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Aggrieved person means and includes any person who is attempting to provide housing for himself or his family in the city.

***State law reference**—Discriminatory housing practices, RSMo 213.100 et seq.

Discriminate means distinctions in treatment because of race, color, religion, national origin, gender, ancestry, age, disability or familial status of any person. (Code 1984, § 15-17; Ord. No. 3736, § 2, 4-27-2010)

Sec. 28-22. Discriminatory practices.

It shall be a discriminatory practice and a violation of this article for any person to:

- (1) Refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, national origin, gender, ancestry, age, disability or familial status of any person.
- (2) Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, gender, ancestry, age, disability or familial status.
- (3) Make, print or publish, or cause to be made, printed or published, any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, national origin, gender, ancestry, age, disability or familial status, or an intention to make any such preference, limitation, or discrimination.
- (4) Represent to any person because of race, color, religion, national origin, gender, ancestry, age, disability or familial status, that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- (5) For profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person of a particular race, color, religion, national origin, gender, ancestry, age, disability or familial status.
- (6) Discriminate in the sale or rental of housing on the basis of a handicap of that buyer or renter; a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or any person associated with that buyer or renter. The design and construction of new multifamily dwellings containing four or more units is required to meet certain adaptability and accessibility requirements in accordance with section 804 of the 1988 Fair Housing Amendments Act.
- (7) Discriminate in the sale or rental of housing on the basis of familial status or because a family has children, exempting certain types of buildings that house older persons (e.g., section 202 housing) in accordance with section 807 of the 1988 Fair Housing Amendments Act.

(Code 1984, § 15-18; Ord. No. 3736, § 3, 4-27-2010)

Sec. 28-23. Discrimination in the financing of a house.

It shall be unlawful for any bank, building and loan association, insurance company, or other corporation, association, firm, or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan to a person applying therefor for the purpose of purchasing, constructing, repairing, or maintaining a dwelling, or to discriminate against any person in the fixing of the amount or conditions of such loan, because of the race, color, religion, national origin, gender, ancestry, age, disability or familial status of such person, or of any person therein associated in connection with such financing.

(Code 1984, § 15-19; Ord. No. 3736, § 4, 4-27-2010)

Sec. 28-24. Administration.

(a) There is hereby created a fair housing committee whose membership shall consist of five members, who shall be appointed by the mayor of the city with the approval of the city council.

(b) Every complaint of a violation of this article shall be referred to a fair housing committee. The fair housing committee shall forthwith notify the person against whom the complaint is made. The identity of the aggrieved person shall be made known to the person against whom the complaint is made at that time. If the fair housing committee, after investigation, finds there is no merit to the complaint, the same shall be dismissed. If the fair housing committee finds that there is merit in the complaint, in its opinion, then and in that event, the fair housing committee will endeavor to eliminate the alleged discriminatory practice by conference and conciliation.

(c) If the fair housing committee is unable to eliminate the alleged discriminatory practice by conference and conciliation, then and in that event, the fair housing committee shall forward said complaint to the city attorney for handling. The final determination of whether to prosecute in municipal court on said complaint shall be left to the city attorney.

(d) Nothing in this article shall be construed in such manner as to limit administrative enforcement mechanisms and recourse against alleged discriminatory housing practices through the U.S. Department of Housing and Urban Development, as specified under section 810 of the Fair Housing Act, as amended, effective March 12, 1989, or through the state commission on human rights, as specified in applicable state statutes.

(Code 1984, § 15-20; Ord. No. 3736, § 5, 4-27-2010)

Sec. 28-25. Enforcement.

(a) Any person convicted in municipal court of a violation of this article shall be punished by a fine of not more than \$100.00 or by confinement in the city jail for not more than 30 days, or both such fine and imprisonment.

(b) The city attorney, instead of filing a complaint in municipal court of said city, may, as an alternative remedy, seek to have the alleged discriminatory practices abated by an action for an injunction to be maintained in the appropriate circuit court of the state.

(Code 1984, § 15-21; Ord. No. 3736, § 1, 4-27-2010)

Chapter 29

RESERVED

Chapter 30

NUISANCES*

Article I. In General

Sec. 30-1. Acts, conditions and substances declared as nuisances.
Secs. 30-2—30-20. Reserved.

Article II. Specific Nuisances

Division 1. Generally

Sec. 30-21. Air pollution.
Sec. 30-22. Uncovered subterranean cavities.
Secs. 30-23—30-47. Reserved.

Division 2. Junk and Damaged or Disabled Vehicles

Sec. 30-48. Definitions.
Sec. 30-49. Unlawful to maintain nuisance.
Secs. 30-50—30-71. Reserved.

Article III. Abatement

Sec. 30-72. Criminal procedure.
Sec. 30-73. Civil procedure.
Sec. 30-74. Duty to comply with notice.
Sec. 30-75. Notice of sale.
Sec. 30-76. Right of entry.
Sec. 30-77. Code enforcement officer.
Sec. 30-78. Recovery of costs.

***State law reference**—Municipal authority to suppress nuisances, RSMo 71.780, 77.530, 77.560.

ARTICLE I. IN GENERAL**Sec. 30-1. Acts, conditions and substances declared as nuisances.**

The following are declared, defined and deemed to be nuisances for the purposes of this chapter and this Code; provided, however, that this list is non-exclusive and does not alter any other nuisances as defined by common law, statute or other provision of this Code:

- (1) All substances which emit or cause foul, obnoxious, unhealthful or disagreeable odor or effluvia, in the neighborhood where they exist;
- (2) All carcasses of animals in any state of decomposition;
- (3) Debris, cut and fallen trees or shrubs, rubbish and trash, lumber not piled 12 inches off the ground, rocks or bricks, tin, steel, parts of automobiles, derelict automobiles, automobile frames, or broken furniture;
- (4) Manure from cow lots, horse stables, poultry yards, or pigeon lofts;
- (5) Waste oils from garages or filling stations;
- (6) The keeping or allowing to remain on any premises any trees, shrubs or other vegetation infected with fungus or other diseases that will or might spread to other non-infected trees, shrubs or other vegetation;
- (7) All slop, foul or dirty water, silt, filth, refuse or offal discharged in or upon any street, avenue, sidewalk, alley, park, public square or public enclosure, or allowed to accumulate there, or in a pond or pool whether the pond or pool is public or private;
- (8) Any material which is unhealthy or unsafe;
- (9) Any flammable material which may endanger public safety;
- (10) Any article or thing whatsoever that may injure, inconvenience, endanger, harm or annoy the health, welfare, morals or safety of the inhabitants of the city;
- (11) Any house, building, structure or other place or location where any activity is carried on, maintained or permitted which constitutes a violation of local, state or federal law;
- (12) Dense smoke, noxious fumes, gas or soot;
- (13) Any abandoned, discarded or openly accessible icebox, refrigerator or other airtight or semi-airtight container of a capacity of 1½ cubic feet and an opening of 50 square inches or more which has hinges or a latch or fastening device which may secure the door or lid. Any such object is declared to pose an immediate threat to public health, safety and welfare and shall constitute an emergency;

- (14) Any vehicle used for garbage or rubbish disposal which is not equipped with a watertight metal body and provided with a tight metal cover or otherwise constructed to prevent any contents from leaking, spilling, falling or blowing out of such vehicle at any time except while being loaded or unloaded, or not covered so as to prevent offensive odors from escaping therefrom;
- (15) Any and all infestations of flies, fleas, roaches, lice, ticks, rats, mice, insect larvae or maggots, mosquito larvae or hookworm larvae.

Secs. 30-2—30-20. Reserved.

ARTICLE II. SPECIFIC NUISANCES

DIVISION 1. GENERALLY

Sec. 30-21. Air pollution.

The emission or escape into the open air, within the city, from any source whatsoever of air pollution, in such manner or in such amounts as to be, or as to tend to be, detrimental to the health, comfort, safety, or welfare of, or as to cause annoyance or discomfort to, or as to be offensive and objectionable to persons exposed thereto, or as to cause or as to tend to cause injury or damage to property, or as to cause or as to interfere with the normal conduct of business, is hereby declared to be and shall constitute a public nuisance. It shall be unlawful for any person to cause, permit or maintain any such public nuisance.

(Code 1975, § 575.070; Code 1984, § 16-1)

Sec. 30-22. Uncovered subterranean cavities.

(a) *Declared nuisance.* All open basements and standing walls not recently constructed for the construction of a new structure, pits, open cellars, and other subterranean cavities existing in the city which are not covered by a roof or other substantial covering, are hereby declared to be a public nuisance.

(b) *Abatement by owner.* The owner of property in the city limits which contains a nuisance as described in this article, shall, upon notification by the building inspector, immediately take action to abate the nuisance, and shall, within 60 days of such notification, ensure that the nuisance no longer exists.

(c) *Appeals.* Any person aggrieved by the decision of the building inspector shall have the right of appeal to the board of appeals by filing written notice of appeal with the city clerk within ten days of notification by the building inspector that the condition on the premises constitutes a public nuisance as provided by this article.

(Code 1984, §§ 16-36—16-38; Ord. No. 2604, 5-1-1979)

Secs. 30-23—30-47. Reserved.

DIVISION 2. JUNK AND DAMAGED OR DISABLED VEHICLES*

Sec. 30-48. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Junk means any metal, glass, paper, rags, wood, machinery parts, cloth or other waste or discarded material of any nature or substance whatsoever, or scrap or salvage materials.

Junk motor vehicle means a discarded, dismantled, wrecked, scrapped or ruined motor vehicle or parts thereof, an unregistered motor home not connected to water and/or sewer, or a vehicle other than an on-premises utility vehicle which is allowed to remain unregistered for a period of 30 days from the date of discovery.

Vehicle means any machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides, including, but not limited to, automobiles, trucks, trailers, motorcycles, motorized bicycles, tractors, buggies, and wagons or any part thereof.

(Code 1975, § 380.010; Code 1984, § 16-16; Ord. No. 3472, § 1, 3-5-2002; Ord. No. 3686, § 1, 8-19-2008)

Sec. 30-49. Unlawful to maintain nuisance.

(a) It shall be unlawful to place, discard or abandon junk or any junk motor vehicle in a place where any such item is visible from the traveled way of a highway, street, or road, or visible to an abutting landowner from any portion of an abutting property owner's land. Any such junk or junk vehicle so placed, discarded or abandoned is hereby declared to be a public nuisance and a violation of this section.

(b) It shall be unlawful to place, discard or abandon junk or any junk motor vehicle upon the land of another with or without the consent of the owner, when any such item is visible from the traveled way of a highway, street, or road, or visible from an abutting property owner's land. Any such junk or junk vehicle so placed, discarded or abandoned is hereby declared to be a public nuisance and a violation of this section.

(c) Tow services, car dealerships, and automobile repair shops, which are properly licensed by the city, are excluded from the provisions of this section, so long as any junk vehicle upon said property does not remain for more than 60 days. New or used vehicles which are held for sale and located upon property owned by a properly licensed automobile dealership are also excluded from this provision.

***State law references**—Disposition of vehicles left unattended on highways, RSMo 304.155; penalty for abandoning motor vehicles, RSMo 577.080.

(d) Any junk or junk motor vehicle or parts thereof allowed to remain unmoved on any public highway, street or roadway for a period of 48 hours is hereby declared a public nuisance.

(e) If the owner of the land on which a junk motor vehicle is discovered in violation of this section does not hold title or disclaims title to the vehicle, and the true owner of the vehicle is known or can be ascertained, the true owner shall move, screen or dispose of the vehicle within 30 days from the date of mailing of the written notice to abate nuisance as provided for in section 30-73.

(Code 1984, § 16-17; Ord. No. 3686, § 2, 8-19-2008)

Secs. 30-50—30-71. Reserved.

ARTICLE III. ABATEMENT

Sec. 30-72. Criminal procedure.

(a) When the police chief or his duly authorized representatives determine that any nuisance, as defined in section 30-1, exists upon property in the city, he shall cause a summons to be served upon the owner or occupant of the property, if he can be located. The summons shall state the condition which is deemed a nuisance, shall briefly state facts deemed to constitute the nuisance within the terms of this article, shall state that the nuisance shall be abated within ten days and shall summon the individual to appear in the city municipal court on a specific date not less than ten days following the date of the issuance of the summons.

(b) Whenever the owner or custodian of any nuisance as defined in this article cannot be located by reasonable search, the summons shall be attached to the property, briefly stating facts deemed to constitute the property a nuisance and stating that the nuisance shall be abated within ten days of the day notice was posted or, if the nuisance is on public property, within seven days of the date the summons was posted.

(c) Further, the summons shall direct the owner or custodian of any nuisances defined in this article to appear in the city municipal court on a specific date, but no less than ten days following the date of the issuance of the summons, unless the nuisance is on public property, and then the court date shall be no less than seven days following the date of the issuance of the summons.

(d) Upon a failure to appear and answer a ticket issued for violation of the provisions of this article, the municipal court hearing the charge shall issue a summons to the defendant as provided in Supreme Court Rule 37, as amended.

(Code 1975, §§ 380.040, 380.050; Code 1984, §§ 16-19, 16-20; Ord. No. 3472, §§ 3, 4, 3-5-2002)

Sec. 30-73. Civil procedure.

(a) If the community development director or his designee shall ascertain or have knowledge that a nuisance exists in or upon any house, building, lot or premises within the city or within one-half mile of the city limits, he shall, in writing, notify the owner, and if not owner-occupied, the person occupying or having possession and control of such house, building, lot or premises, to abate or remove such nuisance within a time to be specified in such notice which time shall be at least ten days. This notice shall specify the nuisance and corrective action required.

(b) Should the city intend to enter the property and cause the nuisance to be abated in a non-emergency situation, an additional notice of this intent shall be served to the owner of the property of the city's intent to cause the nuisance to be abated. Such notice shall be delivered at least seven days before the city causes the nuisance to be abated.

(c) Any notice required in this article shall be served personally, or by U.S. Mail to the owner, to any occupant if not owner-occupied, or the agents of these persons, or by posting such notice upon the premises or property in question. Written notice shall be deemed received when mailed, if not personally served or served by posting.

(d) Any person receiving a notice or owning or occupying property posted with a notice may, within five days after receipt thereof or posting, whichever occurs first, request a hearing before the mayor or his designee to contest the decision of the community development director that a nuisance exists on his property. Any such person shall have a right to appear at such hearing to be represented by counsel, and to present evidence and cross-examine witnesses. Such hearing shall be held within 30 days of receipt of the request.

(e) In cases where the city officials find that a nuisance exists in violation of this article which constitutes an immediate threat to public health, safety or welfare such that serious physical injury, sickness or loss of life is possible, they shall cause the same to be abated immediately and shall provide notice advising of the nuisance and of the emergency action taken.

(f) If any property must be removed to abate the nuisance, the same shall be stored at the owner's expense for ten days. If, after ten days of sending the notice required, the owner of the property does not appeal the decision or reclaim the property removed, it shall be deemed abandoned and may be disposed of or sold by the city.

(g) If the owner or person occupying or having possession and control of any premises upon which a nuisance is determined to exist in violation of this article does not abate the same within the time stated in the notice to abate such nuisance, or any order entered after hearing, the city officials or their representatives may

enter upon such premises and abate such nuisance. All entry upon private property wherein there is a reasonable expectation of privacy shall be in accordance with a warrant issued by the municipal court authorizing such entry.

Sec. 30-74. Duty to comply with notice.

Any person receiving notice of the need to abate a nuisance as provided in this article shall comply with the provisions of the notice requiring abatement. Failure to comply with this provision is unlawful.

(Code 1975, § 380.060; Code 1984, § 16-21)

Sec. 30-75. Notice of sale.

(a) Prior to the sale of any nuisance property as described in this article, the city shall cause to be published in a newspaper of general circulation within the city a notice of sale stating:

- (1) That the city is selling abandoned property;
- (2) The color, make, year, motor number and serial number if available, and any other information necessary for an accurate identification of the property;
- (3) The terms of the sale; and
- (4) The date, time and place of the sale.

(b) This notice shall be published not less than ten nor more than 30 days prior to the date of the sale.

(Code 1975, § 380.080; Code 1984, § 16-23)

Sec. 30-76. Right of entry.

The officers and agents of the city may enter upon private property for inspection or for the purpose of inspecting or removing any nuisance in accordance with this article. If any person refuses to allow entry onto his private property, the chief of police may obtain a warrant from the proper official and proceed in accordance therewith.

(Code 1975, § 380.090; Code 1984, § 16-24)

Sec. 30-77. Code enforcement officer.

Any officer or official of the city designated to enforce this article shall have all of the authority as set forth in sections 30-48 and 30-49 and 30-72 through 30-76. In addition, such officer or official is authorized to issue summonses, directing the individual to appear in municipal court, for violations of this article actually observed and occurring in the presence of the officer or official. Other than police officers, city officials are not authorized to make arrests or given any authority not specifically designated in this article.

(Code 1984, § 16-25; Ord. No. 3189, §§ 1, 3, 4, 8-15-1995)

Sec. 30-78. Recovery of costs.

(a) Any costs incurred by the city in abating or removing any nuisance under this article may be recovered by any one of the following:

- (1) By any suit at law or in equity as allowed by law;
- (2) Requiring payment of the same may be made a part of any judgment of conviction in the municipal court for violation of this article in addition to any fine imposed; or
- (3) The official or other person causing the abatement or removal of the nuisance shall certify the costs of the same to the city clerk, along with proof of the notices sent, who shall cause a special tax bill to be prepared and filed of record with the county collector, which lien shall be a first lien on the property until paid and a personal debt of the owner. Such bills shall be prepared and delivered by June 1 of each year and shall bear interest of eight percent per annum after delinquency, until paid. Prior to submission of the prior year's tax bill hereunder, the list shall be submitted to the city council for review and approval by resolution.
- (4) In the case of an emergency abatement, the city shall within 48 hours of abating the nuisance, notify the owner of the property of the nature of the emergency requiring abatement, the actions taken, including storage of property, and the cost of the same. The owner may, within ten days of sending of the notice request a hearing from the city manager or his designee on the reasonableness of the costs of abatement.
 - a. If after hearing, the hearing officer shall determine the costs of abatement should be waived, the same may be waived.
 - b. If no appeal is sought, or if after hearing costs are not waived, all costs of abatement, including any storage fees, shall be charged against the owner and the property as set forth in subsections (1) through (3) of this section.

(b) Costs recoverable hereunder shall include, but not necessarily be limited to:

- (1) Bills submitted by contractors performing abatement.
- (2) Costs of certified mail, film, materials, notification and documentation.
- (3) Time or wages paid to city employees in connection with the matter.
- (4) Legal fees incurred by the city for the matter.

Chapter 31

RESERVED

Chapter 32

OFFENSES*

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***State law references**—Municipal authority to enact police regulations, RSMo 77.570, 77.590; crimes and punishment generally, RSMo ch. 556 et seq.; culpable mental states defined, applied and when not required, RSMo 562.016—562.026.

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ARTICLE I. IN GENERAL**Sec. 32-1. Responsibility for the conduct of another.**

(a) A person is responsible for the conduct of another, under the offenses in this chapter, when:

- (1) The section defining the offense makes the person so responsible; or
- (2) Either before or during the commission of an offense, with the purpose of promoting the commission of an offense, the person aids, agrees to aid or attempts to aid the other person in planning, committing or attempting to commit the offense in question.

(b) A person is not responsible under this section if:

- (1) The person is the victim of the offense committed or attempted;
- (2) The offense is so defined that his conduct was necessarily incident to the commission or attempt to commit the offense; if his conduct constitutes a related but separate offense, the person is responsible under this chapter for that particular offense, but not for the conduct or offense committed or attempted by the other person; or
- (3) Before the commission of the offense in question the person abandons his purpose and gives timely warning to the police or otherwise makes a proper effort to prevent the commission of the offense.

(c) Abandonment of purpose or attempted prevention are affirmative defenses to the offense charged.

(Code 1975, § 250.010; Code 1984, § 17-1)

State law reference—Similar provisions, RSMo 562.041.

Sec. 32-2. Fortune telling, not in carnival prohibited.

(a) It shall be unlawful for any person, within the corporate limits of the city, to practice the profession or vocation of fortune teller, clairvoyant, psychic, palm reader, mind reader, or the teller of the past or future, for money or other valuable thing, or otherwise, or in connection with any other business or profession.

(b) This section shall not apply, however, to persons working in the above vocations under the license of any carnival company, circus, street fair, or to any vaudeville performance given in any opera house or motion picture show under the auspices of the management thereof.

(Code 1975, § 280.080; Code 1984, § 17-2)

State law reference—Municipal authority to prohibit fortune tellers, RSMo 94.110.

Secs. 32-3—32-22. Reserved.

ARTICLE II. OFFENSES AGAINST PUBLIC ADMINISTRATION***Sec. 32-23. Failure to obey, obstructing, resisting, etc., city officials.**

It shall be unlawful for any person to willfully and knowingly obstruct, resist, oppose or fail to obey a lawful command of any police officer or public official of the city, or any other person duly authorized in executing or attempting to execute and carry into effect any provision of this Code or other ordinance or order passed or made by the proper authorities of this city, or duly authorized to serve or attempt to serve any writ, summons, subpoena, warrant or other process or order issued by the mayor, other officers of the city or by any court.

(Code 1975, § 250.040; Code 1984, § 17-21)

State law references—Resisting or interfering with arrest, RSMo 575.150; interference with legal process, RSMo 575.160.

Sec. 32-24. False impersonation.

A person commits the offense of false impersonation if he:

- (1) Falsely represents himself to be a public servant with purpose to induce another to submit to his pretended official authority or to rely upon his pretended official acts; and
 - a. Performs an act in that pretended capacity;
 - b. Causes another to act in reliance upon his pretended official authority;or
- (2) Falsely represents himself to be a person licensed to practice or engage in any profession for which a license is required by the laws of this state with purpose to induce another to rely upon such representation; and
 - a. Performs an act in that pretended capacity; or
 - b. Causes another to act in reliance upon such representation.

(Code 1975, § 260.020; Code 1984, § 17-22)

State law reference—Similar provisions, RSMo 575.120.

Sec. 32-25. False reports.

- (a) A person commits the offense of making a false report if the person knowingly:
 - (1) Gives false information to a law enforcement officer for the purpose of implicating another person in a crime;
 - (2) Makes a false report to a law enforcement officer that a crime has occurred or is about to occur; or

***State law references**—Offenses against the administration of justice, RSMo ch. 575; offenses affecting government, RSMo ch. 576.

- (3) Makes a false report or causes a false report to be made to a law enforcement officer, security officer, fire department or other organization, official or volunteer, which deals with emergencies involving danger to life or property that a fire or other incident calling for an emergency response has occurred.

(b) It is a defense to a prosecution under subsection (a) of this section that the actor retracted the false statement or report before the law enforcement officer or any other person took substantial action in reliance thereon.

(c) The defendant shall have the burden of injecting the issue of retraction under subsection (b) of this section.

(Code 1984, § 17-23)

State law reference—Similar provisions, RSMo 575.080.

Sec. 32-26. Escape from confinement or custody.

Any person lawfully held in confinement after arrest for an offense under this Code or state law or serving a sentence after conviction of an offense under this Code or state law, or any person held in custody after arrest for an offense under this Code or state law, who shall escape or break from such confinement or custody, shall be deemed guilty of an offense.

(Code 1975, § 250.020; Code 1984, § 17-24)

State law references—Escape from custody, RSMo 575.200; escape from confinement, RSMo 575.210.

Sec. 32-27. Aiding escape from confinement or custody.

Any person who shall assist or attempt to assist any person held in lawful confinement or custody to escape from that confinement or custody shall himself be guilty of an offense.

(Code 1975, § 260.020; Code 1984, § 17-25)

Secs. 32-28—32-57. Reserved.

ARTICLE III. OFFENSES AGAINST THE PERSON*

Sec. 32-58. Assault and battery.

A person commits the offense of assault and battery if:

- (1) He attempts to cause, or recklessly causes physical injury, physical pain or illness to another person;
- (2) He negligently causes physical injury to another person by means of a firearm;

***State law reference**—Offenses against the person, RSMo ch. 565.

- (3) He purposely places another person in apprehension of immediate physical injury;
 - (4) He recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person;
 - (5) He knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative;
 - (6) He knowingly causes physical contact with a person with a disability that a reasonable person with a disability would regard as offensive or provocative.
- (Code 1975, § 250.030; Code 1984, § 17-41)

State law references—Similar provisions, RSMo 565.070; municipal authority to restrain and prohibit assaults and batteries, RSMo 77.570.

Sec. 32-59. Harassment.

A person commits the offense of harassment if without good cause he engages in any act for the purpose of causing emotional distress to another person.

(Code 1984, § 17-42)

State law reference—Similar provisions, RSMo 565.090.

Sec. 32-60. Pointing of laser beam devices.

(a) It shall be unlawful for any person to focus, point or shine a laser beam directly or indirectly on another person in such a manner as is intended to harass or annoy the person.

(b) Any violation of this section shall be punished pursuant to section 1-13.
(Code 1984, § 17-43; Ord. No. 3352, §§ 1, 2, 2-16-1999)

Secs. 32-61—32-78. Reserved.

ARTICLE IV. OFFENSES AGAINST PROPERTY*

Sec. 32-79. Definitions.

All terms in this article shall be as defined in RSMo 570.010.
(Code 1984, § 17-56)

State law reference—Similar definitions, RSMo 570.010.

***State law references**—Robbery, arson, burglary and related offenses, RSMo ch. 569; stealing and related offenses, RSMo ch. 570.

Sec. 32-80. Determination of value.

For the purposes of this article, the value of property shall be ascertained as follows:

- (1) Except as otherwise specified in this section, value means the market value of the property at the time and place of the offense, or if such cannot be satisfactorily ascertained, the cost of replacement of the property within a reasonable time after the offense. If the victim is a merchant, and the property is of a type that the merchant sells in the ordinary course of business, the property shall be valued at the price that the merchant would normally sell the property.
- (2) Whether or not they have been issued or delivered, certain written instruments, not including those having a readily ascertainable market value such as some public and corporate bonds and securities, shall be evaluated as follows:
 - a. The value of an instrument constituting evidence of debt, such as a check, draft or promissory note, shall be deemed the amount due or collectible thereon or thereby, such figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied; and
 - b. The value of any other instrument which creates, releases, discharges or otherwise affects any valuable legal right, privilege or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument.

(Code 1984, § 17-57)

State law reference—Similar provisions, RSMo 570.020.

Sec. 32-81. Stealing.

A person commits the offense of stealing if the person appropriates property or services of another with the purpose to deprive the victim thereof, either without his consent or by means of deceit or coercion.

(Code 1975, § 255.070A—C; Code 1984, § 17-58)

State law reference—Similar provisions, RSMo 570.030(1), (2).

Sec. 32-82. Lost property.

(a) A person who appropriates lost property shall not be deemed to have stolen that property within the meaning of section 32-81 unless such property is found under circumstances which gave the finder knowledge of or means of inquiry as to the true owner.

(b) The defendant shall have the burden of injecting the issue of lost property.
(Code 1975, § 255.070D; Code 1984, § 17-59)

State law reference—Similar provisions, RSMo 570.060.

Sec. 32-83. Claim of right to allegedly stolen property.

(a) A person does not commit an offense under section 32-81 if, at the time of the appropriation, he:

- (1) Acted in the honest belief that the person had the right to do so; or
- (2) Acted in the honest belief that the owner, if present, would have consented to the appropriation.

(b) The defendant shall have the burden of injecting the issue of claim of right.
(Code 1984, § 17-60)

State law reference—Similar provisions, RSMo 570.070.

Sec. 32-84. Fraudulent use of a credit device.

A person commits the offense of fraudulent use of a credit device or debit service if the person uses a credit device or debit service for the purpose of obtaining services or property, knowing that:

- (1) The device is stolen, fictitious or forged;
 - (2) The device has been revoked or canceled;
 - (3) For any other reason his use of the device is unauthorized; or
 - (4) Using the credit device or debit service for the purpose of paying property taxes and knowingly cancels such charges or payment without just cause.
- (Code 1984, § 17-61)

State law reference—Similar provisions, RSMo 570.130(1).

Sec. 32-85. Deceptive business practice.

A person commits the offense of deceptive business practice if in the course of engaging in a business, occupation or profession, the person recklessly:

- (1) Uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity;
- (2) Sells, offers or exposes for sale, or delivers less than the represented quantity of any commodity or service;
- (3) Takes or attempts to take more than the represented quantity of any commodity or service when, as buyer, the person furnishes the weight or measure;
- (4) Sells, offers or exposes for sale adulterated or mislabeled commodities;

- (5) Makes a false or misleading written statement for the purpose of obtaining property or credit;
 - (6) Promotes the sale of property or services by a false or misleading statement in any advertisement; or
 - (7) Advertises in any manner the sale of property or services with the purpose not to sell or provide the property or services at the price offered, or in a quantity sufficient to meet the reasonably expected public demand unless the quantity is specifically stated in the advertisement.
- (Code 1984, § 17-62)
- State law reference**—Similar provisions, RSMo 570.140(1).

Sec. 32-86. Defrauding secured creditors.

A person commits the offense of defrauding secured creditors if the person destroys, removes, conceals, encumbers, transfers or otherwise deals with property subject to a security interest with the purpose to defraud the holder of the security interest.

(Code 1975, § 255.080; Code 1984, § 17-63)

State law reference—Similar provisions, RSMo 570.180(1).

Sec. 32-87. Tampering.

A person commits the offense of tampering if he:

- (1) For the purposes of causing a substantial interruption or impairment of a service rendered to the public by a utility or by an institution providing health or safety protection, damages or tampers with property or facilities of such a utility or institution, and thereby causes substantial interruption or impairment of service;
- (2) Knowingly receives, possesses, sells, or unlawfully operates or rides in or upon an automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle without the consent of the owner thereof;
- (3) Tampers with property of another for the purpose of causing substantial inconvenience to that person or to another.

(Code 1975, § 300.060; Code 1984, § 17-64)

State law reference—Similar provisions, RSMo 569.090(1).

Sec. 32-88. Property damage.

A person commits the offense of property damage if:

- (1) He knowingly damages property of another; or

(2) He damages property for the purpose of defrauding an insurer.
(Code 1984, § 17-65)

State law reference—Similar provisions, RSMo 569.110(1), 569.120(1).

Sec. 32-89. Claim of right to damaged, tampered, etc., property.

A person does not commit an offense under the provisions of this section or section 32-90 by damaging, tampering with, operating, riding in or upon, or making connection with property of another if the person does so under a claim of right and has reasonable grounds to believe the person has such a right.

(Code 1984, § 17-66)

State law reference—Similar provisions, RSMo 569.130(1).

Sec. 32-90. Trespass.

A person commits the offense of trespass in the first degree if he enters or remains unlawfully on the property of another. Trespass is an offense of strict liability.

(Code 1975, § 255.040; Code 1984, § 17-67)

State law reference—Similar provisions, RSMo 569.140(1), (2), 569.150(1).

Sec. 32-91. Unlawful entry.

A person commits the offense of unlawful entry if the person knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure for the purpose of committing a crime therein.

(Code 1975, § 255.100; Code 1984, § 17-68)

State law reference—Similar provisions, RSMo 569.160(1), 569.170(1).

Sec. 32-92. Littering.

A person commits the offense of littering if the person throws or places, or causes to be thrown or placed, any glass, glass bottles, wire, nails, tacks, hedges, cans, garbage, trash, leaves, yard waste, refuse or rubbish of any kind, nature or description on the right-of-way of any public road or state highway or on or in any of the waters within the city limits or on the banks of any stream, or on any land or water owned, operated or leased by the city, any board, department, agency or commission thereof, or on any private real property owned by another without the owner's consent.

(Code 1975, § 255.010; Code 1984, § 17-69; Ord. No. 3890, 1-20-2015)

State law references—Similar provisions, RSMo 577.070(1); littering waters, etc., RSMo 577.073; placing rubbish or glass on roads or highways, RSMo 229.150, 304.160, 304.570.

Secs. 32-93—32-112. Reserved.

ARTICLE V. OFFENSES AGAINST PUBLIC ORDER***Sec. 32-113. Peace disturbance—Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Private property means any place which at the time is not open to the public. The term "private property" includes property which is owned publicly or privately.

Property of another means any property in which the actor does not have a possessory interest.

Public place means any place which at the time is open to the public. The term "public place" includes property which is owned publicly or privately.

Separate premises includes each separately occupied unit of a building or structure divided into such separately occupied units.

(Code 1984, § 17-86)

State law reference—Similar provisions, RSMo 574.030.

Sec. 32-114. Peace disturbance—Enumerated; penalty.

(a) A person commits the crime of peace disturbance if:

(1) He unreasonably and knowingly disturbs or alarms another person by:

- a. Loud noise;
- b. Offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient;
- c. Threatening to commit a felonious act against any person under circumstances which are likely to cause a reasonable person to fear that such threat may be carried out;
- d. Fighting; or
- e. Creating a noxious and offensive odor.

(2) He is in a public place or on private property of another without consent and purposely causes inconvenience to another person by unreasonably and physically obstructing:

- a. Vehicular or pedestrian traffic; or
- b. The free ingress or egress to or from a public or private place.

***State law reference**—Offenses against public order, RSMo ch. 574.

(b) Peace disturbance is an offense and shall be punishable pursuant to section 1-13.

(Code 1984, § 17-87; Ord. No. 3387, § 1, 10-19-1999)

Sec. 32-115. Use of language to incite violence.

It shall be unlawful for any person to use speech or writing in such a way that has a direct tendency to incite immediate acts of violence by the person or group being addressed on any street, alley, place or business, public building or other place in the city.

(Code 1975, § 265.040; Code 1984, § 17-89)

Sec. 32-116. Unlawful assembly.

A person commits the offense of unlawful assembly if the person knowingly assembles with six or more other persons and agrees with such persons to violate any of the provisions of this Code, or the criminal laws of this state or of the United States with force or violence.

(Code 1975, § 260.050; Code 1984, § 17-90)

State law reference—Similar provisions, RSMo 574.040(1).

Sec. 32-117. Rioting.

A person commits the offense of rioting if the person knowingly assembles with six or more other persons and agrees with those persons to violate any of the provisions of this Code, or the criminal laws of this state or of the United States with force or violence, and thereafter, while still so assembled, does violate any of the laws with force or violence.

(Code 1975, § 260.070; Code 1984, § 17-91)

State law reference—Similar provisions, RSMo 574.050(1).

Sec. 32-118. Refusal to disperse.

A person commits the offense of refusal to disperse if, being present at the scene of an unlawful assembly, a peace disturbance or a riot, the person knowingly fails or refuses to obey the lawful command of a law enforcement officer to depart from the scene of such unlawful assembly, peace disturbance or riot.

(Code 1984, § 17-92)

State law reference—Similar provisions, RSMo 574.060(1).

Sec. 32-119. Disorderly conduct.

A person commits the offense of disorderly conduct if the person obstructs or encumbers the passage of persons or vehicles upon, through or into any street, street corner, depot, building entrance or other public place and then refuses to move on when requested to do so by any police officer of the city.

(Code 1975, § 265.160; Code 1984, § 17-93)

Sec. 32-120. Loud, disturbing noise prohibited.

(a) *Generally.* The creation of any unreasonably loud, disturbing or unnecessary noise in the city is prohibited.

(b) *Specific acts.* The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive:

- (1) *Vehicle horns, etc.* The sounding of any horn or signal device on any streetcar, motorbus, motorcycle, motorized bicycle, automobile or other vehicle while not in motion on a public street or highway, except as a danger signal if another vehicle is approaching apparently out of control; or, if in motion, the excessive or prolonged sounding except only as a danger signal, after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound, and the sounding of such device for an unnecessary or unreasonable period of time.
- (2) *Playing radios, etc.* The playing of any radio, phonograph or other musical instrument in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., as to tend to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence, provided, that any such noise that can be distinctly heard at a distance of more than 100 feet from its source shall be deemed excessive.
- (3) *Animals.* The keeping of animal, bird or fowl which, by causing frequent or long continued noise, shall tend to disturb the comfort and repose of any person in the vicinity, provided that any such noise that can be distinctly heard at a distance of more than 100 feet from its source shall be deemed excessive.
- (4) *Vehicular noise, generally.* The use of any automobile, motorcycle, streetcar or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- (5) *Steam whistles, etc.* The blowing of any steam whistle attached to any stationary boiler, or any other whistle or siren, except to give notice of the time to begin or stop work or as a warning of danger, or the use of steam under pressure for cleaning purposes in any establishment between the hours of 10:00 p.m. and 7:00 a.m. when the windows of such establishment are open.
- (6) *Exhausts, etc.* The discharge into the open air of the blow down of any steam engine or of the exhaust of any stationary internal combustion engine, or motor vehicle, or of the escape valve from the unloader of any air compressor, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

- (7) *Alteration, demolition, etc., of buildings.* The erection (including excavating), demolition, alteration or repair of any building or other structure on Sunday, except in case of urgent necessity in the interest of public safety, and then only with a permit from the building inspector, which permit may be renewed for a period of three Sundays or less while the emergency continues, provided that no permit shall be issued without the written concurrence of the chief of police and chief of the fire department.
- (8) *Unnecessary, etc., noise in hospital, etc., zones.* The creation of any excessive or unnecessary noise within 150 feet of any portion of the grounds and premises on which is located a hospital or other institution reserved for the sick, or any church, court of record or any school or other institution of learning while in session, which unreasonably interferes with the proper functioning of any such place abovementioned, provided that conspicuous signs are placed in the public highways indicating the zones within which such noises are prohibited. The chief of police is hereby authorized and directed to cause to be placed as many signs as the person may deem necessary to properly indicate such quiet zones and to call attention to the prohibition of excessive or unnecessary noises within such zones.
- (9) *Drums, loudspeakers, calling, etc.* The use of any drum, loudspeaker or other instrument or device, unless a permit is obtained therefor from the chief of police, which permit shall specify the place where such device is to be used and the hours thereof; or the unnecessary calling with the voice for the purpose of attracting attention by the creation of noise or for advertising purposes between the hours of 9:30 p.m. and 8:00 a.m.

(Code 1984, § 17-94)

State law reference—Municipal authority to restrain and prohibit noises, RSMo 77.570.

Secs. 32-121—32-138. Reserved.

ARTICLE VI. OFFENSES AGAINST PUBLIC SAFETY*

DIVISION 1. GENERALLY

Sec. 32-139. Abandonment of airtight containers.

(a) No person shall abandon, discard, or knowingly permit to remain on premises under his control, in a place accessible to children, any abandoned or discarded icebox, refrigerator, or other airtight or semi-airtight container which has a capacity of 1½ cubic feet or more and an opening of 50 square inches or more and which has a door or lid equipped with a hinge, latch or other fastening device capable of

***State law reference**—Public safety offenses, RSMo ch. 577.

securing such door or lid, without rendering such equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein.

(b) This section shall not apply to an icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouse operator or repair person.

(Code 1975, § 270.050; Code 1984, § 17-111)

State law reference—Similar provisions, RSMo 577.100.

Secs. 32-140—32-161. Reserved.

DIVISION 2. WEAPONS OFFENSES*

Sec. 32-162. Definitions.

Terms used in this division shall have the meanings provided in RSMo 571.010. (Code 1984, § 17-121)

State law reference—Similar definitions, RSMo 571.010, 571.080(3).

Sec. 32-163. Unlawful use of weapons; exceptions.

- (a) A person commits the offense of unlawful use of weapons if he knowingly:
 - (1) Carries concealed upon or about his person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use into a place specified in RSMo 571.060;
 - (2) Sets a spring gun;
 - (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in RSMo 302.010, or any building or structure used for the assembling of people;
 - (4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner;
 - (5) Possesses or discharges a firearm or projectile weapon while intoxicated;
 - (6) Discharges a firearm within 100 yards of any occupied school house, courthouse, or church building;
 - (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across, a public highway or discharges or shoots a firearm into any outbuilding;

***State law references**—Municipal authority to prevent discharge of firearms, RSMo 77.570; municipal authority to prohibit carrying concealed weapons, RSMo 77.580; weapons offenses, generally, RSMo ch. 571.

- (8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any school, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof;
- (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in RSMo 302.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or
- (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.

(b) Subsections (a)(1), (a)(8) and (a)(10) of this section shall not apply to or affect any of the following, regardless of whether such use is reasonably necessary to fulfilling an official duty, and subsections (a)(3), (a)(4), (a)(6), (a)(7) and (a)(9) of this section shall not apply to any of the following when reasonably necessary to fulfillment of an official duty:

- (1) All state, county and municipal peace officers possessing the duty and power of arrest for violation of ordinances of counties or municipalities of the state, whether such officers are within or outside their jurisdictions or on or off duty, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
- (2) Wardens, superintendents and keepers of persons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;
- (3) Members of the armed forces or National Guard while performing their official duty;
- (4) Those persons vested by article V, section 1, of the Constitution of Missouri with the judicial power of the state;
- (5) Any person whose bona fide duty is to execute process, civil or criminal;
- (6) Any federal probation officer;
- (7) Any state probation or parole officer, including supervisors and members of the board of probation and parole;
- (8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under RSMo 84.340; and
- (9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner.

(c) Subsections (a)(1), (a)(5), (a)(8) and (a)(10) of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subsection (a)(1) of this section does not apply to any person 21 years of age or older transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subsection (a)(10) of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event.

(d) Subsections (a)(1), (a)(8) and (a)(10) of this section shall not apply to any person who has a valid concealed carry endorsement issued pursuant to RSMo 571.094 or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

(e) Subsections (a)(3) through (a)(10) of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to RSMo 563.031.

(f) Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

(Code 1975, §§ 270.010, 270.020; Code 1984, § 17-123)

State law reference—Similar provisions, RSMo 571.030(1)—(3).

Sec. 32-164. Concealed weapons prohibited in city buildings and other public areas; exceptions.

(a) No person who has been issued a concealed carry endorsement by the state director of revenue under RSMo 571.094 or who has been issued a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state, shall, by authority of that endorsement or permit, be allowed to carry a concealed firearm or to openly carry a firearm in any building or portion of a building owned, leased or controlled by the city except as otherwise permitted by state law.

(b) Signs shall be posted at each entrance of a building entirely owned, leased or controlled by the city stating that carrying of firearms is prohibited. Where the city owns, leases or controls only a portion of a building, signs shall be posted at each entrance to that portion of the building stating that carrying of firearms is prohibited.

(c) This section shall not apply to buildings used for public housing by private persons, highways or rest areas, firing ranges, or private dwellings owned, leased or controlled by the city.

(d) Any person violating this section may be denied entrance to the building or ordered to leave the building. Any city employee violating this section may be disciplined. No other penalty shall be imposed for a violation of this section.

(e) No person shall carry concealed firearms into:

- (1) Any police, sheriff, or highway patrol office or station without the consent of the chief law enforcement officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. The chief of police is hereby designated as the chief law enforcement officer for the city for the purposes of this section.
- (2) Any area within 25 feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
- (3) The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult or juvenile detention, or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
- (4) Any meeting of the city council except that possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
- (5) Any higher education institution or elementary or secondary school facility without the consent of the governing body of the higher education institution or a school official or the district school board. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
- (6) Any place where the carrying of a firearm is prohibited by federal law.
- (7) Any portion of a building used as a childcare facility without the consent of the manager. Nothing in this subdivision shall prevent the operator of a childcare facility in a family home from owning or possessing a firearm or a driver's license or nondriver's license containing a concealed carry endorsement.

- (8) Any church or other place of religious worship without the consent of the minister or person representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
- (9) Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of minimum size of 11 inches by 14 inches with the writing thereon in letters of not less than one inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity, or person may prohibit persons holding a concealed carry endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry endorsement from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry endorsement from carrying a concealed firearm in vehicles owned by the employer.
- (10) Any hospital or clinic accessible by the public. Possession of a firearm in a vehicle on the premises of the hospital or clinic shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
- (11) On any property owned, operated, leased or otherwise maintained by the city as a park, soccer field, baseball field, tennis court, or other recreational facility or area.
 - (f) No city employee, except police officers and such other persons as may be authorized by the city administrator, shall carry any weapon on city property or in any city vehicle.
 - (g) Carrying of a concealed firearm in a location prohibited by this section by any individual who holds a concealed carry endorsement issued pursuant to this section shall not be a criminal act but may subject the person to denial to the premises or removal from the premises. If such person refuses to leave the premises and a peace officer is summoned, such person may be issued a citation for an amount not to exceed \$100.00 for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed \$200.00. If a third citation for a similar violation is issued within one year of the

first citation, such person shall be fined an amount not to exceed \$500.00. Upon conviction of charges arising from a citation issued pursuant to this subsection, the court shall notify the sheriff of the county which issued the certificate of qualification for a concealed carry endorsement and the department of revenue.

(h) Any lessee of a city building or city property may, upon application to the city, obtain a permit which shall allow the lessee the opportunity to possess, display, sell, barter, exchange or operate a firearm, knife, or other legally owned weapon, upon the leased premises in accordance with the permit issued.

- (1) The permit shall be free of charge and shall apply only to the individual listed on the permit.
- (2) In the case of a gun or knife show, the permit shall be obtained by the operator of the gun or knife show (lessee of the premises), and each individual dealer shall be listed on the permit.
- (3) In the event a dealer is not listed on the original permit to the lessee, the individual dealer must apply to the city for his own permit in accordance with this section.
- (4) Should any individual, company, business, or other entity possess a firearm, knife, or weapon of any kind upon city premises in conjunction with an event without a permit, then the person possessing the weapon, and the lessee of the premises, shall be in violation of this section. This provision shall not apply to any individual who has purchased, or is in the process of trading, exchanging, or bartering a weapon at a permitted event.
- (5) Violation of this section shall be punishable under section 1-13.
(Code 1984, § 25-1; Ord. No. 3523, § 1, 11-4-2003; Ord. No. 3569, 3-15-2005)
State law reference—Similar provision, RSMo 571.107.

Sec. 32-165. Possession of concealable firearm unlawful for certain persons.

(a) A person commits the offense of unlawful possession of a concealable firearm if the person has any concealable firearm in his possession and:

- (1) He has been convicted of a felony or of a crime under federal law or the law of any state that, if committed in this state, would be a felony; pled guilty to or has been convicted of a dangerous felony, as defined in RSMo 556.061, or of an attempt to commit a dangerous felony, or of a crime under the laws of any state or of the United States which, if committed within this state, would be a dangerous felony, or confined therefor in this state or elsewhere during the five-year period immediately preceding the date of such possession; or
- (2) He is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent.

(b) This section shall not apply to possession of an antique firearm.
(Code 1984, § 17-125)

State law reference—Similar provisions, RSMo 571.070(1).

Sec. 32-166. Physicians to report gunshot or other wounds.

It shall be the duty of every physician, surgeon or other person attending, treating or prescribing for any person in the city, or who resides in the city, for wound, ailment or condition caused by gun or pistol shot or knife, dagger or other instrument, within 24 hours after the inception of such treatment, to report in writing to the chief of police, giving the name, age, nationality, residence (street and number), race and gender of such person, and the date of such wound or condition treated, together with the character of such injury.

(Code 1984, § 17-126)

Secs. 32-167—32-189. Reserved.

DIVISION 3. ABUSE OF ALCOHOL

Sec. 32-190. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Intoxicating liquor means and includes alcohol for beverage purposes; alcoholic, spirituous, vinous, fermented, malt or other liquors or combination of liquors, a part of which is spirituous, vinous or fermented; and all preparations or mixtures for beverage purposes containing in excess of one-half of one percent of alcohol by weight.

(Code 1975, § 275.010A; Code 1984, § 17-136)

Sec. 32-191. Regulations concerning minors.

(a) Any person under the age of 21 years who purchases or attempts to purchase, or has in his possession, any intoxicating liquor or who is visibly in an intoxicated condition as defined in subsection (f) of this section or has a detectable blood alcohol content of more than two-hundredths of one percent or more by weight of alcohol in such person's blood is guilty of a violation of this section and subject to the full range of punishment for violation of a municipal ordinance.

(b) For purposes of prosecution under this section or any other provision of this chapter involving possession or an alleged illegal sale or transfer of intoxicating liquor to a person under 21 years of age, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged

violator may allege that there was not intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.

(c) No person shall sell, give or in any way transfer to a person under the age of 21 years any intoxicating liquor.

(d) It shall be unlawful for any place of business selling intoxicating liquor, excluding restaurants, to allow a minor under 21 years of age to patronize, visit or frequent his place of business.

(e) The conviction of any person of a violation of subsections (c) and (d) of this section shall automatically result in a suspension of his city liquor license for a period of 15 days, whether or not any penalty or fine or imprisonment is adjudged.

(f) For purposes of this division, a person is "visibly intoxicated" when inebriated to such an extent that the impairment is shown by significantly uncoordinated physical action or significant physical dysfunction.

(Code 1975, § 275.010B, D; Code 1984, § 17-137; Ord. No. 3895, 3-17-2015)

Sec. 32-192. Drinking in public places.

(a) It shall be unlawful for any person to consume, drink, display or exhibit any intoxicating liquor in or upon the streets, sidewalks, alleys, parks, swimming pools, ball fields, tennis courts, shelter houses, parking lots, or any other property owned, leased or operated by the city except as herein provided.

(b) Upon application and approval for a special event permit, the consumption, display or exhibition of any intoxicating liquor, beer or wine shall be permitted within the designated area of the event during a designated period of time. Any sale of alcoholic beverages inside the event shall be in compliance with all other state regulations and city ordinances. Approval of a special event permit shall be based upon the following criteria:

- (1) The event must have a minimum of \$1,000,000.00 in insurance coverage, including insurance specifically concerning events where alcohol will be present.
- (2) The event must have provisions for adequate security deemed appropriate by the city council.

(c) Upon application for rent or lease of the Benson Convention and Exposition Center, the applicant and guests may drink, consume, display or exhibit any intoxicating liquor inside the premises, in compliance with the rental or lease agreement. It shall be unlawful for any person to consume alcohol outside of the

Benson Convention and Exposition Center on city property whether or not participating in the event located inside the Benson Convention and Exposition Center.

(d) The staff of the Benson Convention and Exposition Center shall adopt guidelines regarding the consumption and sale of alcohol within the Benson Convention and Exposition Center, and any sale of alcoholic beverages inside the Benson Convention and Exposition Center shall be in compliance with all other state regulations and city ordinances.

(Code 1975, § 275.030; Code 1984, § 17-138; Ord. No. 3553, 10-5-2004; Ord. No. 3893, 2-3-2015)

Secs. 32-193—32-222. Reserved.

ARTICLE VII. OFFENSES AGAINST PUBLIC MORALS*

DIVISION 1. GENERALLY

Sec. 32-223. Definitions.

All terms used in this article shall have the meanings provided in RSMo 567.010. (Code 1984, § 17-156)

State law reference—Similar definitions, RSMo 567.010(2)—(5).

Sec. 32-224. Public indecency.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Nudity means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of covered male genitals in a discernibly turgid state.

Sexual conduct means and includes the following:

- (1) A live display of nudity;
- (2) Sexual intercourse;
- (3) Deviant sexual intercourse, which means any sexual act involving the genitals of one person and the mouth, hand, tongue or anus of another person; or

***State law references**—Sexual offenses, RSMo ch. 566; pornography and related offenses, RSMo ch. 573.

- (4) Sexual contact, which means any touching, manual or otherwise, of the anus or genitals of one person by another, done for the purpose of arousing or gratifying sexual desire of either party.

Sexual intercourse means any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results.

(b) A person commits the crime of public indecency if the person knowingly or intentionally and in a public place:

- (1) Engages in sexual intercourse;
- (2) Engages in deviant sexual intercourse;
- (3) Appears in a state of nudity;
- (4) Fondles the genitals of himself or another person; or
- (5) Exposes his genitals under circumstances in which the person knows that his conduct is likely to cause affront or alarm.

(c) Any person who knowingly or intentionally allows the crime of public indecency to be committed upon property which the person owns or which is under his immediate control, commits the crime of promoting public indecency.

(d) A person commits the crime of indecent exposure if the person knowingly or intentionally and in a place other than a public place with the intent to be seen by persons other than invitees and occupants of that place:

- (1) Engages in sexual intercourse;
- (2) Engages in deviant sexual intercourse;
- (3) Appears in a state of nudity;
- (4) Fondles the genitals of himself or another person; or
- (5) Exposes his genitals under circumstances in which the person knows that his conduct is likely to cause affront or alarm.

(e) A person who knowingly or intentionally allows the crime of indecent exposure to be committed upon property which the person owns or which is under his immediate control, commits the crime of promoting indecent exposure.

(f) A person found in violation of this section will be punished pursuant to section 1-13.

(Code 1984, § 17-157; Ord. No. 3040, §§ 1—6, 2-16-1993)

Sec. 32-225. Window peeping prohibited.

Whoever shall, within the city, be found to be loitering on or about the abode or residence of another, engaged in peeping or peering into the window thereof, viewing

and observing, or attempting to view and observe the private actions of the occupants therein, without the consent of the occupants thereof, shall be deemed guilty of an offense.

(Code 1975, § 265.120; Code 1984, § 17-159)

Secs. 32-226—32-249. Reserved.

DIVISION 2. PROSTITUTION*

Sec. 32-250. Offenses.

A person commits the offense of prostitution if the person performs an act of prostitution as defined in section 32-223.

(Code 1984, § 17-171)

State law reference—Similar provisions, RSMo 567.020(1).

Sec. 32-251. Patronizing prostitution.

A person commits the offense of patronizing prostitution if the person patronizes prostitution, as defined in section 32-223.

(Code 1984, § 17-172)

State law reference—Similar provisions, RSMo 567.030(1).

Sec. 32-252. Sex of parties no defense.

In any prosecution for prostitution or patronizing a prostitute, the sex of the two parties or prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial, and it is no defense that:

- (1) Both persons were of the same sex; or
- (2) The person who received, agreed to receive or solicited something of value was a male and the person who gave or agreed or offered to give something of value was a female.

(Code 1984, § 17-173)

State law reference—Similar provisions, RSMo 567.040.

Sec. 32-253. Prostitution houses deemed public nuisances.

(a) Any room, building or other structure regularly used for sexual contact for pay, as defined in section 32-223 or any unlawful prostitution activity prohibited by this division is hereby declared a public nuisance.

(b) The city attorney may, in addition to all sanctions under this Code, prosecute a suit in equity to abate the nuisance. If the municipal court finds that the owner of the room, building or structure knew or had reason to believe that the premises were

***State law reference**—Prostitution, RSMo ch. 567.

being used regularly for sexual contact for pay or unlawful prostitution activity, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one year.

(c) All persons, including owners, lessees, officers, agents, inmates or employees, aiding or facilitating such a nuisance may be made defendants in any suit to abate the nuisance, and they may be enjoined from engaging in any sexual contact for pay or unlawful prostitution activity anywhere within the jurisdiction of the municipal court.

(d) Appeals shall be allowed from the judgment of the municipal court as in other civil actions.

(Code 1984, § 17-174)

State law reference—Similar provisions, RSMo 567.080.

Secs. 32-254—32-284. Reserved.

ARTICLE VIII. CONTROLLED SUBSTANCES*

DIVISION 1. GENERALLY

Secs. 32-285—32-301. Reserved.

DIVISION 2. DRUG REGULATIONS

Sec. 32-302. Definitions.

All terms used in this division shall have the meanings provided in RSMo 195.010.

(Code 1975, §§ 276.010, 276.040; Code 1984, § 17-206)

State law reference—Similar definitions, RSMo 195.010, 195.016, 195.017.

Sec. 32-303. Possession or sale of controlled substance.

No person shall sell, give away, manufacture, use or possess for any purpose whatever any controlled substance except as authorized by RSMo ch. 195 or ch. 579.

(Code 1975, § 276.020A; Code 1984, § 17-207)

Sec. 32-304. Distribution by licensed practitioners and pharmacists.

(a) A licensed practitioner shall be permitted to prescribe, administer and dispense or distribute controlled substances to a patient in good faith and in the course of his professional practice only, and shall not be permitted to possess controlled substances for any other purpose.

***State law reference**—Drug regulations, RSMo ch. 195.

(b) Licensed pharmacists shall be permitted to dispense or distribute controlled substances to patients under and in pursuance of written prescriptions issued by any licensed practitioner and shall not be permitted to possess controlled substances for any other purpose.

(c) All instances of professional distribution of controlled substances as provided in subsections (a) and (b) of this section shall be recorded in a suitable form and filed and preserved in a manner so as to be readily accessible for inspection by any law enforcement officer of the city.

(d) No prescription for controlled substances shall be renewed or refilled, except as regulated by state and federal law.

(Code 1975, § 276.020C; Code 1984, § 17-208)

State law reference—Similar provisions, RSMo 195.050—195.070.

Sec. 32-305. Permitted possession of controlled substances.

Any person under the care of a licensed practitioner shall be permitted to possess controlled substances distributed or dispensed to the person under the provisions of this division, but such possession and use must be in accordance with the prescription and prescribed treatment.

(Code 1975, § 276.020D; Code 1984, § 17-209)

State law reference—Similar provisions, RSMo 195.030(4)(3).

Sec. 32-306. Possession by licensed manufacturers, etc.

A person who is a licensed manufacturer, warehouse operator, or wholesaler of controlled substances shall be permitted to possess controlled substances for the purposes of wholesale delivery, compounding, preparation, and manufacture only, and the substances shall only be resold to other persons permitted by state and federal law to resell, dispense or distribute controlled substances in the course of a licensed manufacturer or wholesale business, a licensed professional practice, or a licensed pharmaceutical business. A licensed manufacturer or wholesaler permitted to possess controlled substances under this section may also be a licensed pharmacist, but the person shall not consume or permit to be consumed any controlled substances except upon written prescription as provided in section 32-305.

(Code 1975, § 276.020E; Code 1984, § 17-210)

State law reference—Similar provisions, RSMo 195.050.

Sec. 32-307. Transportation of controlled substances.

The provisions of this division restricting the possession and control of controlled substances shall not apply to common carriers or warehouse operator engaged in lawfully transporting or storing such controlled substances, or to any employee of such common carriers or warehouse operators within the scope of his employment,

or to public officers or employees in the performance of official duties requiring possession or control of controlled substances, or to persons aiding such officers or employees in performance of such duties.

(Code 1975, § 276.020G; Code 1984, § 17-212)

State law reference—Similar provisions, RSMo 195.030(4)(2).

Sec. 32-308. Possession of drug paraphernalia.

It shall be unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, inhale, or otherwise introduce into the human body a controlled substance, as defined by and in violation of this division unless such use is otherwise authorized by the state constitution or other state law.

(Code 1975, § 276.030A; Code 1984, § 17-214)

State law reference—Similar provisions, RSMo 195.020(2).

Sec. 32-309. Manufacture or delivery of drug paraphernalia.

It is unlawful for any person to deliver, possess with intent to deliver or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or any substance so defined within this division is in violation of this section unless such use is otherwise authorized by the state constitution or other state law.

(Code 1975, § 276.030B; Code 1984, § 17-215)

State law reference—Similar provisions, RSMo 195.020(3).

Sec. 32-310. Advertisement of drug paraphernalia.

It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia that is otherwise illegal under this division.

(Code 1975, § 276.030C; Code 1984, § 17-216)

State law reference—Similar provisions, RSMo 195.020(4).

Secs. 32-311—32-343. Reserved.

DIVISION 3. INHALATION OF CERTAIN SUBSTANCES*

Sec. 32-344. Inhalation prohibited.

(a) No person shall intentionally smell or inhale the fumes of any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues or induce any other person to do so, for the purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes; except that this section shall not apply to the inhalation of any anesthesia for medical or dental purposes.

(b) No person shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual or mental processes by the use or abuse of any of the following substances:

- (1) Solvents, particularly toluol;
- (2) Ethyl alcohol;
- (3) Amyl nitrite and its iso-analogues;
- (4) Butyl nitrite and its iso-analogues;
- (5) Cyclohexyl nitrite and its iso-analogues;
- (6) Ethyl nitrite and its iso-analogues;
- (7) Pentyl nitrite and its iso-analogues; and
- (8) Propyl nitrite and its iso-analogues.

(c) This section shall not apply to substances that have been approved by the Federal Food and Drug Administration as therapeutic drug products or are contained in approved over-the-counter drug products or administered lawfully pursuant to the order of an authorized medical practitioner.
(Code 1975, § 276.050B; Code 1984, § 17-227)

Sec. 32-345. Possession, etc., prohibited.

(a) No person shall, for the purpose of violating or aiding another to violate any provision of this division, intentionally possess, buy, sell, transfer possession or receive possession of any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues.

***State law reference**—Provisions relating to glue sniffing, RSMo 578.250 et seq.

(b) Except as otherwise provided, no person under 18 years of age shall possess or buy any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues.
(Code 1975, § 276.050C, D; Code 1984, § 17-228)

Sec. 32-346. Sale or transference to minors prohibited; exception.

(a) Except as otherwise provided, no person shall sell or transfer possession of any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues to another person under 18 years of age.

(b) A person may, however, sell or transfer possession of solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues to a person under 18 years of age for model building or other lawful use where the minor has in his possession and exhibits the written consent of his parent or guardian.
(Code 1975, § 276.050D(1), (2); Code 1984, § 17-229)

Sec. 32-347. Records to be kept.

A person making a sale or transfer of possession of solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues to a person under 18 years of age who exhibits the written consent of his parent or guardian, shall record the name, address, gender and age of the minor and the name and address of the consenting parent or guardian. All data required by this section shall be kept in a permanent register available for inspection by properly authorized city officials for a period of at least one year.
(Code 1975, § 276.050E; Code 1984, § 17-230)

Sec. 32-348. Penalty.

Any person other than a minor violating any of the provisions of this division shall be deemed guilty of an offense. Persons not having obtained the age of 17 years violating any of the provisions of this division shall be dealt with in accordance with state juvenile laws and procedures.
(Code 1975, § 276.050; Code 1984, § 17-232)

Chapter 33

RESERVED

Chapter 34

PARKS AND RECREATION*

Article I. In General

Secs. 34-1—34-18. Reserved.

Article II. Park Board

Sec. 34-19. Appointment; term of office; vacancies.

Sec. 34-20. Officers; duties.

Secs. 34-21—34-43. Reserved.

Article III. Park and Recreation Department

Sec. 34-44. Created.

Sec. 34-45. Director; personnel.

Sec. 34-46. Duties.

Secs. 34-47—34-65. Reserved.

Article IV. Artesian Park

Sec. 34-66. Established.

Sec. 34-67. Hours of use.

Sec. 34-68. Use of park.

Sec. 34-69. Shelters.

Secs. 34-70—34-96. Reserved.

Article V. Concessions

Sec. 34-97. Application.

Sec. 34-98. General requirements.

Sec. 34-99. Agreements.

Secs. 34-100—34-126. Reserved.

Article VI. Community Center

Sec. 34-127. Rules and regulations.

***State law references**—Municipal authority to purchase land for parks, RSMo 77.140; parks and recreation, RSMo ch. 90.

ARTICLE I. IN GENERAL

Secs. 34-1—34-18. Reserved.

ARTICLE II. PARK BOARD

Sec. 34-19. Appointment; term of office; vacancies.

(a) The mayor shall appoint, with the approval of the city council, a park board of directors consisting of nine members. The board shall be chosen from the citizens at large, with reference to their fitness for such office. No member of the municipal government shall be a member of the board. No director shall receive compensation for services as a director on the board.

(b) Initially, one-third of the directors shall hold office for one year, one-third for two years and one-third for three years from June 1 following their appointment; and at their first meeting shall cast lots for their respective terms. Thereafter, the mayor shall annually, before June 1 of each year, appoint three directors who shall hold office for three years and until their successors are appointed. The mayor may, by and with the consent of the city council, remove any director for misconduct or neglect of duty.

(c) Vacancies on the board of directors, occasioned by removals, resignations or otherwise, shall be filled in the same manner as original appointments.
(Code 1984, § 18-1; Ord. No. 3360, § 1, 4-4-1999)

Sec. 34-20. Officers; duties.

(a) The board of directors, immediately after appointment, shall meet and organize by electing one of its number as president, and such other officers as deemed necessary. It shall make and adopt such bylaws, rules and regulations for its own guidance as may be expedient, not inconsistent with applicable state statutes or municipal ordinances.

(b) The duties of the board of directors shall be:

- (1) Meet periodically with the director of the city park and recreation department to receive reports and review the finances and operations of the department.
- (2) Assist the department in the development of policies and procedures and the preparation of plans for the use, maintenance, repair and replacement of department facilities and equipment.
- (3) Review the proposed annual budget for the department. The director shall submit the budget along with the board's recommendations to the city administrator for city council consideration.

- (4) Address concerns of citizens and groups regarding the use of department facilities and participation in department programs.
 - (5) Submit an annual report to the city council regarding department activities, finances and programs with any recommendations it deems appropriate.
 - (6) Address concerns of the city council and provide the council advice on matters concerning the department.
- (Code 1984, § 18-2; Ord. No. 3360, § 1, 4-4-1999)

Secs. 34-21—34-43. Reserved.

ARTICLE III. PARK AND RECREATION DEPARTMENT

Sec. 34-44. Created.

There is hereby created in the city a department to be known as the park and recreation department. The park and recreation department shall operate and maintain the parks, swimming pools, community center, athletic fields, Benson Center and other recreational facilities owned or leased by the city, and shall administer the recreation programs and activities related thereto.

(Code 1984, § 18-20; Ord. No. 3360, § 1, 4-4-1999)

Sec. 34-45. Director; personnel.

The mayor and city council shall appoint a suitable person as director of the park and recreation department and may authorized the employment of other personnel to assist the director. The compensation for the director shall be fixed by the mayor and city council. The director shall report to the city administrator.

(Code 1984, § 18-21; Ord. No. 3360, § 1, 4-4-1999)

Sec. 34-46. Duties.

- (a) The director shall supervise and manage the day-to-day affairs of the department in accordance with approved policies, guidelines and annual budgets.
 - (b) The director shall attend meetings of the park board and provide reports of department activities as may be required by the board.
 - (c) The director shall prepare, annually, a department budget and submit it to the park board for its review and recommendations.
- (Code 1984, § 18-22; Ord. No. 3360, § 1, 4-4-1999)

Secs. 34-47—34-65. Reserved.

ARTICLE IV. ARTESIAN PARK**Sec. 34-66. Established.**

The city, having purchased what is commonly known as Artesian Park, desires and hereby establishes a public park under the provisions of state law.
(Code 1984, § 18-30; Ord. No. 3360, § 1, 4-4-1999)

Sec. 34-67. Hours of use.

Artesian Park, Optimist Park, Hurt Park and Antioch Park shall be open daily between the hours of 6:00 a.m. and 11:00 p.m. At 11:00 p.m. daily, the parks shall be closed and remain closed until 6:00 a.m., except for authorized events and functions. The skateboard facility at the Clinton Community Center shall be open daily from 6:00 a.m. until sunset.
(Code 1984, § 18-31; Ord. No. 3360, § 1, 4-4-1999; Ord. No. 3585, § 1, 9-20-2005)

Sec. 34-68. Use of park.

(a) Any organization that wishes to sponsor an event in Artesian Park must submit a written request to the park and recreation director to be forwarded to the public works committee. The request shall include:

- (1) Name, address and telephone number of the sponsor.
- (2) Date and time of the event.
- (3) Description of the event.
- (4) Estimated number of people to attend.
- (5) A park layout showing areas to be utilized.
- (6) A proposed traffic and parking plan.
- (7) Plans for set-up, take-down and park cleanup.

(b) A certificate of liability insurance which names the city as an additional insured in the amount of \$300,000.00 will be required. Peddlers, carnivals, craft vendors, etc., shall be required to obtain a city business license. Regular shelter reservation fees shall be paid. The public works committee may require a damage/cleanup deposit from the sponsor.

(c) All ordinances which apply to public conduct on city property, including the possession and consumption of alcohol, shall apply to special events.
(Code 1984, § 18-32; Ord. No. 3360, § 1, 4-4-1999)

Sec. 34-69. Shelters.

(a) Shelters 1 through 5 shall be available for reservation. Reservations must be made during regular business hours at the park and recreation department. All other shelters shall be available on a first-come, first-served basis.

(b) Reservation fees established by the city council must be paid at least 48 hours prior to the reserved time. Reservations may be made up to a year in advance; however, priority shall be given to activities sponsored by the park and recreation department, such as day camps.

(Code 1984, § 18-33; Ord. No. 3360, § 1, 4-4-1999)

Secs. 34-70—34-96. Reserved.

ARTICLE V. CONCESSIONS

Sec. 34-97. Application.

(a) Individuals or organizations wishing to operate a concession at city parks or facilities shall apply by submitting a letter of application to the park and recreation director. The application shall include the following information:

- (1) Name, address and telephone number of the applicant.
- (2) Proposed location and operating dates and times of the concession.
- (3) Types of products to be sold.
- (4) Plans for set-up, take down and cleanup.
- (5) Sponsor's purpose and intended use of profits.

(b) The application shall be reviewed by the park board and a recommendation submitted to the public works committee of the city council.

(Code 1984, § 18-41; Ord. No. 3360, § 1, 4-4-1999)

Sec. 34-98. General requirements.

Any individual or organization who wishes to operate a concession at city parks and facilities must comply with the following requirements:

- (1) Obtain a state tax ID number.
- (2) Provide proof of liability insurance in the amount of \$300,000.00 which names the city as an additional insured.
- (3) Comply with state and county health regulations governing food service.
- (4) Be a registered nonprofit organization with the state of Missouri.

(Code 1984, § 18-42; Ord. No. 3360, § 1, 4-4-1999)

Sec. 34-99. Agreements.

No individual or organization operating a concession at city parks or facilities shall make agreements with vendors or suppliers that obligate the city or the park and recreation department in any way.

(Code 1984, § 18-43; Ord. No. 3360, § 1, 4-4-1999)

Secs. 34-100—34-126. Reserved.**ARTICLE VI. COMMUNITY CENTER****Sec. 34-127. Rules and regulations.**

The rules and regulations for the community center shall be as follows:

- (1) Hours of operation.
 - a. The community center hours shall be set by the city from time to time.
 - b. The center will be closed on Sundays, New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving Day and Christmas Day.
 - c. Hours of operation may be changed from time to time upon approval of the city council.
- (2) The use of alcohol, drugs and tobacco products is prohibited on the premises.
- (3) No children under the age of 12 years shall be left unattended on the premises.
- (4) Persons must be 12 years of age and must attend a training session to use exercise equipment. Persons under 16 years of age must be accompanied by an adult while using exercising equipment.
- (5) No food or beverage shall be allowed beyond first floor lobbies or multipurpose rooms. (Water bottles with caps are allowed on the track, in the exercise room and in the aerobics room.)
- (6) Rental of multipurpose rooms shall be on a first-come, first-served basis. Rental fees shall be paid in advance. Decorations are limited to tables. No confetti or glitter are allowed in the building. Renters shall be charged for any damage to the building or equipment.
- (7) Street shoes shall not be permitted in the gym except for spectators in bleacher areas. Gym use shall be restricted to athletic activities only.

- (8) Persons fighting, using profane language or causing a disturbance will be ejected from the premises and will be subject to arrest and prosecution. In cases of repeated violations, the parks and recreation board may suspend or revoke the violator's privilege of entering the center.

(Code 1984, § 18-51; Ord. No. 3360, § 1, 4-4-1999; Ord. No. 3503, § 1, 1-21-2003; Ord. No. 3596, § 1, 2-21-2006; Ord. No. 3626, § 1, 11-21-2006; Ord. No. 3721, § 1, 12-1-2009)

Chapter 35

RESERVED

Chapter 36

PLANNING AND ZONING*

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Article II. City Planning Commission

- Sec. 36-19. Creation.
- Sec. 36-20. Composition; qualifications; compensation; terms; vacancies; removal.
- Sec. 36-21. Chairperson; meetings; rules.
- Sec. 36-22. Appropriations and donations.
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- Sec. 36-24. Oath.
- Sec. 36-25. Preparation and purpose of plan.
- Sec. 36-26. Procedure for adoption of plan.
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- Sec. 36-33. Use of unapproved plat in sale of land prohibited; penalty.
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Article III. Urban Redevelopment Corporations

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Article IV. Zoning

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***State law reference**—Municipal planning, RSMo 89.300 et seq.

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- Sec. 36-85. Zoning districts.
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- Sec. 36-87. Definitions.
- Secs. 36-88—36-117. Reserved.

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- Sec. 36-123. R-2/MH Two-Family/Manufactured Housing Residential District.
- Sec. 36-124. R-3 Medium Density Multifamily Residential District.
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- Sec. 36-126. C-O Office District.
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PLANNING AND ZONING

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- Sec. 36-226. Amount off-street parking and loading required.
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- Sec. 36-228. Improvement of driveways and parking areas.
- Sec. 36-229. Access to parking areas, garages, carports.
- Sec. 36-230. Head-in parking.
- Sec. 36-231. Lighting of parking areas.
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- Secs. 36-233—36-257. Reserved.

Division 6. Nonconforming Buildings, Structures and Uses of Land

- Sec. 36-258. Nonconforming buildings and structures.
- Sec. 36-259. Nonconforming uses of land.
- Secs. 36-260—36-281. Reserved.

Division 7. Administration

- Sec. 36-282. Building permit, land use permit, or certificate of occupancy required.
- Sec. 36-283. Conditional uses.
- Sec. 36-284. Amendments.
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- Secs. 36-290—36-311. Reserved.

Division 8. Board of Adjustment

- Sec. 36-312. Created.
- Sec. 36-313. Membership.
- Sec. 36-314. Rules of procedure; meetings.
- Sec. 36-315. Powers and duties.
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- Secs. 36-318—36-337. Reserved.

Article V. Historic Preservation Commission

- Sec. 36-338. Created; membership.

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- Sec. 36-339. Establishment of standards.
- Sec. 36-340. Duties and responsibilities.
- Secs. 36-341—36-368. Reserved.

Article VI. Communications Towers

- Sec. 36-369. Standards.
- Sec. 36-370. Intent and purpose.
- Sec. 36-371. Legislative findings.
- Sec. 36-372. General requirements.

ARTICLE I. IN GENERAL

Secs. 36-1—36-18. Reserved.

ARTICLE II. CITY PLANNING COMMISSION*

Sec. 36-19. Creation.

A commission to be known as the city planning commission is hereby created which shall consist of 11 members.

(Code 1975, § 400.010; Code 1984, § 20-16)

Sec. 36-20. Composition; qualifications; compensation; terms; vacancies; removal.

(a) The planning commission shall consist of 11 members, including the mayor and a member of the city council selected by the council as ex-officio non-voting members, and nine citizen members who shall represent insofar as feasible different professions, interests, or occupations in the city and who shall be appointed by the mayor by and with the approval of three-fourths of the city council.

(b) All citizen members shall serve without compensation. The citizen members shall serve terms of four years, except those who are first appointed, who shall serve for various periods so that succeeding terms will be staggered. Any vacancy on the commission shall be filled for the unexpired term by appointment. The city council may remove citizen members for cause stated in writing and after a public hearing. (Code 1975, § 400.030; Code 1984, § 20-17; Ord. No. 2758, § 1, 9-4-1984; Ord. No. 3152, § 1, 12-20-1994; Ord. No. 3179, § 1, 5-16-1995; Ord. No. 3388, § 1, 11-2-1999; Ord. No. 3416, § 1, 8-1-2000)

State law reference—Similar provisions, RSMo 89.320.

Sec. 36-21. Chairperson; meetings; rules.

The planning commission shall elect its chairperson and secretary from among the citizen members. The term of the chairperson and secretary shall be for one year with eligibility for reelection. The commission shall hold regular meetings and special meetings as they provided by rule, and shall adopt rules for the transaction of business and keep a record of its proceedings. These records shall be public records. The commission shall appoint the employees and staff necessary for its work, and may contract with city planners and other professional persons for the services that it requires.

(Code 1975, § 400.040; Code 1984, § 20-18)

State law reference—Similar provisions, RSMo 89.330(1).

***State law reference**—Municipal authority to adopt city plan and appoint planning commission, RSMo 89.310.

Sec. 36-22. Appropriations and donations.

The city council may provide the funds, equipment and accommodations necessary for the work of the planning commission but the expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the city council and no expenditures, nor agreements for expenditures shall be valid or legal in excess of such amount. The planning commission shall have the authority and the power to accept and receive donations of cash, property, gifts, bequests and grants and, with the approval of the city council, may use such nonappropriated assets as the commission shall deem beneficial and advantageous to the city.

(Code 1975, § 400.050; Code 1984, § 20-19)

State law reference—Similar provisions, RSMo 89.330(1).

Sec. 36-23. Functions, powers and duties, generally.

(a) The planning commission shall have all powers, and operate under the same procedures as provided for planning commission, as set forth in RSMo 89.300 through 89.490, as amended from time to time.

(b) The commission shall make and adopt a city plan for the physical development of the city. The city plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, shall show the commission's recommendations for the physical development and uses of land, and may include, among other things:

- (1) The general location, character and extent of streets and other public ways, grounds, places and spaces;
- (2) The general location and extent of public utilities and terminals, whether publicly or privately owned;
- (3) The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment or change of use of any of the foregoing; and
- (4) The general character, extent and layout of the replanning of blighted districts and slum areas.

(c) The commission may also prepare a zoning plan for the regulation of the height, area, bulk, location and use of private, nonprofit and public structures and premises, and of population density, but the adoption, enforcement and administration of the zoning plan shall conform to the provisions of RSMo 89.010 to 89.250.

(Code 1984, § 20-20; Ord. No. 2758, § 2, 9-4-1984)

State law reference—Similar provisions, RSMo 89.340, 89.390.

Sec. 36-24. Oath.

The chairperson of the planning commission shall have power to administer an oath to any person concerning any matter submitted to the commission, or coming within the powers and duties of the commission. The commission may further issue

process to compel the attendance of persons before it and shall have the power to subpoena books, records and papers if necessary, which process shall be served the same process as issued out of the municipal court.

(Code 1975, § 400.080; Code 1984, § 20-21)

Sec. 36-25. Preparation and purpose of plan.

In the preparation of the city plan, the planning commission shall make careful and comprehensive surveys and studies of the existing conditions and probable future growth of the city. The plan shall be made with the general purpose of guiding and accomplishing a coordinated development of the city which will, in accordance with existing and future needs, best promote the general welfare, as well as efficiency and economy in the process of development.

(Code 1984, § 20-22)

State law reference—Similar provisions, RSMo 89.350.

Sec. 36-26. Procedure for adoption of plan.

(a) The planning commission may adopt the plan as a whole by a single resolution, or, as the work of making the whole city plan progresses, may from time to time adopt a part thereof, to correspond generally with one or more of the functional subdivisions of the subject matter of the plan.

(b) Before the adoption, amendment or extension of the plan or portion thereof the planning commission shall hold at least one public hearing. Fifteen days' notice of the time and place of the hearing shall be published in at least one newspaper having general circulation within the city. The hearing may be adjourned from time to time.

(c) The adoption of the plan requires a majority vote of the full voting membership of the planning commission. The resolution shall refer expressly to the maps, descriptive matter and other matters intended by the commission to form the whole or part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the commission and filed in the office of the commission, identified properly by file number, and a copy of the plan or part thereof shall be certified to the council and the city clerk, and a copy shall be made available in the office of the county recorder of deeds, and shall be available for public inspection during normal business hours in the office of the city clerk.

(Code 1984, § 20-23)

State law reference—Similar provisions, RSMo 89.360.

Sec. 36-27. Powers of commission; recommendations.

The planning commission may make reports and recommendations relating to the plan and development of the city to public officials and agencies, public utility

companies, civic, educational, professional and other organizations and citizens. It may recommend to the mayor or city council programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the commission, within a reasonable time, all available information it requires for its work. The commission, its members and employees, in the performance of its functions, may enter upon any land to make examinations and surveys. In general, the commission shall have the power necessary to enable it to perform its functions and promote municipal planning.

(Code 1975, § 400.070; Code 1984, § 20-24)

State law reference—Similar provisions, RSMo 89.370.

Sec. 36-28. Approval of improvements.

(a) Whenever the planning commission adopts the plan of the city or any part thereof, no street or other public facilities, or no public utility, whether publicly or privately owned, and, the location, extent and character thereof having been included in the recommendations and proposals of the plan or portions thereof, shall be constructed or authorized in the city until the location, extent and character thereof has been submitted to and approved by the commission. In case of disapproval, the commission shall communicate its reasons to the city council, and by vote of not less than two-thirds of its entire membership, the city council may overrule the disapproval and, upon the overruling, the city council or the appropriate board or officer may proceed, except that if the public facility or utility is one the authorization or financing of which does not fall within the province of the city council, then the submission to the planning commission shall be by the board having jurisdiction, and the commission's disapproval may be overruled by that board by a vote of not less than two-thirds of its entire membership.

(b) The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land for, sale or lease of any street or other public facility is subject to similar submission and approval, and the failure to approve may be similarly overruled.

(c) The failure of the commission to act within 60 days after the date of official submission to it shall be deemed approval.

(Code 1984, § 20-25)

State law reference—Similar provisions, RSMo 89.380.

Sec. 36-29. Recommendations on plats.

When the planning commission adopts a city plan which includes at least a major street plan or progresses in its city planning to the making and adoption of a major street plan, and files a certified copy of the major street plan in the office of the county recorder, no plat of a subdivision of land lying within the city shall be filed or

recorded until it has been submitted to and a report and recommendation thereon made by the commission to the city council and the city council has approved the plat as provided by law.

(Code 1984, § 20-26)

State law reference—Similar provisions, RSMo 89.400.

Sec. 36-30. Approval of plats.

Within 60 days after the submission of a plat to the planning commission, the commission shall approve or disapprove the plat; otherwise the plat is deemed approved by the commission, except that the commission, with the consent of the applicant for approval, may extend the 60-day period. The grounds for disapproval of any plat by the commission shall be made a matter of record.

(Code 1984, § 20-28)

State law reference—Similar provisions, RSMo 89.420.

Sec. 36-31. Effect of approval of plat.

The approval of a plat by the planning commission does not constitute or effect an acceptance by the city or public of the dedication to public use of any street or other ground shown upon the plat.

(Code 1984, § 20-29)

State law reference—Similar provisions, RSMo 89.430.

Sec. 36-32. Approval of plats required for recording.

No county recorder shall receive for filing or recording any subdivision plat required to be approved by the city council or city planning commission unless the plat has endorsed upon it the approval of the city council under the hand of the city clerk and the seal of the city, or by the secretary of the planning commission.

(Code 1984, § 20-30)

State law reference—Similar provisions, RSMo 89.440.

Sec. 36-33. Use of unapproved plat in sale of land prohibited; penalty.

(a) No owner, or agent of the owner, of any land located within the platting jurisdiction of the city, knowingly or with intent to defraud, may transfer, sell, agree to sell, or negotiate to sell that land by reference to or by other use of a plat of any purported subdivision of the land before the plat has been approved by the city council or by the planning commission and recorded in the office of the county recorder.

(b) Any person violating the provisions of this section shall forfeit and pay to the municipality a penalty not to exceed \$300.00 for each lot transferred or sold or agreed or negotiated to be sold. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from this penalty.

(c) The city may enjoin or vacate the transfer or sale or agreement by legal action, and may recover the penalty in the action.

(Code 1984, § 20-31)

State law reference—Similar provisions, RSMo 89.450.

Sec. 36-34. Legal status required for certain street and utility improvements.

(a) The city shall not accept, lay out, open, improve, grade, pave or light any street, lay or authorize the laying of water mains, sewers, connections or other utilities in any street within the city unless the street has received the legal status of a public street prior to the adoption of the city street plan, or unless the street corresponds in its location and lines with a street shown on a subdivision plat approved by the city council or by the planning commission or on a street plan made by and adopted by the commission.

(b) The council may locate and construct or may accept any other street if the ordinance or other measure for the location and construction or for the acceptance is first submitted to the commission for its approval and approved by the commission or, if disapproved by the commission, is passed by the affirmative vote of not less than two-thirds of the entire membership of the city council.

(Code 1984, § 20-32)

State law reference—Similar provisions, RSMo 89.460.

Sec. 36-35. No building permitted on streets not conforming to major street plan.

After the adoption of a major street plan, no building permit shall be issued for and no building shall be erected on any lot within the territorial jurisdiction of the planning commission unless the street giving access to the lot upon which the building is proposed to be placed conforms to the requirements of section 36-34.

(Code 1984, § 20-33)

State law reference—Similar provisions, RSMo 89.470.

Sec. 36-36. Establishment of building lines; board of adjustment.

(a) Whenever a plan for major streets has been adopted, the city council, upon recommendation of the planning commission, is authorized and empowered to establish, regulate, limit and amend, by ordinance, building or setback lines on major streets, and to prohibit any new building being located within building or setback lines. When a plan for proposed major streets or other public improvements has been adopted, the city council is authorized to prohibit any new building being located within the proposed site or right-of-way when the centerline of the proposed street or the limits of the proposed sites have been carefully determined and are accurately delineated on maps approved by the planning commission and adopted by the city council.

(b) The city council shall provide for the method by which this section shall be administered and enforced and the city board of adjustment as established in the city zoning ordinance, has powers to modify or vary the regulations, in specific cases, in order that unwarranted hardship, which constitutes an unreasonable deprivation of use as distinguished from the mere intent of a privilege, may be avoided. The board shall serve as the board of adjustment for the building line regulations.

(c) The regulations of this section shall not be adopted, changed or amended until a public hearing has been held thereon as provided in RSMo 89.360.

(Code 1984, § 20-34)

State law reference—Similar provisions, RSMo 89.480.

Secs. 36-37—36-60. Reserved.

ARTICLE III. URBAN REDEVELOPMENT CORPORATIONS

Sec. 36-61. Created; policies and procedures adopted by reference.

The city hereby authorizes the creation of urban redevelopment corporations, as defined by RSMo ch. 353. Attached to Ordinance No. 2787 and incorporated herein by reference are the requirements, policies and procedures of the creation and use of the urban redevelopment corporation, all in compliance with RSMo ch. 353.

(Code 1984, § 20-71; Ord. No. 2787, §§ 1, 2, 11-5-1985)

Secs. 36-62—36-80. Reserved.

ARTICLE IV. ZONING

DIVISION 1. GENERALLY

Sec. 36-81. Authority.

This article is adopted pursuant to authority granted by RSMo 79.370 and RSMo ch. 89 and shall be a part of the comprehensive plan of the city.

(Code 1984, § 20-101; Ord. No. 3080, Art. I, § 1, 11-16-1993)

Sec. 36-82. Purpose and necessity.

The regulations contained herein are necessary to encourage the most appropriate uses of land; to maintain and stabilize the value of property; to reduce fire hazards and improve public safety and safeguard the public health; to decrease traffic congestion and its accompanying hazards; to prevent undue concentration of population; to create a comprehensive and stable pattern of land uses upon which to plan for transportation, water supply, sewerage, schools, parks, public utilities, and

other facilities. In interpreting and applying the provisions of this Code they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare.

(Code 1984, § 20-102; Ord. No. 3080, Art. I, § 2, 11-16-1993)

Sec. 36-83. Nature of zoning plan.

This article classifies and regulates the use of land, buildings, and structures within the city limits. The regulations contained herein are necessary to promote the health, safety, convenience, and welfare of the inhabitants by dividing the city into zones and regulating therein the use of the land and the use and size of buildings as to height and number of stories, the coverage of the land by buildings, the size of yards and open spaces, density of population and location of buildings.

(Code 1984, § 20-103; Ord. No. 3080, Art. I, § 3, 11-16-1993)

Sec. 36-84. Regulation of use, height, area, yards and open spaces.

Except as hereinafter otherwise provided, no land shall be used and no building, structure, or improvement shall be made, erected, constructed, moved, altered, enlarged, or rebuilt which is designed, arranged, or intended to be used or maintained for any purpose or in any manner except in accordance with the requirements established in the district in which such land, building, structure, or improvement is located, and in accordance with the provisions of the divisions contained herein relating to any or all districts.

(Code 1984, § 20-104; Ord. No. 3080, Art. I, § 4, 11-16-1993)

Sec. 36-85. Zoning districts.

(a) The city is hereby divided into zones as shown on the official zoning map filed with the city clerk. The map as amended and all explanatory material thereon is hereby made a part of this article.

(b) Zones shall be designed as follows:

(1) *Agricultural.*

a. A-1 Rural Residential District.

(2) *Residential.*

a. R-1 Single-Family Residential District.

b. R-1/MH Single-Family/Manufactured Housing Residential District.

c. R-1/SH Single-Family/Small House Residential District.

d. R-2 Two-Family Residential District.

e. R-2/MH Two-Family/Manufactured Housing Residential District.

f. R-3 Medium Density Multifamily Residential District.

g. R-4 High Density Multifamily Residential District.

(3) *Commercial.*

- a. C-O Office District.
- b. C-1 Neighborhood Commercial District.
- c. C-2/H Central Business/Historic District.
- d. C-3 General Commercial District.
- e. C-4 Open Display Commercial District.

(4) *Industrial.*

- a. I-1 Restricted Light Industrial District.
- b. I-2 Light Industrial District.
- c. I-3 Heavy Industrial District.

(c) Specific district regulations are set forth in division 2 of this article.
(Code 1984, § 20-105; Ord. No. 3080, Art. I, § 5, 11-16-1993; Ord. No. 3263, § 1, 5-20-1997; Ord. No. 3923, § 1, 4-5-2016)

Sec. 36-86. Interpretation.

The city building inspector is charged with issuance of permits and enforcement of this article. His interpretation will be valid in areas of interpretation, vagueness, etc. Areas of conflict may be addressed to the city administrator for ultimate staff resolution.

(Code 1984, § 20-106; Ord. No. 3080, Art. I, § 6, 11-16-1993)

Sec. 36-87. Definitions.

(a) For the purpose of these regulations, words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The term "shall" is mandatory, the term "may" is permissive.

(b) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building or structure means a building customarily incidental and appropriate and subordinate to the main building or use and located on the same lot with the main building.

Accessory use means a use customarily incidental, appropriate and subordinate to the principal use of land or buildings located on the same premises.

Advertising sign or structure means any sign, device or structure of any character whatsoever, including statuary, placed for advertising purposes. The term "placed"

includes erecting, constructing, posting, painting, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing or making visible in any manner whatsoever. The area of an advertising structure other than a sign shall be determined as the area of the largest cross-section of such structure. Neither directional, warning nor other signs posted by public officials in the course of their public duties or merchandise or materials being offered for sale shall be construed as advertising signs for the purpose of the term "advertising sign or structure."

Agriculture means the use of land for agricultural purposes, including farming, dairies, pasture, apiculture, horticulture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities; and further provided that the keeping of poultry and livestock shall be in accordance with other applicable city ordinances.

Alley means a minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Alteration means any addition, removal, extension, or change in the location of any exterior wall of a main building or accessory building.

Apartment house means a multiple-family dwelling. (See *Dwelling, multiple-family*).

Automobile means a self-propelled vehicle designed for use on streets and highways for the conveyance of goods and people including, but not limited to, the following: passenger cars, trucks, buses, motor scooters, and motorcycles.

Automobile service station means any area of land, including structures thereon, that is used for the sale of gasoline or oil fuels, and which may also include facilities for lubricating, washing, cleaning, or otherwise servicing automobiles, but not including the painting thereof.

Automobile wash or laundry means a structure designed primarily for washing automobiles with a chain conveyor, blower, steam cleaner, high pressure spray or other mechanical device.

Automobile wrecking or salvage yard means an area outside of a building where motor vehicles are disassembled, dismantled, junked, or where motor vehicles not in operable condition or used parts of motor vehicles are stored.

Basement means a story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

Boardinghouse or lodginghouse means a building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for five or more persons for compensation, pursuant to previous arrangements, but not for the public or transient.

Building means any structure intended for shelter, housing or enclosure of persons, animals, or chattel.

Building coverage means the percentage of the lot area covered by the building. The building area shall include all overhanging roofs.

Building height means the vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of a flat roof, or the deckline of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

Building line means a line beyond which buildings and structures may not be located except as otherwise provided.

Building, main, means a building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

Building site means a single parcel of land occupied or intended to be occupied by a building or structure.

Carport means a permanent roofed structure permanently open on at least two sides, designed for or occupied by private passenger vehicles.

Child care center means any place, home or institution which receives four or more children under the age of 16 years, and not of common parentage, for care apart from their natural parents, legal guardians or custodians, when received for regular periods of time for compensation; provided, however the term "child care center" shall not include public and private schools organized, operated or approved under the laws of this state, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree or religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services or meetings or classes or engaged in church activities, including, but not limited to, family day care, group day care and day care centers.

Child care, commercial, means providing child care for four or more children for compensation in any place other than a residence occupied by the care givers. The term "child care, commercial," does not include group homes or public or private schools organized, approved and operating under the laws of this state or religious or public institutions caring for children within the institutional building while their parents or legal guardians attend services, meetings or classes in the institution.

Child care, residential, means providing child care for four to ten children for compensation in any residence occupied by the care givers. Care is provided to children apart from their natural parents or legal guardians or custodians, and who are under the age of 16 years and not of common parentage. The term "child care, residential," does not include group homes or public or private schools organized, approved or operating under the laws of this state; custody of children fixed by a court of competent jurisdiction; religious or public institutions caring for children within the institutional building while their parents or legal guardians attend services, meetings or classes in the institution.

Clinic, dental or medical, means a facility, including, but not limited to, dental and doctor's offices, for the examination and treatment of ill or afflicted human outpatients; provided, however, that patients are not kept overnight except under emergency conditions.

Club, private, means a building or premises used for social, recreational, dining or philanthropic purposes, the normal use of which is limited to specific members, patrons, or otherwise listed and enumerated persons.

Communications tower means commercial AM/FM radio, television, microwave and cellular communications transmission towers, electronically emitting and receiving any wave length, and associated accessory buildings and equipment.

Conditional use means a use which is not listed as a permitted use in a zoning district but which may be permitted after special review and hearing by the planning commission and approval by the city council.

Condominium means an association of co-owners, organized in accordance with the state condominium laws, in which individual owners hold title exclusively in their unit and are co-owners of the common elements. The association of co-owners has responsibility for control and maintenance of common elements.

Convalescent, rest, nursing home means a health facility other than a hospital where persons are housed and furnished with meals and continuing nursing care for compensation.

Court means an open unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bordered on two or more sides by such building or buildings.

District, zoning, means any section or sections of a city for which regulations governing the use of building and premises or the height and area of buildings shall be uniform.

Dormitory means a dwelling other than a hotel where, for compensation, and by prearrangement for definite periods, lodging or lodging and meals are provided for more than 12 persons.

Drive-in restaurant means any establishment where food, frozen dessert and/or beverage is sold to the customer and where motor vehicle parking space is provided and where such food, frozen dessert and/or beverage is intended to be consumed in a motor vehicle parked upon the premises or anywhere on the premises outside of the building.

Dwelling means any building, or portion thereof, which is designed or used as living quarters for one or more families, but not including house trailers, mobile homes or travel trailers.

- (1) *Dwelling, attached*, means a dwelling having any portion of the structure in common with adjoining dwellings.
- (2) *Dwelling, detached*, means a dwelling having no portion of the structure in common with another dwelling.
- (3) *Dwelling, multiple-family*, means a dwelling designed for occupancy by three or more families living independently of each other, exclusive of auto or trailer courts or camps, mobile home parks, hotels or resort type hotels.
- (4) *Dwelling, row house or townhouse* means three or more dwelling units attached at the side or sides, each unit of which has a separate outdoor entrance and is designed to be occupied and may be owned by one family.
- (5) *Dwelling, single-family*, means a detached dwelling designed to be occupied by one family.
- (6) *Dwelling, two-family*, means a dwelling designed to be occupied by two families living independently of each other.

Family means one or more persons related by blood or marriage, including adopted children; or a group of not to exceed four persons not all related by blood or marriage, occupying premises and living as a single nonprofit housekeeping unit, as distinguished from a group occupying a boardinghouse or lodginghouse, hotel, club, or similar dwelling for group use. A family shall be deemed to include domestic servants employed by said family.

Floor area, gross, means the sum of the gross horizontal areas of all of the floors of a building or buildings, measured from the exterior faces of exterior walls or from the centerline of walls separating two buildings. For the purpose of determining off-street parking requirements, parts of floors used for restrooms, utilities, stairways and elevators shall be excluded.

Garage, private, means an accessory building or part of a main building used for storage of automobiles used solely by the occupants and their guests of the building to which it is accessory.

Garage, public, means any building, other than a private garage, available to the public, where automobiles are parked or stored for remuneration, hire or sale.

Garage, repair, means a building in which are provided facilities for the care, servicing, repair, or equipping of automobiles, for remuneration.

Garden apartment means a one, two, or three story apartment building with a common landscaped area or patio.

Grade (adjacent ground elevation) means the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point five feet distant from said wall, or the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and the property line if it is less than five feet distant from said wall. In case walls are parallel to and within five feet of a public sidewalk, alley, or other public way, the grade shall be the elevation of the sidewalk, alley, or public way.

Home occupation means any occupation or profession conducted entirely within a residential dwelling or within a residential accessory building. To be classified as a home occupation, the following conditions must be met:

- (1) Work is conducted and carried on only by those who occupy the dwelling as their settled residence.
- (2) The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.
- (3) No clients or customers visit the premises.
- (4) The work being conducted shall not create noise, dust, odor or electrical disturbance beyond the confines of the premises.
- (5) Signage, if desired, shall consist of one non-illuminated nameplate, no more than two square feet in area, attached to the wall of the dwelling or accessory building.

Homes association means an incorporated nonprofit organization operating under recorded land agreements through which:

- (1) Each lot and/or home owner in a planned unit or other described land area is automatically a member;
- (2) Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property; and
- (3) The charge if unpaid becomes a lien against the property.

Hospital means an institution providing health services or medical or surgical care for the sick or injured, primarily for human in-patients, and including related facilities such as laboratories, outpatient departments, training facilities, central service facilities and staff offices which are an integral part of the facilities.

Hotel/motel means a building or group of buildings under one ownership containing four or more sleeping rooms with private bath occupied, intended and designed to be occupied as the more or less temporary abiding place of persons who are lodged, with or without meals, for compensation, including motels or motor inns, but not including an auto or trailer court or camp, sanatoriums, hospital, asylum, orphanage or building where persons are housed under restraint.

Kennel/cattery means any lot or premises on which a total of four or more dogs or cats over six months of age are kept.

Landscaping means the bringing of the soil surface to a smooth finished grade, installing sufficient trees, shrubs, ground cover and grass to soften building lines, provide shade and generally produce a pleasing visual effect of the premises.

Lot means any plot of land occupied or intended to be occupied by one building, or a group of buildings, and accessory buildings and uses, including such open spaces as required by this article and other laws or ordinances, and having its principal frontage on a street.

Lot area means the total horizontal area included within lot lines.

Lot, corner, means a lot of which at least two adjacent sides abut for their full lengths on a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

Lot depth means the average distance from the front street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

Lot, double frontage, means a lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.

Lot, front of, means the front of a lot shall be considered to be that side on the lot which fronts on a street. In the case of a corner lot, the narrowest side fronting on the street shall be considered to be the front of the lot.

Lot, interior, means a lot other than a corner lot.

Lot lines means the lines bounding a lot as defined herein.

Mobile home/manufactured housing means:

- (1) A single-family factory built dwelling unit capable of being transported over the road on its own chassis and wheels. Permitted only in mobile home parks.
- (2) A single-family factory built dwelling unit built on or after June 15, 1976, bearing a seal certifying compliance with the Federal Manufactured Housing Construction and Safety Standards Code, capable of being transported over the road on its own chassis and wheels. Permitted only in mobile home or manufactured housing parks or in R1/MH-R2/MH zoning districts.

Mobile home / manufactured housing park means:

- (1) Any development, site, parcel or tract of land designed, maintained or used for the renting or leasing of two or more spaces for the placement of mobile homes or manufactured housing units and existing within the city prior to the adoption of the ordinance from which this article is derived.
 - a. Intended for long-term accommodation whereby wheels are removed and units are tied down and skirted. Includes park office and accessory buildings and facilities used by park residents.
 - b. Mobile home parks may be continued and maintained but shall not be extended or expanded unless such extension or expansion complies with the requirements for a manufactured housing park. If the use of land as a mobile home park is discontinued for a period of six months or more, any future use of the land shall be in conformance with the regulations and provisions of the zoning district in which the land is located.
- (2) Any development, site, parcel or tract of land designed, maintained or used for the renting or leasing of two or more spaces for the placement of manufactured housing units. Intended for long-term accommodation whereby wheels are removed and units are tied down and skirted. Includes park office and accessory buildings and facilities used by park residents.

Nonconformance means a lawful condition of a structure or land which does not conform to the regulations of the district in which it is situated. The term "nonconformance" may include, but is not limited to, failure to conform to use, height, area, coverage or off-street parking requirements.

Nonconforming use means a structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

Off-site sign means a sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered, or existing elsewhere than upon the same lot where such sign is displayed. The term "off-site sign" includes an outdoor advertising sign (billboard) on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message.

On-site sign means a sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing on the same lot where such sign is displayed; provided, an on-site sign may also display a noncommercial message.

Outdoor menu board means an outdoor sign, associated with restaurants with drive-through windows, which gives a detailed list of foods served that are available at a restaurant.

Parking space means a permanently surfaced area, enclosed or unenclosed, sufficient in size to store one automobile together with a permanently surfaced driveway connecting the parking spaces with a street or alley and permitting ingress and egress of an automobile. For purposes of this article, the size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine feet by 20 feet plus adequate area for ingress and egress.

Pennant means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Planned unit development means a development planned in accordance with the provisions of division 4 of this article.

Portable sign means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloon used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

Portable swinger sign or A frame or sandwich sign means an advertising device which is ordinarily in the shape of an "A" or some variation thereof, located on the ground, easily movable, not permanently attached thereto and which is usually two-sided.

Portable temporary attraction sign board means a single or double surface painted or poster panel type sign or some variation thereof, which is temporary in nature, usually mounted on wheels, easily movable, not permanently attached thereto.

Principal building means the building in which is conducted the principal use of the zone lot on which it is located. Zone lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Projecting sign means any sign that shall be affixed at an angle or perpendicular to the wall of any building in such a manner to read perpendicular or at an angle to the wall on which it is mounted.

Public event means any event that is authorized by the city whether funded in part, total or not at all.

Public health center means a facility primarily utilized by a health unit for the provisions of public health services including related facilities such as laboratories, clinics, and administrative offices operated in connection therewith.

Real estate sign means a temporary sign placed upon property for the purpose of advertising to the public the sale or lease of said property.

Recreational vehicle means any motorized vehicle designed for temporary human occupancy away from the place of residence of the occupants, or any motorized vehicle not intended for use on public roadways.

Residential sign means any sign located in a district zone for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the city.

Restaurant means a public eating house, including, but not limited to, the types of business establishments customarily referred to as cafeterias, coffee shops, dairy bars, restaurants and soda fountains.

Roof sign means any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Roof sign, integral, means any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more of more than six inches.

Roominghouse means a building where lodging only is provided for compensation to five or more, but not exceeding 12 persons; all in excess of this number shall be defined as a hotel/dormitory under the terms of this article.

Setback means the distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.

Shopping center means two or more retail stores and/or service establishments, or one retail store and one service establishment, sharing customer parking areas, regardless of whether said stores and/or establishments occupy separate structures or are under separate ownerships.

Sign means and includes every device, frame, letter, figure, character, mark, plane, point, design, picture, logo, stroke, stripe, trademark, or reading matter, which is used or intended to be used to attract attention or convey information when the same is placed out-of-doors in view of the general public; in addition, any of the above which is not placed out-of-doors, but which is illuminated with artificial or reflected light. Also, the term "sign" means when near the inside surface of a window in such a way as to be in view of the general public and used or intended to be used to attract attention or convey information to motorists.

Site development plan means a plan drawn at a scale of not less than 100 feet equals one inch which shows the topographic characteristics of the site at a contour interval of not more than five feet; the location and dimensions of buildings, yards,

courts, landscape, pedestrian and vehicular circulation and parking, fences and screening; service driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile. For purposes of this article, the size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine feet by 20 feet plus adequate area for ingress and egress.

Small house means a structure not less than 128 square feet and not to exceed 900 square feet and not exceeding two stories in height. Intended for use as a permanent, single-family residence. Structure must be connected to public utilities (electric, water and sewer). A manufactured home, mobile home or travel unit, as defined in this section is not considered a small house.

Small house development means any development, site, parcel or tract of land designated, maintained or intended to be used for the purpose, placement or construction of a small house, as defined in this section.

Spot light illuminations means illumination which comes from lamps, lenses or devices designed to focus or concentrate the light rays of the source.

Stable, private, means a stable for private uses with a capacity for not more than two horses or mules.

Stable, public, means a stable, other than a private stable, with a capacity for more than two horses or mules.

Story means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused underfloor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement, cellar or unused under-floor space shall be considered as a story.

Street and sidewalks means a strip of land or access way subject to vehicular traffic and/or pedestrian traffic that provides direct or indirect access to property, including, but not limited to, alleys, avenues, boulevards, courts, drives, highways, lanes, places, roads, sidewalks, terraces, trails or other thoroughfares.

Street frontage means the distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

Street, intersecting, means any street which joins another street whether or not it crosses the other.

Street, major, means any street designated as an existing or proposed arterial on the major street plan in the transportation plan element of the comprehensive plan.

Structural alterations means any alteration involving a change in or addition to the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

Structure means anything constructed or erected, which requires location on the ground, including, but not limited to, signs, and excepting utility poles, fences and retaining walls.

Suspended sign means a sign that is suspended from the underside of a horizontal plane surface and is by such surface.

Swimming pool means any structure intended for swimming or recreational bathing that contains water more than 24 inches (610 mm) deep. The term "swimming pool" includes in-ground, above ground, and on-ground swimming pools, hot tubs, and spas.

Temporary sign means any sign that is used only temporarily and is not permanently mounted.

Trailer, hauling, means a vehicle to be pulled behind an automobile or truck which is designed for hauling animals, produce, goods or commodities. The term "hauling trailer" does not include boats.

Trailer, travel or camping, means a portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants.

Travel trailer camp means any development, site, parcel or tract of land designed, maintained or intended to be used for the purpose of providing short term accommodation up to and including 30 days or less for placement of two or more travel trailer units and shall include all buildings used or maintained for the use of the occupants in the trailer camp.

Wall sign means any sign that shall be affixed parallel to the wall or printed on the wall of any building in such a manner as to read parallel to the wall on which it is mounted; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this article, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign. Any sign that is affixed to the building marquee, building awning, or a building canopy shall be considered a wall sign.

Window sign means any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service that is placed inside a window or upon the window.

Yard means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

Yard, front, means a yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the main building or any projection thereof, other than steps.

Yard, rear, means a yard extending across the rear of a lot measured between lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. The rear yard shall, in all cases, be at the opposite end of the lot from the front yard.

Yard, side, means a yard between the building and the side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the side of the main building or any projections other than steps.

Zone lot means a parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by these zoning regulations. (Code 1984, § 20-107; Ord. No. 3080, Art. I, § 7, 11-16-1993; Ord. No. 3304, §§ 1, 2, 2-3-1998; Ord. No. 3412, §§ 1, 2, 7-18-2000; Ord. No. 3440, § 1, 5-1-2001; Ord. No. 3447, § 1, 6-5-2001; Ord. No. 3623, § 1, 11-21-2006; Ord. No. 3788, § 1, 6-21-2011; Ord. No. 3923, § 1, 4-5-2016)

Secs. 36-88—36-117. Reserved.

DIVISION 2. DISTRICT REGULATIONS

Sec. 36-118. A-1 Agricultural Rural Residential District.

(a) *General purpose*. This district is intended to include areas of unsubdivided and undeveloped land on the edge of the city where some agricultural activities may continue to occur. The district may include areas which have a high propensity for flooding and which may be in a designated flood plain or have designated flowage easements. This district is intended to provide opportunities for development of very low-density residential subdivision (one unit or less per acre) and to encourage and protect agricultural uses until urbanization is warranted and appropriate change in district classification is made.

(b) *Permitted uses*. The following are permitted uses in the A-1 Agricultural Rural Residential District:

- (1) Single-family detached dwellings.
- (2) Cemeteries.

- (3) Churches and other places of worship including parish houses, but excluding rescue missions.
- (4) Elementary and secondary schools and libraries.
- (5) Institutions devoted to educational, religious or cultural activities including convents, monasteries, church or scout camps but not including correctional institutions.
- (6) Police and fire stations.
- (7) Public and private parks, playgrounds and golf courses, excluding miniature golf courses or driving ranges as separate entities.
- (8) Agricultural uses, including, but not limited to, forages and seed crops; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; lands devoted to a soil conservation or forestry management program. Where adequate land is available, pasturing of poultry and poultry products and livestock, including beef and dairy cattle, sheep, goats, horses, swine, mules, ponies, fur-bearing animals, bees and apiary products shall be permitted, provided that any structure or building, designed for the raising, feeding or housing of these or similar animals shall not be located closer than 100 feet of an R-1, R-2, R-3, R-4 district. The following uses are specifically excluded: Feedlots, stockyards, commercial large-scale poultry facilities, animal slaughter houses.
 - a. For purposes of this section, the term "feedlot" means a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure.
 - b. For purposes of this section, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots. Manure storage areas off the site of the feedlot will be considered as a feedlot for this section.
- (9) Seasonal sales of agricultural products grown on the premises. All parking must be off the road right-of-way and all structures, at the end of the season, must be removed or located in back of applicable front yard setbacks.
- (10) Home occupations.
- (11) Accessory buildings which are not part of the main building, including barns, sheds, and other farm buildings, private garages and other similar buildings used by the owner/occupant of the property.

(12) Temporary buildings of the construction industry which is incidental to the erection of buildings permitted in this district and which shall be removed when construction work is completed.

(13) Identification sign relating only to the use on the premises.

(c) *Conditional uses permitted on review.* The following uses may be permitted on review and approval of the city planning and zoning commission and city council:

(1) Clubhouses associated with a golf course.

(2) Utility substations and transmission facilities.

(3) Water reservoirs, standpipes, and elevated and ground storage tanks.

(4) Riding stables.

(5) Airport or landing fields, including model aircraft.

(6) Signs and billboards.

(7) Kennel/cattery.

(8) Drilling for oil or natural gas or the extraction of sand, gravel, limestone, clay or minerals, provided that the operation is conducted within the provisions of applicable federal, state or other local ordinances.

(9) Radio and television station, studio and transmission tower.

(10) Child care, residential.

(11) Recreation club.

(12) Dog grooming.

(d) *Height, setback, yard and area regulations:*

(1) *Minimum lot width.* 150 feet.

(2) *Minimum lot depth.* 150 feet.

(3) *Minimum lot area.*

a. Single-family detached residence without dog kennels, horses, cattle, chickens or similar livestock: 40,000 square feet land area.

b. Single-family detached residence with dog kennels, horses, cattle, chickens or similar livestock: 200,000 square feet land area.

c. Churches and places of worship: 80,000 square feet land area.

d. Agricultural uses such as horses, cattle, kennels or other livestock: Five acres land area.

e. Any use requiring sewer service, but not connected to public water or public sewer will require 60,000 square feet land area or larger depending on an engineering analysis approved by the county health department.

- (4) *Minimum yards.*
 - a. *Front yard.* No building shall be located within 50 feet of the front property line.
 - b. *Side yard.* No building or structure, other than fences, shall be located within 20 feet of any side property line.
 - c. *Rear yard.* No building or structure, other than fences, shall be located closer than 20 feet from a rear property line.
- (5) *Intensity of use.* The combined area occupied by all main and accessory buildings or structures shall not exceed 25 percent of the total lot area. Accessory buildings shall not cover more than 20 percent of the required rear yard area.
- (6) *Minimum open space.* Not less than 40 percent of the total lot area shall be devoted to open space including required yards and buffer yards. Open space shall not include areas covered by buildings, structures, paved (gravel, brick, concrete, asphalt, etc.) parking areas, driveways or internal streets. Open space shall contain living ground cover, trees, shrubs, flowers and other landscaping materials which permit the absorption of stormwater.
- (7) *Minimum dwelling size.* Each single-family dwelling shall have a minimum of 1,000 square feet of living floor area.
- (8) *Maximum structure height.* Buildings and structures shall not exceed 35 feet or exceed 2½ stories in height, with the exception of agricultural storage bins, public or quasi-public buildings, water towers or radio towers which shall not be located closer than any yard requirement or a distance equal to their height to any property line if it is greater than 35 feet, whichever is greater.
- (9) *Parking regulations.* Off-street automobile and vehicle parking and loading areas shall be provided in accordance with section division 5 of this article. (Code 1984, § 20-121; Ord. No. 3080, Art. II, § 1, 11-16-1993; Ord. No. 3378, § 1, 9-7-1999; Ord. No. 3440, § 2, 5-1-2001; Ord. No. 3448, § 1, 6-5-2001)

Sec. 36-119. R-1 Single-Family Residential District.

(a) *General purpose.* This is a residential district reserved for single-family detached dwellings, certain accessory structures related to but subordinate to single-family dwellings, and certain other uses necessary, desirable and appropriate in a residential neighborhood. Commercial activities are not permitted in this district except as listed in subsection (c) of this section as conditional uses permitted on review.

(b) *Permitted uses:*

- (1) Single-family detached dwelling.

- (2) Accessory structures incidental to but related to a single-family residence such as a private garage or shed. Such structures shall not be rented out to persons not living on the property.
- (3) Churches, but not rescue missions or group homes.
- (4) Public schools.
- (5) Public parks.
- (6) Occupants of dwelling may cultivate flowers and vegetables for their personal consumption and enjoyment.
- (7) Temporary structures used by construction workers during construction of buildings permitted in this district may be permitted for a period of up to one year. Such structures shall be removed within 30 days of completion of work.
- (8) Home occupation.
- (c) *Conditional uses permitted on review.*
 - (1) Residential homes as defined by RSMo 89.020 for up to eight individuals and not closer than 3,000 feet from a similar facility.
 - (2) Home occupations.
 - (3) Golf course and its clubhouse, but not miniature golf or driving range.
 - (4) Utility substation and transmission facility.
 - (5) Child care—residential.
 - (6) Police and fire station.
 - (7) Lodge halls and clubrooms of fraternal/veterans organizations and social clubs.
 - (8) Mortuaries.
 - (9) Dog grooming.
 - (10) Arts and crafts shop.
- (d) *Height, setback, yard and area regulations:*
 - (1) Minimum lot width:
 - a. Interior lots: 60 feet at the building setback line with a minimum of 30 feet of street frontage.
 - b. Corner lots: 75 feet minimum frontage on either street.
 - (2) Minimum lot depth: 100 feet.
 - (3) Minimum lot area: 6,000 square feet. Any use requiring sewer service, but not connected to the public sewer will require 40,000 square feet minimum or larger depending on an engineering analysis approved by the county health department.

(4) Minimum yards:

- a. *Front yard.* No building shall be located within 25 feet of the front property line, except:
 1. Where 40 percent or more of the existing properties within 180 feet from both side lot lines have a setback different than 25 feet, then an average setback, as herein described, shall be developed and established as a minimum. Only properties on the same side of the block shall be used. Undeveloped lots shall be considered as 25 feet. Existing properties with greater than 50 feet shall be counted as 50 feet. All properties shall be averaged together, but in no case shall a setback greater than 40 feet be required or less than 18 feet be permitted.
 2. No structure shall be located in the front yard between the primary building and the front property line.
 - b. *Side yard.*
 1. *Interior lots.* On interior lots no building shall be located within seven feet of any side property line. The combined side yards shall be at least 15 feet. No accessory building shall be located within five feet of any side property line nor located closer to the street right-of-way than the primary building.
 2. *Corner lots.* On corner lots there shall be a minimum setback of 15 feet from street rights-of-way. The interior side yard shall be at least seven feet.
 3. *Other.* For uses, other than residential, there shall be a minimum side yard of 35 feet from either interior or exterior lot lines.
 - c. *Rear yard.* No primary building shall be located closer than 30 feet from a rear property line. No accessory building shall be located closer than three feet from any rear property line.
 - d. *Driveways and off-street parking.* Notwithstanding the setbacks stipulated in this section, driveways and parking areas shall be located, designed and of sufficient size so no vehicle when parked in said driveway or parking area will encroach on any public right-of-way.
- (5) Intensity of use. The combined area occupied by all main and accessory buildings or structures shall not exceed 25 percent of the total lot area. Accessory buildings shall not cover more than 20 percent of the required rear yard area.
- (6) Minimum open space. Not less than 30 percent of the total lot area shall be devoted to open space including required yards and buffer yards. Open space shall not include areas covered by buildings, structures, paved (gravel, brick,

concrete, asphalt, etc.) parking areas, driveways or internal streets. Open space shall contain living ground cover, trees, shrubs, flower and other landscaping materials which permit the absorption of stormwater.

- (7) Each single-family dwelling shall have living space the greater of 900 square feet or 80 percent of the average amount of living space of the four homes nearest the dwelling. The area of the main floor of any single-family dwelling shall not exceed 175 percent of the area of the main floor of the four homes nearest the dwelling. The combined area of detached accessory buildings shall not exceed the area of the first floor of the dwelling.
- (8) Maximum structure height. Buildings and structures shall not exceed 35 feet, and shall not exceed 2½ stories in height except for churches or other public or quasi-public buildings which shall not exceed 75 feet provided that all yard requirements shall be increased by one foot for each foot the building exceeds 35 feet. The height requirements shall not apply to public water towers.
- (9) Parking regulations. Off-street automobile and vehicle parking and loading areas shall be provided in accordance with section division 5 of this article. (Code 1984, § 20-122; Ord. No. 3080, Art. II, § 2, 11-16-1993; Ord. No. 3402, § 1, 3-7-2000; Ord. No. 3440, § 3, 5-1-2001; Ord. No. 3448, § 2, 6-5-2001; Ord. No. 3532, § 1, 5-4-2004; Ord. No. 3558, § 1, 11-2-2004; Ord. No. 3578, §§ 1—3, 7-19-2005; Ord. No. 3586, § 1, 9-20-2005; Ord. No. 3788, § 1, 6-21-2011)

Sec. 36-120. R-1/MH Single-Family/Manufactured Housing Residential District.

(a) *General purpose.* This is a residential district intended for single-family and manufactured housing. The principle use of the land is for single-family detached dwellings and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.

(b) *Permitted uses.* The following are permitted uses in the R-1/MH Single-Family/Manufactured Housing Residential District:

- (1) Any use permitted in an R-1 Single-Family Residential District.
- (2) Manufactured housing.

(c) *Minimum requirements.* The following are minimum requirements for manufactured housing:

- (1) Minimum width shall be 24 feet; minimum length shall be 32 feet.

(2) Foundations:

- a. Footings shall extend at least 30 inches below finished grade.
- b. Homes must be placed on a permanent foundation consisting of solid concrete, concrete blocks, or a combination of these. This shall include foundation walls along the perimeter of the home.
- c. Utilities must be installed underground.
- d. All homes must be anchored in accordance with the manufacturer's recommended anchoring system.

(3) Wheels and axles must be removed.

(4) Towing tongue shall be removed.

(5) Setbacks shall meet R-1 requirements (for front, sides, and rear yards).

(6) Homes must have a pitched composition or painted metal roof having a slope of not less than one to four.

(7) Home must be new (current year). No previously owned homes will be allowed.

(8) Building permits are required for both foundation and placement of manufactured home.

(9) Homes removed from lots for any reason may be replaced with current year model only, meeting all requirements of this section.

(10) All ordinances applying to single-family homes shall apply to manufactured homes.

(11) Building codes shall not apply to homes displaying HUD's specification certificate; however, the foundation and any attachments to the home must comply with the city's current building code.

(d) *Conditional uses permitted on review.* Same as R-1 Single-Family Residential District.

(e) *Height, setback, yard and area regulations.* Same as R-1 Single-Family Residential District.

(Code 1984, § 20-122.1; Ord. No. 3272, § 1, 8-5-1997)

Sec. 36-121. R-1 SH Single-Family/Small House Residential District.

(a) *General purpose.* This district is a residential district intended for single-family small houses. The principal use of the land is for single-family detached dwellings and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal

stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.

(b) *Permitted uses.*

- (1) Any use permitted in an R-1 Single-Family Residential District. Should a use consist of construction of a standard home over the 900 minimum square footage requirements, then the structure must meet all setback requirements of a single-family residential district and lot requirements.
- (2) Small house.

(c) *Conditional uses permitted on review.*

- (1) Same as a single-family residential district.
- (2) Construction or placement of a small house on an existing lot not meeting current minimum lot sizes. Compliance with all setbacks are required.

(d) *New developments.* Requires platting or re-platting of the property under standard platting/re-platting guidelines for developments containing two or more lots.

(e) *Height, setback, yard and area requirements.*

- (1) Minimum lot width:
 - a. Interior lots: 30 feet of street frontage.
 - b. Corner lots: 40 feet.
- (2) Minimum lot depth: 75 feet.
- (3) Minimum lot area: 2,250 square feet.
- (4) Minimum yards:
 - a. *Front yard.* No building shall be located within 25 feet of the front property line. No building shall be located in the front yard between the primary building and the front property line.
 - b. *Side yard.*
 1. *Interior lots.* No building shall be located within seven feet of any side property line. No accessory building shall be located within five feet of any side property line.
 2. *Corner lots.* No building or accessory building shall be located within 15 feet of the side street right-of-way. No building shall be located within seven feet of the interior side property line. No accessory building shall be located within five feet of the interior side property line.

- c. *Rear yard.* No building shall be located within 25 feet of the rear property line. No accessory building shall be located within three feet of any rear property line.
 - (5) The following sections shall be the same as those listed in R-1 single-family:
 - a. *Intensity of use.*
 - b. *Minimum open space.* The combined area of detached accessory buildings shall not exceed the area of the first floor of the dwelling.
 - (f) *Minimum requirements.* The following are minimum requirements for small houses construction and placement:
 - (1) *Height.* Maximum structure height two stories or 30 feet.
 - (2) *Living space.* Maximum square footage including all floors: 900 square feet. Minimum square footage including all floors: 128 square feet.
 - (3) *Foundation.* Must be frost proof concrete slab, crawl space or basement
 - (4) *Anchor.* House must be anchored to withstand a minimum 90 mph wind load.
 - (5) *Roof.* Must be pitch roof constructed of metal roofing or composite shingles.
 - (6) *Building code.* House must meet current city adopted building code, utilizing min. standard building materials unless constructed and sealed as HUD certified. Storage buildings converted to small houses are not accepted. Units must have characteristics of a typical home.
 - (7) *New.* Small houses not built on site, must be new (current year) and not previously lived in.
 - (8) *Building permits.* Building permits and inspections are required for site work, foundations and houses built off-site (if not HUD certified).
 - (9) *Parking.* Off street automobile and vehicular parking and loading areas shall be provided in accordance with section 36-222.
- (Ord. No. 3923, § 1, 4-5-2016)

Sec. 36-122. R-2 Two-Family Residential District.

(a) *General purpose.* This is a residential district intended for single- and two-family development. The principle use of the land is for a slightly higher density and mix of single-family detached housing, duplexes and zero-lot line development with related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.

(b) *Permitted uses.* The following are permitted uses in the R-2 Two-Family Residential District:

- (1) Any use permitted in a single-family R-1 district.
- (2) Two-family dwellings.
- (3) Accessory buildings which are not a part of the main buildings, including a private garage, and uses customarily incidental to any of the above permitted uses when located on the same lot.
- (4) Temporary buildings of the construction industry which is incidental to the erection of buildings permitted in this district and which shall be removed when construction work is completed.

(c) *Conditional uses permitted on review.* The following uses may be permitted on review and approval of the city planning and zoning commission and city council.

- (1) Any use permitted as uses permitted on review in an R-1 Single-Family Residential District.
- (2) Mobile home park.
- (3) Manufactured housing park.

(d) *Height, setback, yard and area regulations.*

- (1) Minimum lot width:
 - a. Interior lots: 60 feet at the building setback line with a minimum of 30 feet of street frontage.
 - b. Corner lots: 75 feet minimum frontage on either street.
- (2) Minimum lot depth: 100 feet.
- (3) Minimum lot area: 6,000 square feet for a single-family unit. For a duplex there shall be a minimum lot area of 3,000 square feet per unit.

Any use requiring sewer service, but not connected to the public sewer, will require 40,000 square feet minimum or larger depending on an engineering analysis approved by the county health department.

- (4) Minimum yards:
 - a. *Front yard.* No building shall be located within 25 feet of the front property line, except:
 1. When 40 percent or more of the existing properties within 180 feet from both side lot lines have a setback different than 25 feet, then an average setback, as herein described, shall be developed and established as a minimum. Only properties on the same side of the block shall be used. Undeveloped lots shall be considered as 25 feet. Existing properties with greater than 50 feet shall be counted as 50

feet. All properties shall be averaged together, but in no case shall a setback greater than 35 feet be required nor less than 18 feet be permitted.

2. No building shall be located in the front yard between the primary building and the front property line.

b. *Side yard.*

1. *Interior lots.* For single-family on interior lots no building shall be located within five feet of any side property line. The combined side yards shall be at least 12 feet. For duplexes there shall be a minimum of 7½ feet to any side property line other than the common wall line.
2. *Corner lots.* For single-family, buildings shall have a minimum side yard setback from street rights-of-way of 15 feet. The interior side yard shall be at least 7½ feet. Buildings shall have a side yard setback a minimum distance of 15 feet from street rights-of-way. Accessory buildings shall be no closer to street than the primary building. The setback to interior side lot lines shall be at least 7½ feet except for the common wall property line.
3. *Other.* For uses, other than residential, there shall be a minimum side yard of 35 feet from either interior or exterior lot lines.

No building shall be located in the front yard between the primary building and the front property line.

- c. *Rear yard.* No primary building shall be located closer than 30 feet from a rear property line. No accessory building shall be located closer than three feet from any rear property line.
 - d. *Driveways and off-street parking.* Notwithstanding the setbacks stipulated in this section, driveways and parking areas shall be located, designed and of sufficient size so no vehicle when parked in said driveway or parking area will encroach on any public right-of-way.
- (5) *Intensity of use.* The combined area occupied by all main and accessory buildings or structures shall not exceed 25 percent of the total lot area. Accessory buildings shall not cover more than 20 percent of the required rear yard area.
 - (6) *Minimum open space.* Not less than 30 percent of the total lot area shall be devoted to open space including required yards and buffer yards. Open space shall not include areas covered by buildings, structures, paved (gravel, brick, concrete, asphalt, etc.) parking areas, driveways or internal streets. Open space shall contain living ground cover, trees, shrubs, flowers and other landscaping materials which permit the absorption of stormwater.

- (7) Minimum dwelling size. Each dwelling unit shall be not less than 650 square feet of living area, provided that a single-family detached dwelling unit shall not be less than 900 square feet of living area.
- (8) Maximum structure height. Buildings and structures shall not exceed 35 feet, and shall not exceed 2½ stories in height except for churches or other public or quasi-public buildings which shall not exceed 75 feet provided that all yard requirements shall be increased by one foot for each foot the building exceeds 35 feet. The height requirements shall not apply to public water towers.
- (9) Parking regulations. Off-street automobile and vehicle parking and loading areas shall be provided in accordance with section division 5 of this article. (Code 1984, § 20-123; Ord. No. 3080, Art. II, § 3, 11-16-1993; Ord. No. 3578, §§ 4—7, 7-19-2005)

Sec. 36-123. R-2/MH Two-Family/Manufactured Housing Residential District.

(a) *General purpose.* This is a residential district intended for single-family, two-family, and manufactured housing. The principle use of the land is for a slightly higher density and mix of single-family detached housing, duplexes, and zero lot line development and related recreational, religious and educational facilities normally required to provide the basis elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.

(b) *Permitted uses.* The following are permitted uses in the two-family/manufactured housing residential district:

- (1) Any use permitted in a two-family R-2 district.
- (2) Manufactured housing.

(c) *Minimum requirements.* The following are minimum requirements for manufactured housing:

- (1) Minimum width shall be 24 feet. Minimum length shall be 32 feet.
- (2) Foundations:
 - a. Footing shall be at least 30 inches deep.
 - b. Homes must be placed on a permanent foundation consisting of solid concrete, concrete blocks, or a combination of these. This shall include foundation walls along the perimeter of the home.
 - c. Utilities must be installed underground.

- d. All homes must be anchored in accordance with the manufacturer's recommended anchoring system.
 - (3) Wheels and axles must be removed.
 - (4) Towing tongue shall be removed.
 - (5) Setbacks shall meet R-2 requirements (for front, sides, and rear yards).
 - (6) Homes must have a pitched composition or painted metal roof having a slope of not less than 1:4.
 - (7) Home must be new. No previously owned homes will be allowed.
 - (8) Building permits are required for both foundation and placement of manufactured home.
 - (9) Homes removed from lots for any reason may be replaced with current year model only, meeting all requirements of this section.
 - (10) All ordinances applying to single-family homes shall apply to manufactured homes.
 - (11) Building codes shall not apply to homes displaying HUD's specification certificate; however, the foundation and any attachments to the home must comply with the city's current building code.
 - (d) *Conditional uses permitted on review.* Same as R-2 Two-Family Residential District.
 - (e) *Height, setback, yard and area regulations.* Same as R-2 Two-Family Residential District.
- (Code 1984, § 20-123.1; Ord. No. 3273, § 1, 8-5-1997)

Sec. 36-124. R-3 Medium Density Multifamily Residential District.

(a) *General purpose.* This is a residential district to provide for multiple-family developments not to exceed 12 dwelling units per acre. The principle use of the land is for one- and two-family dwellings, townhouses and garden apartments. Recreational, religious, and educational uses normally located to service residential areas are also permitted to provide the basic elements of convenient, balanced and attractive living areas.

(b) *Permitted uses.* The following are permitted uses in the R-3 Medium Density Multifamily Residential District:

- (1) Any use permitted in an R-2 Two-Family Residential District.
- (2) Garden apartment.
- (3) Nursing and adult care homes housing up to 24 residents. One acre minimum lot.
- (4) Townhouse.

- (5) Accessory buildings and uses customarily incidental to the above uses when located on the same lot.

(c) *Conditional uses permitted on review.* The following uses may be permitted on review and approval of the city planning and zoning commission and city council: Any use permitted as uses permitted on review in an R-2 Two-Family Residential District.

(d) *Height, setback, yard and area regulations.*

(1) *Minimum lot width.*

a. *Single-family.*

1. *Interior lots.* 60 feet at the building set-back line, for a single-family unit, with a minimum of 30 feet of street frontage.
2. *Corner lot.* 75 feet minimum frontage on either street.

b. *Duplexes and townhouses.*

1. *Interior lots.* There shall be a minimum of 30 feet for the two end units plus 20 for each additional unit at the building line. There shall be a minimum of 20 feet of street frontage for each unit.
2. *Corner lots.* There shall be at least 35 feet for the two end units plus 20 feet for each additional unit at the building line. There shall be a minimum of 20 feet of street frontage for each unit.

c. *Multifamily units.* There shall be a minimum lot width for interior lots of 70 feet and 75 feet for a corner lot at the front building line. In addition, the frontage shall be increased by ten feet for each additional dwelling unit exceeding three which is located in the building; however, the lot width at the front building line shall not be required to exceed 150 feet; and further provided that the front lot line shall abut a street for a distance of not less than 50 feet.

(2) *Minimum lot depth.* One hundred feet.

(3) *Minimum lot area.*

- a. For a single-family dwelling and accessory buildings, there shall be a lot area of not less than 6,000 square feet.
- b. For a duplex or townhouse and accessory building, there shall be a lot area of not less than 3,000 square feet per dwelling unit.
- c. For multifamily dwellings with four or more dwelling units, there shall be provided a minimum lot area of 12,000 square feet for the first four units and 3,000 square feet for each additional dwelling unit over four located on the same lot.

(4) *Minimum yards.*

- a. *Front yard.* No building shall be located within 25 feet of the front property line, except:
 1. Where 40 percent or more of the existing properties within 180 feet from both side lot lines have a setback different than 25 feet, then an average setback, as herein described, shall be developed and established as a minimum. Only properties on the same side of the block shall be used. Undeveloped lots shall be considered as 25 feet. Existing properties with greater than 50 feet shall be counted as 50 feet. All properties shall be averaged together, but in no case shall a setback greater than 30 feet be required nor less than 18 feet be permitted.
 2. No building shall be located in the front yard between the primary building and the front property line.
 - b. *Side yard.*
 1. *Interior lots.* On interior lots no building shall be located within seven feet of any side property line, except for common wall lot lines. The combined side yards shall be at least 15 feet.
 2. *Corner lots.* On corner lots there shall be a minimum side setback of 15 feet from street rights-of-way. Accessory buildings shall be no closer to street rights-of-way than the primary building. The interior side yard shall be the same as required for interior lots.
 3. *Other.* Churches and uses other than single-family residential dwellings, there shall be a minimum side yard of 25 feet from either interior or exterior lot lines.
 - c. *Rear yard.* No primary building shall be located closer than 30 feet from a rear property line. No accessory building shall be located closer than three feet from any rear property line.
 - d. *Driveways and off-street parking.* Notwithstanding the setbacks stipulated in this section, driveways and parking areas shall be located, designed and of sufficient size so no vehicle when parked in said driveway or parking area will encroach on any public right-of-way.
- (5) *Intensity of use.* The combined area occupied by all main and accessory buildings or structures shall not exceed 35 percent of the total lot area. Accessory buildings shall not cover more than 20 percent of the required rear yard area.
- (6) *Minimum open space.* Not less than 20 percent of the total lot area shall be devoted to open space including required yards and buffer yards. Open space shall not include areas covered by buildings, structures, paved (gravel, brick,

concrete, asphalt, etc.) parking areas, driveways or internal streets. Open space shall contain living ground cover, trees, shrubs, flowers and other landscaping materials which permit the absorption of stormwater.

- (7) *Minimum dwelling size.* Each dwelling unit shall be not less than 650 square feet of living area, provided that a single-family detached dwelling unit shall not be less than 900 square feet of living area.
- (8) *Maximum structure height.* Buildings and structures shall not exceed 45 feet and shall not exceed three stories in height except for churches or other public or quasi-public buildings which shall not exceed 75 feet provided that all yard requirements shall be increased by one foot for each foot the building exceeds 35 feet. The height requirements shall not apply to the public water towers.
- (9) *Parking regulations.* Off-street automobile and vehicle parking and loading areas shall be provided in accordance with section division 5 of this article. (Code 1984, § 20-124; Ord. No. 3080, Art. II, § 4, 11-16-1993; Ord. No. 3440, § 4, 5-1-2001; Ord. No. 3578, §§ 8—10, 7-19-2005)

Sec. 36-125. R-4 High Density Multifamily Residential District.

(a) *General purpose.* This is a residential district to provide for higher density developments representing a broad variety of housing types and densities.

(b) *Permitted uses.* The following are permitted uses in the R-4 High Density Multifamily Residential District:

- (1) Any use permitted in a medium density R-3 residential district.
- (2) Garden apartment.
- (3) Nursing and similar extended adult care homes.
- (4) Roominghouses and boardinghouses.
- (5) Accessory buildings and uses customarily incidental to the above uses when located on the same lot.

(c) *Conditional uses permitted on review.* The following uses may be permitted on review and approval of the city planning and zoning commission and city council: Any use permitted as uses permitted on review in an R-3 Medium Density Multifamily Residential District.

(d) *Height, setback, yard and area regulations.*

(1) *Minimum lot width.*

a. *Single-family residential.*

- 1. *Interior lots.* 60 feet at the building setback line, for a single-family unit, with a minimum of 30 feet of street frontage.

2. *Corner lots.* 75 feet minimum frontage on either street.
 - b. *Duplexes.*
 1. *Interior lots.* There shall be a minimum of 25 feet for each unit at the building line there shall be a minimum of 15 feet of street frontage for each unit.
 2. *Corner lots.* There shall be at least 30 feet for each unit at the building line. There shall be a minimum of 15 feet of street frontage for each unit.
 - c. *Multifamily units.* There shall be a minimum lot width for interior lots of 70 feet and 75 feet for a corner lot at the front building line. In addition the frontage shall be increased by ten feet for each additional dwelling unit exceeding three which is located in the building; however, the lot width at the front building line shall not be required to exceed 150 feet; and further provided that the front lot line shall abut a street for a distance of not less than 50 feet.
- (2) *Minimum lot depth.* 100 feet.
- (3) *Minimum lot area.*
- a. For a single-family dwelling and accessory buildings, there shall be a lot area of not less than 6,000 square feet.
 - b. For a duplex or townhouse and accessory building, there shall be a lot area of not less than 2,500 square feet for the first two units and 2,000 square feet for each additional dwelling unit.
 - c. For multifamily dwellings with four or more dwelling units, there shall be provided a minimum lot area of 9,000 square feet for the first four units and 1,500 square feet for each additional dwelling unit over four located on the same lot.
- (4) *Minimum yards.*
- a. *Front yard.* A minimum depth of the front yard shall be 25 feet plus an additional three feet for each story above three, except;
 1. Where 40 percent or more of the existing properties within 180 feet from both side lot lines have a setback different than 25 feet, then an average setback, as herein described, shall be developed and established as a minimum. Only properties on the same side of the block shall be used. Undeveloped lots shall be considered as 25 feet. Existing properties with greater than 50 feet shall be counted as 50 feet. All properties shall be averaged together, but in no case shall a setback greater than 35 feet for a three-story or less building be required, nor less than 18 feet be permitted.

2. No building shall be located in the front yard between the primary building and the front property line.
 - b. *Side yard.*
 1. *Interior lots.* On interior lots, no building shall be located within seven feet of any side property line, except for common wall lot lines. The combined side yards shall be at least 15 feet.
 2. *Corner lots.* On corner lots, there shall be a minimum side setback of 15 feet from street rights-of-way. The interior side yard shall be the same as required for interior lots.
 3. *Other.* For churches and uses other than residential dwellings, there shall be a minimum side yard of 35 feet from either interior or exterior lot lines.
 - c. *Rear yard.* No primary building shall be located closer than 30 feet from a rear property line. No accessory building shall be located closer than three feet from any rear property line.
 - d. *Driveways and off-street parking.* Notwithstanding the setback, yard, and area regulations stipulated in this section, driveways and parking areas shall be located, designed and of sufficient size so no vehicle when parked in said driveway or parking area will encroach on any public right-of-way.
- (5) *Intensity of use.* The combined area occupied by all main and accessory buildings or structures shall not exceed 35 percent of the total lot area. Accessory buildings shall not cover more than 20 percent of the required rear yard area.
 - (6) *Minimum open space.* Not less than 25 percent of the total lot area shall be devoted to open space including required yards and buffer yards. Open space shall not include areas covered by buildings, structures, paved (gravel, brick, concrete, asphalt, etc.) parking areas, driveways or internal streets. Open space shall contain living ground cover, trees, shrubs, flowers and other landscaping materials which permit the absorption of storm water.
 - (7) *Minimum dwelling size.* Each dwelling unit shall be not less than 650 square feet of living area, provided that a single-family detached dwelling unit shall not be less than 750 square feet of living area.
 - (8) *Maximum structure height.* Buildings and structures shall not exceed 100 feet, and shall not exceed ten stories in height.
 - (9) *Parking regulations.* Off-street automobile and vehicle parking and loading areas shall be provided in accordance with section division 5 of this article.
- (Code 1984, § 20-125; Ord. No. 3080, Art. II, § 5; Ord. No. 3578, §§ 11—13, 7-19-2005)

Sec. 36-126. C-O Office District.

(a) *General purpose.* This commercial district is intended to provide a location for those administrative and professional offices which can occupy smaller structures in a landscaped setting. This type of development can serve as a buffer between more intense retail and office commercial uses and established residential neighborhoods. Emphasis is placed on smaller, individual, free-standing buildings, landscaping, setbacks, sign control, and restricted building height in order to promote maximum esthetic considerations in establishing protection for nearby residences. No merchandise shall be handled or displayed except inside buildings and no equipment or vehicle other than motor vehicles utilized for passenger purposes shall be stored outside a building in this district.

(b) *Permitted uses.* The following are permitted uses in the C-O Office District:

- (1) Uses permitted in an R-2 district.
- (2) Art gallery.
- (3) Libraries.
- (4) Museums.
- (5) Music conservatories.
- (6) Office buildings to be used only for the administrative functions of companies, corporations, social or philanthropic organizations or societies.
- (7) Office buildings in which no activity is carried on catering to retail trade with the general public and no stock of goods is maintained for sale to customers. These shall include, but shall not necessarily be limited to, the following:
 - a. Accountants;
 - b. Architects;
 - c. Brokers;
 - d. Engineers;
 - e. Dentists, dental laboratories, or similar small medical related laboratories;
 - f. Lawyers;
 - g. Physicians, osteopaths, chiropractors;
 - h. Real estate and insurance;
 - i. Travel agency.
- (8) Customary accessory uses.
- (9) Radio and television studios.
- (10) Name plate and sign relating only to the principal use. Lighted signs of flashing or intermittent type shall be prohibited; provided, however, that this shall not prevent the use of animated signs.

(c) *Conditional uses permitted on review.* Any use permitted in an R-3 High Density Multifamily Residential District.

(d) *Height, setback, yard and area regulations.*

(1) *Minimum lot width.*

- a. *Interior lots.* 60 feet at the building setback line with a minimum of 30 feet of street frontage.
- b. *Corner lots.* 75 feet minimum frontage.
- c. *Duplexes.* There shall be a minimum of 30 feet at the building line and 15 feet of street frontage except for a corner lot where there shall be at least 40 feet per unit at the building line and 20 feet of street frontage.

(2) *Minimum lot depth.* 100 feet.

(3) *Minimum lot area.* 6,000 square feet for a single-family unit. For a duplex there shall be a minimum lot area of 3,000 square feet per unit.

Any use requiring sewer service, but not connected to the public sewer will require 40,000 square feet minimum or larger depending on an engineering analysis approved by the county health department.

(4) *Minimum yards.*

- a. *Front yard.* No building shall be located within 25 feet of the front property line, except:
 1. Signs, which may have a zero front setback.
 2. Where 40 percent or more of the existing properties within 180 feet from both side lot lines have a setback different than 25 feet, then an average setback, as herein described, shall be developed and established as a minimum. Only properties on the same side of the block shall be used. Undeveloped lots shall be considered as 25 feet. Existing properties with greater than 50 feet shall be counted as 50 feet. All properties shall be averaged together, but in no case shall a setback greater than 35 feet be required nor less than 18 feet be permitted.
- b. *Side yard.*
 1. *Interior lots.* No residential building shall be located within seven feet of any side property line. There shall be a combined side yard of at least 15 feet. Accessory buildings shall not be located closer than three feet from an interior side lot line. For duplexes there shall be a minimum of eight feet to any side of property line other than the common wall line. For accessory buildings, there shall be a minimum side yard of three feet.

2. *Corner lots.* For a single-family residential building there shall be a minimum setback from the side street of 15 feet. The interior side yard shall be at least seven feet for the primary single-family building and three feet for an accessory building. For a duplex there shall be a minimum setback from the side street of 15 feet and the interior side yard, except for the common wall property line, shall be at least eight feet for the primary building and three feet for an accessory building.
 3. *Other.* For uses other than residential, there shall be a minimum side yard of 35 feet from either interior or exterior lot lines.
 - c. *Rear yard.* No primary building shall be located closer than 30 feet from a rear property line. No accessory building shall be located closer than three feet from any rear property line.
 - (5) *Intensity of use.* The combined area occupied by all main and accessory buildings or structures shall not exceed 30 percent of the total lot area. Accessory buildings shall not cover more than 30 percent of the required rear yard area.
 - (6) *Minimum open space.* Not less than 30 percent of the total lot area shall be devoted to open space, including required yards and buffer yards. Open space shall not include areas covered by buildings, structures, paved (gravel, brick, concrete, asphalt, etc.) parking areas, driveways or internal streets. Open space shall contain living ground cover, trees, shrubs, flowers and other landscaping materials which permit the absorption of stormwater.
 - (7) *Minimum dwelling size.* Each dwelling unit shall be not less than 650 square feet of living area, provided that a single-family detached dwelling unit shall not be less than 750 square feet of living area.
 - (8) *Maximum structure height.* Buildings and structures shall not exceed 45 feet, and shall not exceed three stories in height except for churches or other public or quasi-public buildings which shall not exceed 75 feet, provided that all yard requirements shall be increased by one foot for each foot the building exceeds 35 feet. The height requirements shall not apply to public water towers.
 - (9) *Parking regulations.* Off-street automobile and vehicle parking and loading areas shall be provided in accordance with section division 5 of this article.
- (Code 1984, § 20-126; Ord. No. 3080, Art. II, § 6; Ord. No. 3773, § 2, 3-1-2011)

Sec. 36-127. C-1 Neighborhood Commercial District.

(a) *General purpose.* This commercial district is for the conduct of retail trade and to provide personal services to meet the regular needs and for the convenience of the people of the adjacent residential areas. Because these shops and stores may be an

integral part of the neighborhood closely associated with residential, religious, recreational, and educational elements, more restrictive requirements for light, air, open space, and off-street parking are made than are provided in other commercial districts.

(b) *Permitted uses.* Property and buildings in a C-1 Neighborhood Commercial District shall be used for the following purposes:

- (1) Any use permitted in R-1 Single-Family Residential District except residential uses.
- (2) Retail stores and shops which supply the regular customary needs of the residents of the neighborhood and which are primarily for their convenience, such as the following:
 - a. Any use permitted in district C-O except residential uses;
 - b. Antique shop;
 - c. Art gallery;
 - d. Art shop;
 - e. Automobile parking lots (patron parking only);
 - f. Banks;
 - g. Savings and loan establishments;
 - h. Barber shop;
 - i. Beauty shop;
 - j. Book store;
 - k. Cafeteria;
 - l. Camera shop;
 - m. Candy store;
 - n. Catering service;
 - o. Child care—commercial.
 - p. Cigar store;
 - q. Clinic (dental or medical);
 - r. Clothing store;
 - s. Club (private);
 - t. Confectionery;
 - u. Dancing school;
 - v. Delicatessen;
 - w. Dress or millinery shop;
 - x. Dressmaking shop;

- y. Drug store;
- z. Dry cleaning pickup, laundry pickup station, and self-service laundry and cleaning;
- aa. Dry goods store;
- bb. Embroidery shop;
- cc. Flower shop;
- dd. Food market;
- ee. Frozen food lockers for individual or family use;
- ff. Furniture store;
- gg. Furs store;
- hh. Gift shop;
- ii. Glass shop;
- jj. Hat shop;
- kk. Hemstitching and pleating shop;
- ll. Household merchandise and furnishings;
- mm. Ice cream parlor where persons are served inside the building only;
- nn. Interior decorator;
- oo. Jewelry store;
- pp. Leather goods store;
- qq. Luggage shop;
- rr. Medical and dental laboratories;
- ss. Music shop;
- tt. Newspaper and magazine store (not second hand);
- uu. Notions store;
- vv. Novelty store;
- ww. Office building;
- xx. Optical shop;
- yy. Package liquor and beer sales, but not taverns;
- zz. Paint store;
- aaa. Pastry shop;
- bbb. Photographic studio;
- ccc. Post office;
- ddd. Pottery shop and ceramics (no baking or kiln operations permitted);
- eee. Radio and television store and service;

- fff. Reducing salon;
- ggg. Restaurant;
- hhh. Schools and colleges;
- iii. Shoe repair shop;
- jjj. Shoe shine service;
- kkk. Shoe store;
- lll. Sporting goods store;
- mmm. Stationery store;
- nnn. Tailor shop;
- ooo. Tea room;
- ppp. Telegraph offices;
- qqq. Toy shop;
- rrr. Travel agency;
- sss. Vending machines;
- ttt. Accessory uses customarily incident to any of the above uses.
 - 1. Name plate and sign relating only to the use of the store and premises or to products sold on the premises. Lighted signs of flashing or intermittent type shall be prohibited; provided, however, that this shall not prevent the use of animated signs.
 - 2. Accessory buildings and uses customarily incidental to the above uses.
 - 3. Any building used for any of the above enumerated uses may not have more than 40 percent of its floor area devoted to purposes incidental to the primary use. No material or goods offered for sale or stored in connection with the uses enumerated in subsections (b)(1) and (2) of this section shall be displayed or stored outside of a building. No display will be permitted on sidewalks or public rights-of-way; provided, however, that the city council may provide for temporary permits for such display during organized promotions or special events.

(c) *Conditional uses permitted on review.*

- (1) Any user permitted in R-3 multifamily residential district.
- (2) Banks and savings and loan establishments having drive-up service.

(d) *Height, setback, yard and area regulations.* Where the property is used for a residential purpose the same minimum lot sizes and yards shall be required as those in an R-3 district.

(1) *Minimum lot width.* No minimum.

(2) *Minimum yards.*

a. *Front yard.* No building shall be located within 25 feet of the front property line, except:

1. Signs, which may have a zero front setback.

2. Where 40 percent or more of the existing properties within 180 feet from both side lot lines have a setback different than 25 feet, then an average setback, as herein described, shall be developed and established as a minimum. Only properties on the same side of the block shall be used. Undeveloped lots shall be considered as 25 feet. Existing properties with greater than 50 feet shall be counted as 50 feet. All properties shall be averaged together, but in no case shall a setback greater than 30 feet be required nor less than 18 feet be permitted.

b. *Side yard.* On the side of a lot adjoining a residential district shall be a side yard of not less than 15 feet. Wherever the rear lot line of a corner lot abuts a residential district the side yard adjacent to the street shall be not less than 15 feet in width. In all other cases no side yard shall be required.

c. *Rear yard.* No rear yard is required except where a commercial building is to be serviced from the rear there shall be provided an alley way, service court or combination thereof of not less than 30 feet. Where a rear line of a lot in this district abuts land in a residential district or C-O district, a rear yard not less than 15 feet shall be required in this district.

(3) *Maximum structure height.* No building or structure shall exceed 30 feet and shall not exceed two stories.

(4) *Parking regulations.* Off-street automobile and vehicle parking and loading areas shall be provided in accordance with section division 5 of this article.

(Code 1984, § 20-127; Ord. No. 3080, Art. II, § 7, 11-16-1993; Ord. No. 3440, § 5, 5-1-2001; Ord. No. 3773, § 2, 3-1-2011)

Sec. 36-128. C-2/H Central Business/Historic District.

(a) *General purpose.* This commercial district is intended as the central business area of the city for the conduct of personal and commercial services and retail business, and is designed to preserve features of historic and cultural significance in the community.

(b) *Permitted uses.* The following are permitted uses in the C-2/H Central Business/Historic District:

- (1) Any use permitted in a C-1 Neighborhood Commercial District.
- (2) Any of the following uses:
 - a. Armories, assembly halls;
 - b. Automobile parking lots;
 - c. Automobile sales rooms and used car lots including repair facilities when appurtenant to such sales activity;
 - d. Bakeries;
 - e. Banks and savings and loan establishments with drive-up facilities;
 - f. Bicycle repair shop, electric appliance and fix-it shops;
 - g. Bus passenger stations;
 - h. Department stores;
 - i. Drive-in restaurants, ice cream shops, refreshment stands, etc., where persons are served in automobiles;
 - j. Dry cleaning establishments and laundries using nonexplosive cleaning fluids;
 - k. Electrical appliance sales and repair;
 - l. Furniture stores;
 - m. Hardware stores;
 - n. Hospitals for small animals if within an enclosed building;
 - o. Hotels;
 - p. Newsstands;
 - q. Paint stores;
 - r. Printing and publishing plants, including bookbinding;
 - s. Radio and television broadcasting stations and studios, except towers;
 - t. Residential apartments above a business, provided off-street parking, separate entrances are provided and compliance with fire regulations are met;
 - u. Seed stores;
 - v. Shooting galleries, skating rinks, taverns and night clubs, gymnasiums, and similar commercial recreation buildings or activities, provided that no part of such building shall be less than 300 feet from any existing clinic, hospital, school or church; and shall be not less than 300 feet from a district R-1 to R-3 inclusive;

- w. Shop of custom work, or manufacture of articles to be sold at retail only, on the premises, provided that in such manufacture the space occupied by manufacturing permitted herein shall not exceed 50 percent of the total floor area of the entire building, and further provided that such manufacturing use does not emit any vibrations, noise, odor, dust, noxious gas, smoke, particulate matter, glare or heat detectable outside of the building;
- x. Storage garages for automobiles;
- y. Stores, shops and markets for retail trades, provided merchandise is not displayed, stored or offered for sale on the premises outside of a building within a required front yard;
- z. Theaters (indoor);
- aa. Upholstery shops;
- bb. Video game centers;
- cc. Accessory uses customarily incident to any of the above uses.

(c) *Conditional uses permitted on review.*

(1) Any use permitted in R-4 High Density Multifamily Residential District.

(2) Any use in I-1 Restricted Light Industrial District.

(d) *Height, setback, yard and area regulations.* Where a residential use is proposed that is not above a street level business the lot, yard and setback requirements shall be the same as an R-3 residential zone.

(1) *Minimum lot width.* No minimum.

(2) *Minimum yards.*

- a. *Front yard.* No front yard is required except that where a lot in district C-2/H lies within the same block and fronts upon the same street with a portion of a district R-1 to C-1 inclusive, and no lot within said district C-2/H is occupied by a building with a front yard of less depth than required in that portion of a district R-1 to C-1 inclusive adjoining, then in such case the front yard requirements of such adjoining district R-1 to C-1 inclusive shall likewise apply to such lot in district C-2/H.
- b. *Side yard.* On the side of a lot adjoining a residential district there shall be a side yard of not less than 15 feet. Wherever the rear lot line of a corner lot abuts a residential district the side yard adjacent to the street shall be not less than 15 feet in width. In all other cases no side yard shall be required.
- c. *Rear yard.* No rear yard required.

(3) *Maximum structure height.* No building or structure shall exceed 100 feet and shall not exceed eight stories.

- (4) *Parking regulations.* Off-street automobile and vehicle parking and loading areas shall be provided in accordance with section division 5 of this article.
 - (5) *Screening.* No article or material permitted in this district shall be kept, stored or displayed outside the confines of a building unless it be so screened by fences, walls, or planting that it cannot be seen from adjoining or adjacent lots zoned residential when viewed by a person standing on ground level.
 - (6) *Historic preservation.*
 - a. No new construction, reconstruction, exterior change or exterior improvement to any structure in this district shall be made until the property owner meets with the historic preservation commission to review plans for said new construction, reconstruction, exterior change or improvement and obtains a certificate of appropriateness from the commission.
 - b. No building or occupancy permit shall be issued for the construction of a new structure, reconstruction of an existing structure, exterior change or improvement to any structure in this district until the property owner meets with the historic preservation commission to review plans for said new construction, reconstruction or exterior change or improvement and obtains a certificate of appropriateness from the commission.
 - c. If the historic preservation commission fails to act on an application for a certificate appropriateness within 30 days of its receipt and such failure was not caused by the applicant, then the application shall be deemed approved.
 - d. If the historic preservation commission denies a certificate of appropriateness, the applicant may appeal such denial to the city council. The appeal shall be presented in writing to the city clerk within 30 days of the commission's final action. The city clerk shall schedule the appeal for consideration by the city council within 30 days of its receipt and notify the applicant of the date, time and place of city council consideration.
- (Code 1984, § 20-128; Ord. No. 3080, Art. II, § 8, 11-16-1993; Ord. No. 3263, § 2, 5-20-1997; Ord. No. 3601, § 1, 6-6-2006)

Sec. 36-129. C-3 General Commercial District.

(a) *General purpose.* This commercial district is intended for the conduct of personal and business services and the general retail business of the community. Persons living in the community and in the surrounding trade territory require direct and frequent access. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles for stocking and delivery of retail goods.

(b) *Permitted uses.* The following are permitted uses in the C-3 General Commercial District:

- (1) Any use permitted in a C-2/H Central Business/Historic District.
- (2) Any use permitted in an R-3 Medium Density Multifamily Residential District.
- (3) Any of the following uses:
 - a. Automobile, boat, truck, or trailer sales rooms or yards, provided no dismantled vehicles or parts are displayed, or stored outside the building;
 - b. Automobile repair garages, including auto laundries, provided no repair operations or storage of parts or dismantled vehicles takes place outside the building and vehicles awaiting repair are not stored on the premises for greater than 30 consecutive days;
 - c. Dance hall;
 - d. Feed stores;
 - e. Filling stations, provided that all gasoline storage tanks are located below the surface of the ground are installed according to NFPA and local fire codes;
 - f. Flea markets;
 - g. Funeral home and mortuaries;
 - h. Greenhouses, commercial;
 - i. Miniature golf courses, commercial recreational parks, and drive-in theaters, provided all lights shall be directed away from any adjoining or adjacent residence districts.
 - j. Motels;
 - k. Ornamental iron sales rooms, but not forging, stamping or casting;
 - l. Plumbing and heating and air conditioning shop, provided no equipment or material is stored on the premises in the front or side yard;
 - m. Pop bottling plants;
 - n. Rental stores;
 - o. Storage in bulk of, or warehouse for, such materials as are incidental to sale on the premises as permitted above;
 - p. Storage warehouses for storing all materials, equipment, furniture, personal property of any kind, which does not result in odors or excessive noises leaving the premises, and which are not highly combustible, and which will not include those items described under storage in I-2 Light Industrial District;

- q. Wholesale sales offices or sample rooms;
 - r. Any other store or shop for retail trade or for rendering personal, professional or business service which does not produce more noise, odor, dust, vibration, blast or traffic than those enumerated above;
 - s. Accessory use customarily incidental to any of the above uses, including signs.
- (4) The above enumerated uses shall also comply with the following provisions:
- a. Automobiles, trucks and boats may be stored or displayed outside a building but not within 15 feet of a street line nor closer than 15 feet to other property lines.
 - b. Other merchandise which may appropriately be displayed or stored outside a building shall be kept off the public sidewalks and streets, shall not reduce capacity of a parking lot below that is required by this article and shall not occupy an area greater than 20 percent of the ground floor area of the building.
 - c. In the event that any property utilizing outdoor display or storage adjoins or abuts a residential district R-1 through R-4 or an office district C-O, such articles or materials shall be so screened by permanent ornamental walls, fences, or planting that it cannot be seen from adjoining residential lots when viewed by a person standing on ground level; provided, additionally, however, that no screening in excess of seven feet in height shall be required.

(c) *Conditional uses permitted on review:*

- (1) Any use permitted in R-4 High Density Multifamily Residential District.
- (2) Travel or camping park.

(d) *Height, setback, yard and area regulations.* Where a residential use is proposed that is not above a street level business the lot, yard and setback requirements shall be the same as an R-4 residential zone.

- (1) *Minimum lot width.* No minimum.
- (2) *Minimum yards.*
 - a. *Front yard.* All buildings shall be set back from the street right-of-way line to provide a front yard having not less than 15 feet in depth, except signs, which may have a zero front setback.
 - b. *Side yard.* On the side of a lot adjoining a residential district there shall be a side yard of not less than 15 feet. Wherever the rear lot line of a corner lot abuts a residential district the side yard adjacent to the street shall be not less than 15 feet in width. In all other cases no side yard shall be required.

- c. *Rear yard.* No rear yard is required except where a commercial building is to be served from the rear there shall be provided an alley way, service court or combination thereof of not less than 30 feet. Where a rear line of a lot in this district abuts land in a residential district or C-O district, a rear yard not less than 15 feet shall be required in this district.
 - (3) *Maximum structure height.* No building or structure shall exceed 35 feet and shall not exceed three stories.
 - (4) *Parking regulations.* Off-street automobile and vehicle parking and loading areas shall be provided in accordance with section division 5 of this article.
- (Code 1984, § 20-129; Ord. No. 3080, Art. II, § 9, 11-16-1993; Ord. No. 3263, § 1, 5-20-1997; Ord. No. 3773, § 2, 3-1-2011)

Sec. 36-130. C-4 Open Display Commercial District.

(a) *General purpose.* This commercial district is intended to provide a location for the limited amount of merchandise, equipment, and material being offered for retail sale that, because of the type of material or transportation requirements, are suitable for display and storage outside the confines of an enclosed building. There will be more assembly of equipment and incidental activity than would prevail in the general commercial district. Persons of the community and the surrounding trade territory will require direct access. However, the concentration of shoppers will be much smaller and visits less frequent than in the General Commercial District.

(b) *Permitted uses.* The following are permitted uses in the C-4 Open Display Commercial District:

- (1) Any use permitted in a C-3 General Commercial District.
- (2) Any of the following uses:
 - a. Farm implement and machinery, new and used, sales;
 - b. Metal and wood fencing, ornamental grill work and decorative wrought iron work and play equipment sales;
 - c. Mobile home sales;
 - d. Monument sales;
 - e. Prefabricated house sales;
 - f. Trailers for hauling, rental and sales;
 - g. Accessory uses customarily incidental to any of the above uses including signs.
 - h. The above enumerated uses shall comply with the following provisions:
 - i. All open storage and display of merchandise, material, and equipment shall be so screened by ornamental fencing or evergreen planting that it

cannot be seen by a person standing on ground level in a residential district when located to the side or rear of a lot on which said open storage or display occurs; provided, however, that screening shall not be required in excess of seven feet in height. All planting shall be kept neatly trimmed and maintained in good condition at all times. Merchandise and materials which are not completely assembled or which are not immediately and actively being offered for sale shall, in addition to complying with the above screening requirements, be so screened by ornamental fences or evergreen planting or by permanent buildings that it cannot be seen from a public street.

- j. All yards unoccupied with buildings or merchandise or used as traffic ways shall be landscaped with grass and shrubs and maintained in good condition the year round.
- k. All of the lot used for the parking of vehicles, for the storage and display of merchandise and all driveways used for vehicle ingress shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.
- l. All servicing of vehicles and assembly of equipment carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.

(c) *Conditional uses permitted on review.* Same as C-3 General Commercial District.

(d) *Height, setback, yard and area regulations.*

(1) *Minimum lot width.* No minimum.

(2) *Minimum yards.*

- a. *Front yard.* All buildings and displays shall be set back from the street right-of-way line to provide a front yard having not less than 25 feet in depth, except signs, which may have a zero front setback.
- b. *Side yard.* There shall be provided a side yard of not less than 15 feet.
- c. *Rear yard.* There shall be provided a rear yard of not less than 15 feet.

(3) *Maximum structure height.* No building or structure shall exceed 35 feet.

(4) *Parking regulations.* Off-street automobile and vehicle parking and loading areas shall be provided in accordance with section division 5 of this article.

(Code 1984, § 20-130; Ord. No. 3080, Art. II, § 10, 11-16-1993; Ord. No. 3773, § 2, 3-1-2011)

Sec. 36-131. I-1 Restricted Light Industrial District.

(a) *General purpose.* This industrial district is intended primarily for production and assembly plants that are conducted so the noise, odor, dust, and glare of each operation is completely confined within an enclosed building. These industries may require direct access to rail, air, or street transportation routes; however, the size and volume of the raw materials and finished products involved should not produce the volume of freight generated by the uses of the light and heavy industrial district. Buildings in this district should be architecturally attractive and surrounded by landscaped yards.

(b) *Permitted uses.* The following are permitted uses in the I-1 Restricted Light Industrial District:

- (1) Any use, except a residential use, permitted in a C-3 General Commercial District.
- (2) Any of the following uses:
 - a. Bottling works;
 - b. Book bindery;
 - c. Candy manufacturing;
 - d. Engraving plant;
 - e. Electrical equipment assembly;
 - f. Electronic equipment assembly and manufacturing;
 - g. Food products processing and packing not including the collection, storage or slaughter of livestock;
 - h. Furniture manufacturing;
 - i. Instrument and meter manufacturing;
 - j. Jewelry and watch manufacturing;
 - k. Laboratories, experimental;
 - l. Laundry and cleaning establishments;
 - m. Leather goods fabrication not including the processing or tanning of hides;
 - n. Optical goods manufacturing;
 - o. Paper products manufacturing;
 - p. Seed processing and sales;
 - q. Signs identifying or advertising the use on the premises;
 - r. Sporting goods manufacturing.
- (3) All of the uses permitted under this section shall have their primary operations conducted entirely within enclosed buildings, and shall not emit

any dust or smoke or noxious odor or fumes outside the building housing the operation, or produce an increased noise level occurring on the adjacent street. Any article or material stored temporarily outside of an enclosed building as an incidental part of the primary operation shall be so screened by ornamental walls or fences or evergreen planting that it cannot be seen from adjoining public streets of adjacent lots when viewed by a person standing on the ground level.

(c) *Conditional uses permitted on review:* Any use permitted in R-1 through R-4.

(d) *Height, setback, yard and area regulations.*

(1) *Minimum lot width.* No minimum.

(2) *Minimum yards.*

a. *Front yard.* All buildings shall be set back from the street right-of-way line to provide a front yard having not less than 25 feet in depth, except signs, which may have a zero front setback.

b. *Side yard.* No building shall be located closer than 25 feet to a side lot line.

c. *Rear yard.* No building shall be located closer than 25 feet to the rear lot line.

(3) *Intensity of use.* The combined area occupied by all main and accessory buildings and off-street parking and loading facilities shall not cover more than 75 percent of the total lot area. All yard areas required under this section and other yards and open spaces existing around buildings shall be landscaped and maintained in a neat condition.

(4) *Maximum structure height.* No building shall exceed 45 feet.

(5) *Other.* Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent land uses or the use of adjacent streets, and shall not be of a flashing or intermittent type.

(6) *Parking regulations.* Off-street automobile and vehicle parking and loading areas shall be provided in accordance with section division 5 of this article.

(Code 1984, § 20-131; Ord. No. 3080, Art. II, § 11, 11-16-1993; Ord. No. 3316, §§ 1, 2, 6-2-1998; Ord. No. 3457, § 1, 8-21-2001; Ord. No. 3773, § 2, 3-1-2011)

Sec. 36-132. I-2 Light Industrial District.

(a) *General purpose.* This individual district is intended primarily for the conduct of light manufacturing, assembling, and fabrication, and for warehousing, wholesale, and service uses. These do not depend primarily on frequent personal visits of customers or clients, but may require good accessibility to major rail, air, or street transportation routes.

(b) *Permitted uses.* The following are permitted uses in the I-2 Light Industrial District:

- (1) Any use, except dwellings, permitted in the C-4 Open Display Commercial District or in the I-1 Restricted Light Industrial District. No dwelling use shall be permitted in an I-2 Light Industrial District.
- (2) Any of the following uses:
 - a. Sale of rock, sand, gravel, and the like as an incidental part of the main business, but not including a concrete plant or transit mix plant.
 - b. Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.
 - c. Freightage or trucking yard or terminal.
 - d. Public utility service yard or electrical receiving or transforming station.
 - e. No article or material permitted in this district shall be kept, stored, or displayed outside the confines of a building unless it be so screened by fences, walls, or planting that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing on ground level.
- (3) The following uses when conducted within a completely enclosed building:
 - a. The manufacture, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries and food products.
 - b. The manufacture, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stone, shell textiles, tobacco, wood, yarn, and paint not employing a boiling process.
 - c. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
 - d. The manufacture and maintenance of electric and neon signs, commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves, and the like.
 - e. Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.
 - f. Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing and overhauling, tire retreading or recapping, and battery manufacturing.

- g. Blacksmith shop and machine shop, excluding punch presses over 20 tons rated capacity, drop hammers, and automatic screw machines.
 - h. Foundry casting lightweight nonferrous metal not causing noxious fumes or odors.
 - i. Assembly of electrical appliance, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders, and the like.
 - j. Wholesale storage or manufacture of alcoholic beverages.
- (4) Buildings, structures, and uses accessory and customarily incidental to any of the above uses.
 - (5) The uses permitted under this section shall be conducted in such a manner that no noxious odor, fumes, or dust will be emitted beyond the property line of the lot on which the use is located.

(c) *Conditional uses permitted on review.* The following uses may be permitted on review in accordance with provisions contained in section 36-283:

- (1) Concrete batch or transit mix plant.
- (2) Bulk storage of gasoline, propane, butane or other petroleum products.
- (3) Grain elevator, storage.
- (4) Any use permitted in R-1 through R-4.
- (5) Any use involving the collection, storage or slaughter of livestock.
- (6) Asphalt plants.
- (7) Processing or tanning of hides.
- (8) Other similar uses.

(d) *Height, setback, yard and area regulations.*

- (1) *Minimum lot width.* No minimum.
- (2) *Minimum yards.*
 - a. *Front yard.* All buildings shall be set back from the street right-of-way line to provide a front yard having not less than 25 feet in depth, except:
 - 1. Signs, which may have a zero front setback.
 - 2. Lots fronting on state highways shall provide a front yard of not less than 50 feet in depth.
 - b. *Side yard.* On the side of a lot adjoining a residential district there shall be a side yard of not less than 15 feet. Wherever the rear lot line of a corner lot abuts a residential district the side yard adjacent to the street shall be not less than 15 feet in width. In all other cases no side yard shall be required.

- c. *Rear yard.* No rear yard is required except where a commercial building is to be serviced from the rear there shall be provided an alley way, service court or combination thereof of not less than 30 feet. Where a rear line of a lot in this district abuts land in a residential district or C-O district, a rear yard not less than 15 feet shall be required in this district.
- (3) *Intensity of use.* Main and accessory buildings and off-street parking and loading facilities shall not cover more than 80 percent of the total lot area. All yard areas required under this section and other yards and open spaces existing around buildings shall be landscaped and maintained in a neat condition.
- (4) *Maximum structure height.* No building shall exceed 45 feet.
- (5) *Other.* No yards shall be required for those portions of lots which front on railroad sidings.
Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent land uses or the use of adjacent streets, and shall not be of a flashing or intermittent type.
- (6) *Parking regulations.* Off-street automobile and vehicle parking and loading areas shall be provided in accordance with section division 5 of this article.
(Code 1984, § 20-132; Ord. No. 3080, Art. II, § 12, 11-16-1993; Ord. No. 3316, §§ 3—5, 6-2-1998; Ord. No. 3773, § 2, 3-1-2011)

Sec. 36-133. I-3 Heavy Industrial District.

(a) *General purpose.* This industrial district is intended to provide for heavy industrial uses and uses not otherwise provided for in the other districts established by this article. The intensity of uses permitted in this district makes it desirable that they be located down-wind and separated from residential and commercial uses wherever possible.

(b) *Permitted uses.* The following are permitted uses in an I-3 Heavy Industrial District:

Any use permitted in an I-2 District.

(c) *Conditional uses permitted on review:*

- (1) All of the following uses shall need to be studied by the planning and zoning commission and have received the express approval of the city council. The council may require approval of the city or county health department, the state fire marshal and other state and county regulating agencies, and may attach to the approval specific restrictions designed to protect the public welfare.
 - a. Acid manufacture.

- b. Cement, lime, gypsum or plaster of Paris manufacture.
 - c. Explosives, manufacture or wholesale storage.
 - d. Gas manufacture.
 - e. Petroleum or its products, refining of.
 - f. Wholesale or bulk storage of gasoline, propane, or butane, or other petroleum products.
 - g. Any use involving the collection, storage or slaughter of livestock.
 - h. Asphalt plants.
 - i. Processing or tanning of hides.
 - j. Other similar uses.
- (2) Property and buildings in an I-3 Heavy Industrial District, when used for the following purposes shall have the uses thereon conducted in such a manner that all operation, display, or storage of material or equipment is so screened by ornamental fences, walls, and/or permanent evergreen planting that it cannot be seen from a public street.
- a. Automobile salvage or junk yard.
 - b. Building materials salvage yard.
 - c. Junk or salvage yard of any kind.
 - d. Scrap metal storage yard.
- (d) *Height, setback, yard and area regulations.*
- (1) *Minimum lot width.* No minimum.
- (2) *Minimum yards.*
- a. *Front yard.* All buildings shall be set back from the street right-of-way line to provide a front yard having not less than 35 feet in depth, except signs, which may have a zero front setback.
 - b. *Side yard.* No building shall be located closer than 25 feet from a side lot line.
 - c. *Rear yard.* Where a building is to be served from the rear, there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than 30 feet in width or of an adequate area and width to provide for maneuvering of service vehicles, whichever is greater. In all other cases, no building shall be located closer than 25 feet to the rear lot line.
- (3) *Intensity of use.* Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in section division 5 of this article.

- (4) *Maximum structure height.* Where a lot adjoins a dwelling district, the building shall not exceed 45 feet in height, unless it is set back one foot from all front and side yard lines for each foot of additional height above 45 feet.
 - (5) *Parking regulations.* Off-street automobile and vehicle parking and loading areas shall be provided in accordance with section division 5 of this article.
 - (6) *Other.* Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent land uses or the use of adjacent streets, and shall not be of a flashing or intermittent type.
- (Code 1984, § 20-133; Ord. No. 3080, Art. II, § 13, 11-16-1993; Ord. No. 3316, §§ 6, 7, 6-2-1998; Ord. No. 3773, § 2, 3-1-2011)

Secs. 36-134—36-164. Reserved.

DIVISION 3. ADDITIONAL PROVISIONS

Sec. 36-165. Condition of a more restricted district applied to residential uses.

Whenever the specific district regulations pertaining to one district permit residential uses of a more restricted district, such residential uses shall be subject to the conditions as set forth in the regulations of the more restricted district unless otherwise specified.

(Code 1984, § 20-141; Ord. No. 3080, Art. III, § 1, 11-16-1993)

Sec. 36-166. Height.

The regulations herein set forth qualify or supplement as the case may be, the specific district regulations appearing in division 2 of this article.

- (1) *Public or semi-public buildings.* In any district, public or semi-public buildings, such as hospitals, churches, sanitariums or schools, either public or private, where permitted, may be erected to a height not exceeding 75 feet, provided that such buildings shall have yards which shall be increased one foot on all sides for each additional foot that such buildings exceed the specified height limit as established by the regulations of the district in which such buildings are situated.
- (2) *Parapet walls and false mansards.* Parapet walls and false mansards shall not extend more than six feet above the height limit. Flag poles, chimneys, cooling towers, elevator bulkheads, penthouses, finials, tanks, grain elevators, stacks, storage towers, radio transmitter towers, ornamental towers,

monuments, cupolas, domes, spires, standpipes, and the necessary mechanical appurtenances may be erected as to height in accordance with existing or hereafter enacted laws affecting the same.

(Code 1984, § 20-142; Ord. No. 3080, Art. III, § 2, 11-16-1993)

Sec. 36-167. Open space.

(a) *Open space to serve one building.* No open space or lot area required for a building or structure shall, during its life, be occupied by, or counted as open space for, any other building or structure.

(b) *Street right-of-way width.* Where the dedicated street right-of-way is less than 50 feet, the depth of the front yard shall be measured at a starting point 25 feet from the centerline of the street easement, except that the depth of the front yard shall be measured from a starting point on the future right-of-way line for all collector streets and thoroughfares designated in the city comprehensive plan.

(c) *Street access for dwellings.* No dwelling shall be erected on a lot which does not abut on at least one public street except in planned unit developments. A street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress.

(d) *Sight lines at intersections.* On any corner lot on which a front and side yard is required, no wall, fence, sign, or structure, or any plant growth which obstructs sight lines at elevations between two and six feet above the crown of the adjacent roadway shall be placed or maintained within a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of ten feet along said front and side lot lines and connecting the points so established to form a sight triangle on the area of the lot adjacent to the street intersection.

(e) *Yard exceptions:*

- (1) *Rear yards.* No rear yard shall be required in district C-1 to I-2 inclusive on any lot used for business or industrial purpose, where the rear line of which adjoins a railway right-of-way or which has a rear railway track connection. In computing the depth of a rear yard for any residential building where such yard abuts an alley, one-half of such alley may be assumed to be a portion of the rear yard except as to accessory structures, which shall use the edge of the improved alley as the rear yard line starting point.
- (2) *Projections into yard.* Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, chimneys, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall extend into a court more than six inches nor into a required yard more than 30 inches; and provided further that canopies or open porches having a

roof area not exceeding 60 square feet may project a maximum of six feet into the required front yard; and existing open porches extending into the required front yard shall not be enclosed.

An open fire escape may project into a required side yard not more than half the width of such yard, but not more than four feet from the building. Fire escapes, solid floored balconies and enclosed outside stairways may project not more than four feet into a rear yard.

(Code 1984, § 20-143; Ord. No. 3080, Art. III, § 3, 11-16-1993; Ord. No. 3668, § 1, 4-1-2008)

Sec. 36-168. Mobile homes and manufactured housing.

(a) *General.* Mobile homes are permitted only in mobile home parks. Manufactured housing is permitted only in mobile home parks, manufactured housing parks and in R1/MH-R2/MH zoning districts; provided, however, that the city council may allow mobile homes or manufactured housing as temporary housing in the event of a disaster such as tornado or flood. Such temporary housing shall be removed within six months of its original placement. Mobile homes or manufactured housing may be used as temporary offices at construction sites. Such offices shall be removed immediately upon completion of the project.

(b) *Mobile home and manufactured housing parks operating regulations.* For the purposes of this subsection, the term "housing unit" means one mobile home or manufactured housing unit. The term "park" means a mobile home park or manufactured housing park.

- (1) *License.* Park owners shall be required to obtain an annual license in accordance with chapter 48, article II. Parks shall be inspected prior to issuance of annual licenses and owners of manufactured housing parks shall provide documentation of the year of manufacture of each unit in the parks.
- (2) *Insurance.* Park owners shall be required to maintain general liability insurance covering bodily injury and property damage that may result from park operations, with limits of at least \$250,000.00.
- (3) *Permits/inspections.*
 - a. In manufactured housing parks, a set-up permit shall be obtained before a housing unit is installed. The cost of the permit shall be as provided in the city fee schedule. No housing unit shall be occupied until its setup and utility connections have been inspected by the city building inspector and fire department inspector. Skirting shall not be installed until tie downs and utility connections have been inspected.
 - b. Building permits shall be obtained for construction of alterations, additions, decks, buildings and other improvements in parks if such

construction is normally required by city building codes. The owner of the proposed improvements shall be responsible for obtaining the building permits.

- c. City inspectors and code enforcement officers shall have the power to enter parks, at reasonable times, for the purpose of inspection to determine compliance with these regulations and other ordinances of the city.
- (4) *Addresses/registers.* Park owners shall assign an address to each unit in the park, and the letters and/or numbers of said address shall be affixed to the housing units and shall be clearly visible from the street. The owner shall also maintain a current register of the owners and tenants of each housing unit in the park.
 - (5) *Set-up requirements.* Park owners shall be responsible for the following set-up requirements:
 - a. Each housing unit shall be leveled and tied down in accordance with manufacturer's recommendations to prevent uplift and overturn of the units.
 - b. Each housing unit shall have separate electrical, water, sewer and, if available, natural gas hookups. Electrical pedestals shall be at least five feet from the housing units.
 - c. Each housing unit shall have full uniform skirting installed within 30 days of set-up.
 - d. Each housing unit in manufactured housing parks shall have a paved walkway or driveway from the main entrance to the street, and shall have two paved off-street parking spaces, nine feet by 20 feet minimum.
 - (6) Any park which allows the parking of boats, trailers, campers and RVs within the park, shall have at least one parking space for each four housing units as a common parking area for such boats, trailers, campers and RVs, etc.
 - (7) No more than one detached accessory storage building per housing unit shall be permitted and such buildings shall be located at least 20 feet from a street and at least ten feet from any other structure. Said accessory building shall be constructed of standard building materials compatible with the mobile home or manufactured housing unit.
 - (8) Outside storage shall not be permitted in any park, except for licensed vehicles, trailers, boats and RVs.
 - (9) Approved park layouts shall not be changed by adding housing spaces or by diminishing setbacks, fencing or landscaping without prior approval of the city council.

- (10) Park owners shall be responsible for the upkeep and maintenance of park property so as to comply with city ordinances regarding trash removal, weeds, junk, animal control and other nuisances.
- (11) Existing mobile home parks as of July 1, 2000:

MOBILE HOME PARKS

<i>Location</i>	<i>Spaces</i>
828 E. Franklin	22
1603 N. Water	67
700 W. Rogers	25
407 E. Walnut	28
500 E. Sedalia	42
515 E. Pine	9
926 E. Third	25
605 N. 5th Street	4
611 N. Washington	15
600 W. Rogers	10
214 E. Elm	6

(c) *Manufactured housing parks application and development requirements.* For the purposes of this section the term "parks" means manufactured housing parks.

- (1) *Permitted districts.* Parks are permitted as use permitted upon review in R-3 and R-4 zoning districts.
- (2) *Application.* The procedure for uses permitted upon review in section 36-283 shall be followed. The application shall also include the following information:
- Boundary survey and legal description of the park.
 - A layout of the park showing the location and dimensions of individual housing and parking spaces, park streets, fencing and landscaping areas, park office, maintenance and recreation facilities and common parking areas.
 - Owner's proposed park regulations.
 - Proposed schedule of development. If park improvements are to be developed in phases, the phases shall be clearly delineated.
- (3) *Development standards.*
- Minimum area for a park shall be five acres.
 - Density: five units per acre.

- c. Sanitary sewers, storm sewers, water supply, and street lighting shall be provided in accordance with standards and specifications of city subdivision regulations and building codes.
 - d. All structures on park property shall be set back a minimum of 25 feet from public rights-of-way.
 - e. Housing units and their accessory buildings shall be set back a minimum of 20 feet from the curb or pavement edge of private streets and drives.
 - f. There shall be a minimum 20-foot separation between housing units.
 - g. All structures on park property shall be set back a minimum of ten feet from side and rear property lines.
 - h. A landscaped area not less than five feet wide, or a six-foot privacy fence shall be provided around park perimeters abutting residential zoning districts. Landscaping may include trees, hedge or shrubbery. Fence shall be of sturdy construction using standard fencing materials.
 - i. Each housing unit shall be used only as a single-family dwelling.
 - j. Housing units shall not be more than ten years old at time of set-up.
 - k. The maximum height of all structures in a park shall be 25 feet.
 - l. Two off-street parking spaces shall be provided for each housing unit. In addition, a common parking area for boats, trailers, campers and RVs shall be provided at the rate of one space per four housing units if parking of such vehicles is permitted in the park by the park owner. Spaces shall be a minimum of nine feet by 20 feet.
 - m. All streets, driveways and parking areas shall be asphalt or concrete.
 - n. Access to all parks shall be via a public street.
 - o. Private streets in parks shall be at least 22 feet wide and shall have roll back curb and gutter.
 - p. All housing units in parks shall be owner-occupied or owned by park owners.
- (4) *Permits.* Upon approval of the use permitted upon review by the city council, the park owner shall submit construction plans in conformance with the layout for park utilities, streets, storm sewers, parking areas, fencing, landscaping, offices and other facilities. Upon approval of the construction plans, the owner will be issued a permit to begin development of the park. The permit shall be valid only for the approved location and only for the approved layout.

No set-up permit will be issued until all utilities, streets, parking, landscaping and other required park improvements are completed.

(Code 1984, § 20-144; Ord. No. 3412, § 3, 7-18-2000)

Sec. 36-169. Storage and parking of recreational vehicles, trailers and commercial vehicles.

Any recreational vehicles, trailers and commercial vehicles shall not be parked or stored on any lot occupied by a dwelling any unit in a residential district except in accordance with the following provisions:

- (1) In no case shall any vehicle used for hauling explosives, gasoline, liquefied petroleum products, chemicals or other hazardous materials or any major construction type of equipment be permitted.
- (2) In no case shall any vehicle from which offensive odors or noise originates be permitted. Such vehicles are deemed a public nuisance.
- (3) In no case shall any recreational vehicle, hauling or travel trailer or commercial vehicle be permitted to park on public right-of-way for purposes other than delivery.
- (4) The owner of any vehicle which causes damage to be done to public property shall be liable for the cost of repairing said damage or repairing said damage in accordance with city requirements. The liability set forth herein is applicable whether the damage arises from a permitted use or a prohibited use.
- (5) Not more than one recreational vehicle or travel trailer per family living on the premises shall be permitted, provided that no such vehicle shall be used for permanent residential purposes.
- (6) Not more than one hauling trailer, customarily towed behind passenger cars, and not exceeding a box length of 16 feet in length, per family living on the premises shall be permitted.
- (7) Recreational vehicles, travel trailers, and hauling trailers on the basis of one per family living on the premises may be in the side or rear yard of private homes, but not on the street side of a corner lot. Additional such vehicles or trailers may be stored if kept in an enclosed garage. No such vehicles as trailers may be stored on a public street.
- (8) Standing or parked advertising trailers or other such advertising devices are prohibited on any public right-of-way.

(Code 1984, § 20-145; Ord. No. 3080, Art. III, § 5, 11-16-1993)

Sec. 36-170. Swimming pools.

Private swimming pools may be constructed as an accessory use, in conformity with this article; provided, however, that a swimming pool shall not be constructed or erected in front of the front building line and no portion of the pool, equipment, or other facilities related thereto, shall be located closer than eight feet to the side or rear lot line. Swimming pools shall be completely enclosed with a protective barrier, a minimum of 42 inches in height. If gates are installed they shall be equipped with locking devices.

(Code 1984, § 20-146; Ord. No. 3080, Art. III, § 7, 11-16-1993)

Sec. 36-171. Floodplain.

In any flood hazard area designated under the National Flood Insurance Act of 1968, no building or land use permit shall be issued contrary to federal requirements related to new construction, substantial improvements, and/or grading and filling in such areas.

(Code 1984, § 20-147; Ord. No. 3080, Art. III, § 8, 11-16-1993)

Sec. 36-172. Garage sales.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Garage sale means the offering for sale various items of personal property, on property zoned and/or occupied as a residence, the seller being the owner or occupant of said residence.

(b) No person shall conduct a garage sale within the city limits without first obtaining a permit from the city clerk. Permits issued shall be valid for two consecutive days between the hours of 7:00 a.m. to 7:00 p.m.

(c) Garage sale permits shall be displayed in a prominent place on the premises for which the permit was issued.

(d) No more than four garage sales per year, nor more often than one every 60 days, may be held by the same person or at the same location.

(e) Signs advertising garage sales shall not be affixed to or placed on public sidewalks, traffic signs, power poles or other public facilities. Signs shall not be placed off-premises without permission of the property owner upon whose property the sign is placed. Such signs shall not be erected sooner than two days prior to the day of the sale, and all signs shall be removed within 24 hours after the garage sale ends.

(f) The code enforcement officer for the city is hereby authorized to enforce the provisions of this section and is authorized to issue summonses, directing the individual to appear in municipal court, for violations actually observed and occurring in the presence of the code enforcement officer. The code enforcement officer is not authorized to make arrests or given authority not specifically authorized herein.

(Code 1984, § 20-148; Ord. No. 3376, § 1, 8-17-1999; Ord. No. 3380, § 1, 9-21-1999)

Sec. 36-173. Medical marijuana.

(a) *Definitions.* In addition to the definitions found in section 36-87, the following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Cultivation means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana, and any and all associated business and/or operational activities, including the production of clones, immature plants, seeds and other agricultural products.

Dispensing means providing, selling, making available or otherwise distributing marijuana or marijuana products from any facility or location, whether fixed or mobile.

Distribution means the procurement, sale, and transport of marijuana and marijuana products.

Manufacture means to compound, blend, extract, infuse, or otherwise make or prepare a marijuana product.

Medical marijuana means all the parts of the plant of the genus Cannabis whether growing or not, and the seed of such plants that can be administered to treat or alleviate a condition of a medical marijuana qualifying patient.

Medical marijuana cultivation facility means an entity which has been licensed by the state department of health and senior services and operated in compliance with all applicable state rules that cultivates, prepares, manufactures, processes, packages, sells and delivers usable marijuana to a dispensary or a medical marijuana-infused products manufacturing facility.

Medical marijuana dispensary means an entity that has been licensed by the state department of health and senior services to acquire, sell, store, transport, or deliver marijuana or marijuana-infused products, and operated in compliance with all applicable state rules. The term "medical marijuana dispensary" also includes cultivating dispensaries.

Medical marijuana-infused manufacturing or processing facility means an entity which has been licensed by the state department of health and senior services to operate a facility that incorporates medical marijuana (cannabis) by the means of cooking, blending, or incorporation into consumable/edible products.

Medical marijuana qualifying patient means a person who is authorized by the state to obtain and use medical marijuana products, or a primary caregiver of such person, as that term is defined in article XVI of the state constitution.

Medical marijuana transportation facility means a facility certified by the state to transport marijuana or marijuana products to a qualifying patient, a primary caregiver, a medical marijuana cultivation facility, a medical marijuana-infused products manufacturing facility, a medical marijuana dispensary facility, a medical marijuana testing facility, or another medical marijuana transportation facility.

Processing means any method used to prepare marijuana and/or marijuana products for commercial retail and/or wholesale sales, including but not limited to: cleaning, curing, preparation, laboratory testing, manufacturing, packaging and extraction of active ingredients to create marijuana related products and concentrates.

Sell, sale, or to sell includes any transaction whereby, for any consideration, title to marijuana is transferred from one person to another, and includes the delivery of marijuana or marijuana products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of marijuana or marijuana products by a licensee to the licensee from whom such marijuana or marijuana product was purchased.

(b) *Purpose and intent.* The purpose of these regulations is to provide a uniform and comprehensive set of standards for the location and development of facilities intended for the production and distribution of marijuana/cannabis as provided in the state constitution and regulated by the state department of health and senior services. The intent of these regulations is to protect the public health, safety and community welfare while allowing the development of centers for the regulated and controlled production and distribution of cannabis for medical purposes, while ensuring that the provisions of state and city law are met.

(c) *Permitted uses.*

- (1) Medical marijuana/cannabis cultivation centers and medical marijuana infused manufacturing facilities shall be permitted uses in I-1 Restricted Light Industrial, I-2 Light Industrial, and I-3 Heavy Industrial Districts, but only when such operations take place entirely within an enclosed structure.
- (2) Medical marijuana/cannabis dispensaries shall be permitted uses in C-3 General Commercial Districts and C-4 Open Display Commercial Districts.

- (3) Medical marijuana transportation facilities shall be permitted uses in I-1 Restricted Light Industrial, I-2 Light Industrial, and I-3 Heavy Industrial Districts and as conditional uses in C-2/H Central Business/Historic, C-3 General Commercial Districts, and C-4 Open Display Commercial Districts.

(d) *Conformance with regulations.* All marijuana related uses shall conform to and meet all regulations established by the state and the city.

(e) *Signage.* Signage must meet the requirements for the zoning district in which the medical marijuana/cannabis cultivation center, medical marijuana-infused manufacturing facility, or medical marijuana dispensary is located.

(f) *Location.*

- (1) No cultivation center or medical marijuana-infused manufacturing facilities shall be located within 1,000 feet of any school, church, or other building regularly used as a place of worship.
- (2) No medical marijuana dispensary shall be located within 1,000 feet of any school, church, or other building regularly used as a place of worship.
- (3) The establishment of a school, church or place of worship shall not affect the renewal of any existing license or the application for a new license upon change of ownership or otherwise for the previously licensed premises.

(g) *Setback from other cultivation centers and dispensaries.* No cultivation center may be located within 1,000 feet of another cultivation center or a dispensary.

(h) *Perimeter setbacks of structures on a site.* Unless otherwise limited under this chapter, the perimeter setback for a cultivation center shall be the same as that of the zoning district in which it is located.

(i) *Minimum yard requirements.* Unless otherwise limited under this chapter, cultivation centers must meet the requirements for the zoning district in which they are located.

(j) *Parking.* Parking shall be provided in accordance with chapter 36, article IV, division 5.

(k) *Drive-through, take-out or drive-in service.* There shall be no drive-through service, take-out window, or drive-in service at any marijuana related business.

(l) *Enclosed building.* All marijuana cultivation, manufacture, processing or dispensing operations shall be conducted within a completely enclosed building.

(m) *Age and access limitations.* It shall be unlawful for any cultivation center to allow any person who is not at least 18 years of age on the premises. Cultivation centers shall not employ anyone under the age of 21 years. Access shall be limited exclusively to cultivation center staff and local and state officials and those specifically authorized under state law.

(n) *Distance measurement rules.* The distances to be measured in this section shall be determined as follows:

- (1) For all marijuana uses except medical marijuana transportation facilities, distance shall be measured as follows:
 - a. In the case of a freestanding facility, the distance between the facility and the buffered location shall be measured from the external wall of the facility structure closest in proximity to the buffered location to the closest point of the property line of the buffered location. If the buffered location is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the buffered location that is closest in proximity to the facility.
 - b. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the buffered location shall be measured from the property line of the buffered location to the facility's entrance or exit closest in proximity to the buffered location. If the buffered location is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the buffered location that is closest in proximity to the facility.
 - c. Measurements shall be made along the shortest path between the measurement points that can be lawfully travelled by foot along public routes.
- (2) For medical marijuana transportation facilities, distance shall be measured as follows:
 - a. In the case of a freestanding facility, the distance between the facility and the buffered location shall be measured from the property line of the facility to the closest point of the property line of the buffered location.
 - b. In the case of a facility that is a part of a larger structure, such as an office building or strip mall, the distance between the facility and the buffered location shall be measured from the property line of the buffered location and the facility's entrance or exit that is in closest proximity to the buffered location.
 - c. Measurements shall be made along the shortest path between the measurement points that can be lawfully travelled by foot along public routes.

(Ord. No. 4011, 8-6-2019)

Secs. 36-174—36-197. Reserved.

DIVISION 4. PLANNED UNIT DEVELOPMENTS

Sec. 36-198. Purpose.

(a) It is the intent of this division to provide for integrated developments having harmony of design and variety of function. It is not intended to permit a greater density or uses different from those set forth in the regulations or the district in which the development is located, but this division is to provide for a greater flexibility in the design of buildings, yards, courts, and circulation, than would otherwise be possible through the strict application of district regulations, and to produce:

- (1) A maximum choice in the type of environment and living units available to the public.
- (2) Open space and recreation areas.
- (3) A pattern of development which preserves trees, outstanding natural topography, and geological features, and prevents soil erosion.
- (4) A creative approach to the use of land and related physical development.
- (5) An efficient use of land resulting in smaller networks of utilities and streets and thereby lower housing cost.
- (6) An environment of stable character in harmony with surrounding development.
- (7) A more desirable environment than would be possible through the strict application of other sections of this article.

(b) The planned unit development section is designed to provide for small and large scale developments incorporating a single type or a variety of residential and related uses which are planned and developed as a unit. Such developments may consist of individual lots or condominiums with common building sites. Common land must be an essential and major element of the plan which is related to and effects the long-term value of the homes and other development. A planned unit shall be a separate entity with a distinct character in harmony with surrounding development.

(Code 1984, § 20-151; Ord. No. 3080, Art. IV, § 1, 11-16-1993)

Sec. 36-199. Authorization.

A planned unit development may be authorized, provided that all of the following provisions are complied with:

- (1) *Location.* A planned unit development shall be permitted in any district except an A-1 Agricultural Rural Residential District. The zoning for the site must be established based on the type of dwelling units which will be

developed, e.g., R-1, R-2, R-3. For example, when a mixture of townhouses, duplexes and single-family-detached might be proposed and intermingled the underlying zoning would need to be at least R-3.

- (2) *Design characteristics.* The proposed planned unit development shall be designed to provide for the unified development of the area in accordance with the spirit and purpose of the district in which the unit is located. The design may provide for modification of yard, setback and height requirements, but the uses, density, and intensity of the use for the district shall not be reduced. Where the proposed planned unit development is in a district permitting residential uses the design may provide for one or more dwelling types.
- (3) *Minimum site size.* The minimum recommended size of the site upon which a planned unit development shall be located shall not be less than five acres for residential developments, 40 acres for industrial, educational, medical and other types of institutional developments, and not less than three acres for commercial development. The city planning commission may vary said minimum site size where such an alteration is in the best interest of the community, and where the public health, safety and welfare will be preserved.
- (4) *Off-street parking.* The off-street parking requirements set forth in section division 5 of this article may be complied with by providing one or more permanent, common off-street parking facilities for all uses within the development, provided that the facility contains the requisite number of spaces for each use, and that the spaces provided for permanent residents shall be clearly designated and separated from spaces provided for employees, customers, and services. The total spaces provided shall not be less than the sum of the individual requirements and the spaces required for each use, and shall be under the permanent control of the owners of the use for which the spaces are required.
- (5) *Site development plan.* The applicant shall submit a site development plan of the proposed planned unit development in support of the application. Said plan and application shall be considered the same as a rezoning request and the same procedures shall be followed concerning application, city planning commission review and public hearings. Approval of the plan by the city planning commission and the city council shall also constitute approval of a preliminary plan for the planned unit development as required under the subdivision chapter. Upon such approval, the letters PUD followed by an identifying number shall be affixed to the appropriate part of the city's official zoning district map. The plan may provide for staged development of the project, and if so, it shall be indicated on the plan.
- (6) *Contents of the site development plan.* The site development plan shall consist of maps and text which contain:
 - a. Name of the planned unit development.

- b. Name, address and phone number of the applicant.
 - c. Name, address and phone number of land planners, engineers, architects or landscape architects preparing the plans.
 - d. Sufficient surrounding area to demonstrate the relationship of the planned unit development to adjoining uses, both existing and proposed.
 - e. Existing topographic character of the site with no greater than two foot contour intervals based on U.S.G.S. datum.
 - f. Boundary survey showing measurements and legal description.
 - g. Proposed land uses, including public areas and open spaces and the approximate location of buildings and other structures.
 - h. The density of dwelling units. Density shall be expressed in number of dwelling units and quantitative area of each identifiable segment of the proposed planned unit development.
 - i. The approximate location of streets, drives, off-street parking and loading areas.
 - j. An explanation of the character of the proposed planned unit development.
 - k. The expected schedule of development.
 - l. Approximate location of parking areas and parking ratio.
 - m. The following plans and diagrams, insofar as the city planning commission finds that the planned unit development creates special problems of traffic parking, landscaping or economic feasibility may be required:
 - 1. A circulation diagram indicating the proposed movement of vehicles, goods, and pedestrians within the planned unit development to and from existing thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or ensure the safety of this circulation pattern must be shown.
 - 2. A landscaping and tree planting plan.
 - 3. An economic feasibility report or market analysis.
 - n. Statement of intent to comply with all ordinances of the city.
- (7) *Number of permitted dwelling units.* It is the intent of this section that the aggregate density and intensity of use within the planned unit development remain the same as that which would be permitted if the area were developed conventionally, but that within the planned unit development the permitted

number of dwelling units may be reallocated irrespective of use district lines or lot lines. The maximum number of permitted dwelling units with a planned unit development shall be computed as follows:

- a. Permitted dwelling units equal residential area of the PUD divided by minimum land area per dwelling unit permitted in the applicable use district.
 - b. The residential area for the purposes of the above described computation shall be the gross area of the planned unit development less the lot area or areas designated for any use other than dwellings, quasi-dwellings, residential open space and recreation areas. The minimum land area per dwelling unit for the purposes of the above described computation shall be the least restrictive minimum land area per dwelling unit permitted in the applicable district. If the planned unit development is within two or more use districts, the permitted density shall be the sum of the permitted dwelling units computed separately for the residential area within each district.
- (8) *Commercial and industrial uses.* Except as provided in subsection (9) of this section, commercial and industrial uses in planned unit developments shall be permitted only in areas zoned to permit such uses.
- (9) *Accessory commercial developments.* Where located on a site with residential uses, commercial uses may be considered accessory uses customarily incident to the residential uses included within the planned unit development. The aggregate floor area of the commercial facilities shall not exceed 50 square feet per dwelling unit nor a total of 30,000 square feet. Each commercial establishment shall be limited to a maximum of 3,500 square feet in floor area. The commercial area shall be designed primarily for the service, convenience, and benefit of the residents of the planned unit development, and shall be designed and located in such a manner as to be compatible with the residential use of the planned unit development and adjacent properties.
- (10) *Height limitation.* Within any planned unit development, the maximum height shall be determined by the city planning commission with due consideration to the district in which the planned unit development is to be located and the spirit of this article.
- (11) *Perimeter requirements.* In all residential areas, no portion of a building or structure shall be closer than 15 feet to a perimeter property line of the entire tract or 25 feet to a street right-of-way. In all nonresidential areas, no portion of a building or structure shall be closer than 25 feet to a perimeter property line of the entire tract.
- (12) *Final plat required.* A final plat of the planned unit development shall be required and shall be in compliance with the subdivision regulations.

- (13) *Homes association.* The developer shall provide for a home association if other satisfactory arrangements have not been made for improving, operating and maintaining common facilities including streets, drives, service and parking areas, and recreation areas.
 - (14) *Commencement of construction of accessory commercial uses where associated with residential uses.* Where it is the intent of the applicant to combine commercial and residential uses on the same site, as provided in subsection (9) of this section, no commercial construction shall commence until at least one-fourth of the total residential units called for in the site development plan are under construction.
 - (15) *Time limit.* The construction of the planned unit development shall be started within 18 months of the effective date of approval of the plan by the city council. Failure to begin the development of the plan within said 18 months shall automatically void the development plan and the property covered by the plan shall revert to the same zoning classification which existed immediately preceding the approval in connection therewith. Upon reasonable grounds being shown therefor, and when so requested in writing and by personal appearance, the city planning commission may extend the 18 months for such additional periods as the city planning commission may deem proper under the circumstances.
 - (16) *Amendments.* Minor changes in the final plat of the planned unit development may be authorized by the city planning commission upon a review of the proposed amended subdivision plan, incorporating such changes, so long as substantial compliance is maintained with the site development plan and the purposes and standards of the planned unit development provisions thereof. Changes which would represent a significant departure from the site development plan shall require filing of a new application for planned unit development.
 - (17) *Filing fee.* To defray partially the costs of notification and administration procedures, there shall be paid to the city clerk at the time the planned unit development application is made a fee, as provided in the city fee schedule.
- (Code 1984, § 20-152; Ord. No. 3080, Art. IV, § 2, 11-16-1993)

Secs. 36-200—36-221. Reserved.

DIVISION 5. OFF-STREET AUTOMOBILE AND VEHICLE PARKING AND LOADING

Sec. 36-222. General intent and application.

It is the intent of these requirements that adequate parking and loading facilities be provided off the street for each use within the city, except those non-residential

uses located in district C-2/H Central Business/Historic District, in the form of private garages, carports or open areas made available exclusively for that purpose. Requirements are intended to be based on the demand created by each use. Such parking spaces shall be located entirely on private property with no portion except the necessary drives extending into any street or other public way. Parking shall be provided in quantities stated in other sections of this division.

(Code 1984, § 20-161; Ord. No. 3080, Art. V, § 1, 11-16-1993; Ord. No. 3263, § 1, 5-20-1997)

Sec. 36-223. Location.

The off-street parking lot shall be located within 200 feet, exclusive of street and alley widths of the principal use and shall have direct access to a street or alley except as otherwise provided herein.

(Code 1984, § 20-162; Ord. No. 3080, Art. V, § 2, 11-16-1993)

Sec. 36-224. Joint parking facilities.

Whenever two or more uses are located together in a common building, shopping center, or other integrated building complex, the parking requirements may be complied with by providing a permanent common parking facility, cooperatively established and operated, which contains the requisite number of spaces for each use. The total number of spaces provided shall not be less than the sum of the individual requirements. Spaces provided for permanent residents of dwellings shall be clearly designated and separated from spaces provided for employees, customers, and service. Spaces provided for multiple-family uses shall have ingress and egress via a private drive. Such spaces shall not require backing out into a public street.

(Code 1984, § 20-163; Ord. No. 3080, Art. V, § 3, 11-16-1993)

Sec. 36-225. Ownership or control of lot.

The land upon which the off-street parking lot is located, except in C-2/H Central Business/Historic District, shall be owned or controlled by the same entity which owns or controls the land on which the principal use is located.

(Code 1984, § 20-164; Ord. No. 3080, Art. V, § 4, 11-16-1993; Ord. No. 3263, § 1, 5-20-1997)

Sec. 36-226. Amount off-street parking and loading required.

(a) Off-street parking and loading facilities shall be provided in all districts except C-2/H Central Business/Historic District, in accordance with the following schedule:

- (1) Dwelling: Two parking spaces for each dwelling unit in one-or two-family buildings, and 1½ parking spaces for each dwelling unit in multifamily buildings of three or more units.

- (2) Boardinghouses or roominghouse or hotel: One parking space for each two guests provided overnight accommodations in a roominghouse or boardinghouse and one parking space for each room or unit in a hotel.
- (3) Dormitory: One space for two residents provided overnight accommodations.
- (4) Hospitals: One space for each four patient beds, exclusive of bassinets, plus one space for each staff or visiting doctor, plus two spaces for each three employees per shift including nurses, plus adequate area for the parking of emergency vehicles.
- (5) Medical or dental clinics or offices: Seven spaces per doctor plus two spaces for each three employees.
- (6) Mobile home: Two parking spaces for each unit.
- (7) Convalescent or nursing homes: One space for each six patient beds plus one space for each staff or visiting doctor plus two spaces for each four employees including nurses per shift.
- (8) Community center, theater, auditorium: One parking space for each five seats, based on maximum seating capacity.
- (9) Convention hall, lodge, club, library, museum, place of amusement or recreation: One parking space for each 50 square feet of floor area used for assembly or recreation in the building.
- (10) Office building: One parking space for each 250 square feet of gross floor area in the building, exclusive of storage rooms.
- (11) Commercial establishment not otherwise classified: One parking space for each 200 square feet of gross space in the building, exclusive of basement storage areas.
- (12) Industrial establishments: Adequate area to park all employees' and customers' vehicles at all times and adequate space for loading, unloading, and storing all vehicles used incidental to or part of the primary operation of the establishment, but not less than one parking space for each two employees, no less than one parking space for each 1,000 square feet of floor area.
- (13) Church sanctuary: One parking space for each five seats, based on maximum seating capacity; provided, however, that churches may establish joint parking facilities for not to exceed 50 percent of the required spaces, with public institutions and agencies that do not have a time conflict in parking demand. The joint parking facility shall be located not to exceed 400 feet from the church sanctuary.
- (14) Restaurants: One parking space for each 2½ seats.
- (15) General retail stores: One parking space for each 150 square feet of retail area.

(16) Laundries/cleaners: One space for each full time employee on the maximum shift plus one space for each 300 square feet of retail area.

(17) Furniture, carpet, antique stores: One parking space for each 400 square feet of retail area.

(b) For all uses not covered in subsection (a) of this section, the city planning commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirements for the permitted use.

(c) Off-street loading berths for nonresidential uses shall be provided in accordance with the following:

OFF-STREET LOADING BERTHS

<i>Size of Establishment (gross area square feet)</i>	<i>Berths</i>	
	<i>Required Number</i>	<i>Size (ft.)</i>
1,000—20,000	1	(10 × 25)
20,000—25,000	2	(10 × 25)
25,000—40,000	2	(10 × 50)
40,000—100,000	3	(10 × 50)
100,000—250,000	4	(10 × 50)

For each additional 20,000 square feet or fraction thereof, one additional berth shall be added at the size of (ten by 25) feet.

(Code 1984, § 20-165; Ord. No. 3080, Art. V, § 5, 11-16-1993; Ord. No. 3263, § 1, 5-20-1997; Ord. No. 3395, §§ 1—3, 1-18-2000; Ord. No. 3669, § 1, 4-1-2008)

Sec. 36-227. Dimensions of parking areas.

(a) Parking stall dimensions shall be not less than 8½ by 20 feet plus the necessary space for maneuvering into and out of the space. For standard parking lots minimum cross dimensions shall be as follows:

- (1) 90 degree pattern single loaded aisle—42 feet wheel stop to opposite curb.
- (2) 90 degree pattern double loaded aisle—60 feet wheel stop to wheel stop.
- (3) 60 degree pattern single loaded aisle—40 feet wheel stop to opposite curb.
- (4) 60 degree pattern double loaded aisle—56 feet wheel stop to wheel stop.
- (5) 45 degree pattern single loaded aisle—34 feet wheel stop to opposite curb.
- (6) 45 degree pattern double loaded aisle—47 feet wheel stop to wheel stop.
- (7) Parallel space—nine by 23 feet each space.

(b) Minimum distance between wheel stops on bumper to bumper parking shall be seven feet.

(Code 1984, § 20-166; Ord. No. 3080, Art. V, § 6, 11-16-1993)

Sec. 36-228. Improvement of driveways and parking areas.

Prior to the issuance of an occupancy permit, driveways and parking areas shall be improved as follows:

- (1) In all zoning districts, driveways from the street surface to the property line shall be surfaced with permanent asphalt or concrete paving meeting city standards.
- (2) In multifamily, commercial and industrial districts, driveways and parking areas shall be surfaced with permanent asphalt or concrete paving meeting city standards.
- (3) A temporary occupancy permit may be issued prior to paving of driveways and parking areas provided the following conditions are met: The owner obtains a bona fide bid to pave the driveways and parking areas and obtains a performance bond or letter of credit in the amount of the bid guaranteeing the paving within one year from the date of the temporary occupancy permit.
- (4) In commercial and industrial districts, areas not required for parking and loading in section 36-226, and developed for truck turn-around and temporary truck parking, need not be surfaced with permanent asphalt or concrete.

(Code 1984, § 20-167; Ord. No. 3080, Art. V, § 7, 11-16-1993; Ord. No. 3235, § 1, 8-6-1996; Ord. No. 3395, § 4, 1-18-2000; Ord. No. 3439, § 1, 4-17-2001)

Sec. 36-229. Access to parking areas, garages, carports.

Driveways used for ingress and egress shall be paved from the street to the property line and shall not exceed 30 feet in width, except for industrial parks which shall not exceed 60 feet in width, exclusive of curb returns. Where culverts are used, clean-outs shall be at 25-foot intervals.

(Code 1984, § 20-168; Ord. No. 3080, Art. V, § 8, 11-16-1993; Ord. No. 3141, § 1, 11-15-1994)

Sec. 36-230. Head-in parking.

Head-in parking in all districts, except C-2/H Central Business/Historic District, from the public right-of-way shall not be permitted.

(Code 1984, § 20-169; Ord. No. 3080, Art. V, § 9, 11-16-1993; Ord. No. 3263, § 1, 5-20-1997)

Sec. 36-231. Lighting of parking areas.

Any lights used to illuminate the parking area shall be arranged, located or screened to direct light away from any adjoining or abutting residential district and on-coming traffic on a public street.

(Code 1984, § 20-170; Ord. No. 3080, Art. V, § 10, 11-16-1993)

Sec. 36-232. Additional parking requirements.

(a) No parking area or driveway serving one- and two-family dwellings shall be located within two feet of an adjoining lot line. Parking areas or customary driveways in the required yards abutting streets shall not exceed 35 percent of the area of those yards for one- and two-family dwellings.

(b) In districts C-O to C-5 inclusive, no parking area shall be permitted within ten feet of a street line. Such setback area shall be graded and planted with grass and shrubs or trees to the extent that it will constitute a finished lawn.

(c) All parking lots and drives leading thereto, except those serving single-family and two-family dwellings, shall have curbs and drainage facilities approved by the director of public works. Where greater setback requirements do not prevail, the back of the curb or a paved parking area shall not be closer than six feet to a property line, except that in a planned unit development, the planning commission may permit a lesser setback where similar development on an adjoining lot will produce a satisfactory relationship.

(d) The planning commission may require that a parking area be screened on any side where it may adversely affect adjacent property, by a wall, screen planting or fence of a height that the commission deems adequate.

(e) A portion of the parking area required under this division may remain unimproved until such time as the city council deems it must be improved to serve the parking demand adequately. Such delayed improvement may be permitted only after the commission is satisfied that the initial occupancy of the premises will be adequately served by the lesser number of spaces and only after approval of a final development plan indicating clearly the location, pattern and circulation to and from the delayed parking spaces. The land area so delineated for future parking shall be brought to finished grade, be landscaped, and shall not be used for building, storage, loading or other purposes.

(f) The planning commission, in specific cases, may require that any screen planting, fence or wall around a parking lot shall be set back from a street if such setback will prevent adverse effects upon the appropriate use of adjacent property, or will prevent a traffic hazard, but provided that such setback need not be greater than the respective front or side yard requirement in that district.

(Code 1984, § 20-171; Ord. No. 3080, Art. V, § 11, 11-16-1993)

Secs. 36-233—36-257. Reserved.**DIVISION 6. NONCONFORMING BUILDINGS, STRUCTURES AND USES OF LAND****Sec. 36-258. Nonconforming buildings and structures.**

A nonconforming building or structure existing at the time of adoption of the ordinance from which this division is derived may be continued and maintained except as otherwise provided in this section.

- (1) *Alteration or enlargement of buildings and structures.* A nonconforming building or structure shall not be added to or enlarged in any manner unless said building or structure, including additions and enlargements, is made to conform to all of the regulations of the district in which it is located; provided, however, that if a building or structure is conforming as to use, but nonconforming as to yards or height or off-street parking space, said building or structure may be enlarged or added to provided that the enlargement or addition complies with the yard and height and off-street parking requirements of the district in which said building or structure is located. No nonconforming building or structure shall be moved in whole or in part of another location on the lot unless every portion of said building or structure is made to conform to all of the regulations of the district in which it is located.
- (2) *Restoration of damaged building.* A nonconforming building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake or other calamity or act of God or the public enemy, to the extent of not more than 50 percent of its value, exclusive of foundations, may be restored and the occupancy or use of such building, structure or part thereof, which existed at the time of such partial destruction, may be continued or resumed, provided that such restoration is prosecuted to completion. In the event such damage or destruction exceeds 50 percent of the value, exclusive of foundation of such nonconforming building or structure, no repairs or reconstruction shall be made unless every portion of such building or structure is made to conform to all regulations for new buildings in the district in which it is located, except as provided in section 20-214(2)d; provided, however, that any building or structure that is nonconforming due to off-street parking requirements, and is conforming in every other respect, may be restored regardless of the extent of damage.
- (3) *Building vacancy.* A nonconforming building, structure, or portion thereof, which is or hereafter becomes vacant and remains unoccupied as to its use for a continuous period of one year, shall not thereafter be occupied except by a

use which conforms to the use regulations of the district in which it is located. An indication of being vacant and unoccupied could include, but shall not be limited to, not having utility services.

- (4) *Change in use.* A nonconforming use of a conforming building or structure (i.e., commercial use in a dwelling, etc.) shall not be expanded or extended into any other portion of such conforming building or structure or changed except to a conforming use. If such a nonconforming use of a portion thereof is discontinued or changed to a conforming use, any future use of such building, structure, or portion thereof shall be in conformity with the regulations of the district in which such building or structure is located. A vacant or partially vacant nonconforming building or structure may be occupied by a use for which the building or structure was designed or intended if occupied within a period of one year after the effective date of the ordinance from which this division is derived.

(Code 1984, § 20-181; Ord. No. 3080, Art. VI, § 1, 11-16-1993)

Sec. 36-259. Nonconforming uses of land.

(a) A nonconforming use of land, where the aggregate value of all permanent buildings or structures is less than \$2,000.00, existing at the time of adoption of this division, may be continued for a period of not more than three years therefrom; however:

- (1) Such nonconforming use may not be extended or expanded.
- (2) If such nonconforming use or any portion thereof is discontinued for a period of one month, or changed, any future use of such land, or change in use, shall be in conformity with the provisions of the district in which such land is located.

(b) A nonconforming use of land existing at the time of the adoption of the ordinance from which this section is derived which consists of a mobile home or manufactured housing unit not being located in a mobile home park or in an R1-R2/MH zoning district may be continued, however:

- (1) Said nonconforming use may not be changed, extended, or expanded.
- (2) If said nonconforming use or any portion thereof is abandoned, discontinued for one month or more, or removed from the lot or parcel, then any future use of the land shall be in conformity with the regulations and provisions of the district in which said land is located and the land may no longer be used for mobile homes or manufactured housing.

(Code 1984, § 20-182; Ord. No. 3080, Art. VI, § 1, 11-16-1993; Ord. No. 3304, § 3, 2-3-1998)

Secs. 36-260—36-281. Reserved.

DIVISION 7. ADMINISTRATION

Sec. 36-282. Building permit, land use permit, or certificate of occupancy required.

This article shall be enforced by the director of public works, or his authorized representative, appointed by the city. It shall be a violation of this article for any person to change or permit the change in the use of land or buildings or structures or to erect, alter, move or improve any building or structure until a building permit, land-use permit, or certificate of occupancy has been obtained under the following conditions:

- (1) *Building permits.* Whenever any structure or building is to be improved, or erected, moved, or structurally altered a building permit shall be obtained from the director of public works. The director of public works may require every applicant for a building permit to furnish the following information:
 - a. A plot plan, drawn to scale, showing the exact size, shape and dimension of the lot to be built upon, the exact size and location on the lot of all existing buildings and structures, and the exact size and location on the lot of the structure or building proposed to be repaired altered, erected, or moved, and the size, arrangement, number of parking stalls, movements of vehicles and ingress and egress drives for all off-street parking and loading facilities.
 - b. A declaration of the existing and intended use of each existing and proposed building or structure on the lot and the number of families and housekeeping units which each existing and proposed building is designed to accommodate.
 - c. Additional information relating to the proposed improvement needed to determine compliance with these regulations.
 - d. A survey prepared by a land surveyor registered in the state of the boundaries and elevation of the lot in which the improvement is proposed to be located may be required.
- (2) *Land use permits.* No open, vacant or unimproved land shall be used for any purpose permitted under this article other than agricultural without first obtaining a land use permit from the director of public works or his duly authorized representative.
- (3) *Certificate of occupancy.*
 - a. No change shall be made in the use of any land or building or structure after the passage of the ordinance from which this article is derived until a certificate of occupancy is obtained from the director of public works

certifying that all of the provisions of this article are complied with. Whenever a building permit is issued for the erection of a new building or structure, an occupancy permit shall be required.

- b. No nonconforming use shall be renewed or changed without a certificate of occupancy having first been issued by the director of public works.
 - c. All certificates of occupancy shall be applied for coincident with the application for a building or land use permit. The certificate shall be issued within ten days after the erection or alteration has been approved, as complying with the provisions of this article.
 - d. The director of public works shall maintain a record of all certificates and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.
 - e. No permit for excavation for, or the erection of, or major repairs to any building shall be issued until an application has been made for a certificate of occupancy.
- (4) *Filing; forms; fees.* Applications for building, land use or other permits shall be filed with the director of public works upon forms prescribed, setting forth the legal description of the lot, tract or parcel of land, together with a general description of any buildings or structure to be constructed, erected or altered thereon, including the approximate size and shape, square foot area, and cubic content, principal material of construction, location of the building or structure upon the lot, tract or parcel, and the intended use.
- a. No permit shall be issued for any building, structure, construction or use of land unless the same be in conformity in every respect with all the provisions of this article and all other applicable ordinances of the city.
 - b. The director of public works shall be empowered to act within the provisions of this article, upon all applications for R-1 or R-2 zone building permits, and the same shall be approved or denied not later than the seventh business day succeeding the day of filing; R-3 or higher not to exceed 30 business days. In the event of the denial of a permit upon application, the applicant shall be notified of the right of appeal to the board of adjustment.
 - c. For each building permit issued there shall be charged and collected from the applicant, a fee, in accordance with the schedule specified in chapter 8, article II.
 - d. The fee for a land use permit shall be as provided in the city fee schedule, plus a fee, as provided in the city fee schedule, for each \$100.00 of cost of improvements to the property other than buildings or structures for which building permits are issued, provided the cost of grading or grubbing and clearing shall not be included in this fee calculation.

- e. There shall be a separate permit for each building or structure to be constructed, erected, or altered, except accessory buildings and appurtenances which may be included in the permit of the main building when construction is simultaneous.
 - f. A permit may be revoked by the director of public works at any time prior to the completion of the building or structure for which the same was issued, when it shall appear that there is departure from the plans, specifications or conditions as required under terms of the permit, that the same was procured by false representation, or that any of the provisions of the zoning code are being violated. Upon the failure, refusal or neglect of any owner, his agent, contractor or duly authorized representative to secure such permit and pay the prescribed fee therefrom, as herein provided, the director of public works may issue a written stop order served upon the building or structure for which such permit was issued, and thereafter no such construction shall proceed.
- (5) *Certificate of appropriateness.* Issued by the historic preservation commission to certify that proposed construction or reconstruction of structures in the C-2/H district will comply with approved standards (see section 36-128(d)(6)).
- (Code 1984, § 20-191; Ord. No. 3080, Art. VII, § 1, 11-16-1993; Ord. No. 3263, § 3, 5-20-1997)

Sec. 36-283. Conditional uses.

(a) *General.* The uses listed under the various zoning districts as "conditional uses permitted on review" are so listed because they may more intensely dominate an area than do permitted uses, notwithstanding the use may be desirable in the zoning district with certain conditions.

(b) *Procedure.*

- (1) An application for conditional use permit shall be filed by the owner of the property on which the use will be conducted (or with the owner's consent). The application shall include a map or drawing showing the location of the proposed conditional use and an application fee as provided in the city fee schedule.
- (2) Within 60 days after receipt of the application a public hearing will be conducted by the city planning commission in consideration of the application. A public notice of the hearing shall be published in the local daily newspaper at least ten days prior to the date of the hearing.
- (3) The applicant shall be responsible for mailing by certified mail a copy of the public hearing notice to all property owners within 185 feet of the location of the proposed conditional use and to provide written proof of mailing to the

commission, together with records of the county assessor showing ownership of property within 185 feet of the subject property, as measured from the outer boundary of the subject property perpendicular from the boundary, or from the tangent of a curve in the event of a curved boundary.

- (4) After the public hearing, the planning commission shall make recommendation to the city council to approve, approve with conditions or deny the application.

(c) *Approval/permit.* The city council shall consider the application and the planning commission's recommendations and may authorize issuance of a conditional use permit to the applicant by passing an ordinance stipulating the specific use, specific location, and any other conditions deemed necessary to protect the essential character of the neighborhood.

(d) *Expiration, non-transferable, revocation.*

- (1) A conditional use permit shall automatically expire if, after one year from the date of issuance, the applicant has failed to take the steps necessary to begin the authorized activities or, if once begun the authorized use is abandoned by the permittee for a period of six months.
- (2) A conditional use permit may not be transferred from the original applicant or from the original location.
- (3) A conditional use permit may be revoked at any time by the city council if the permittee fails to abide by the conditions of the permit.

(Code 1984, § 20-192; Ord. No. 3447, § 2, 6-5-2001)

Sec. 36-284. Amendments.

(a) *General.* The zoning regulations, restrictions and district boundaries may be amended from time to time in accordance with the provisions of this section.

(b) *Public hearing, notice.* Amendments shall not become effective until after a public hearing in relation thereto. Public notice of the time and place of such hearing shall be published in a newspaper of general circulation in the city at least 15 days prior to the hearing. In addition, applicants for amendments to a zoning district boundary or for a rezoning of land shall be responsible for mailing notices of such hearing to property owners within an area determined by lines drawn parallel to, and 185 feet distant from, the district or parcel of proposed change. Such notices shall explain the proposed change and shall be mailed by certified mail, return receipt, at least ten days prior to the hearing. The mailing list and receipts shall be filed with the planning and zoning commission secretary or the city clerk.

(c) *Application.*

- (1) Applications for amendments shall be made on forms provided by the city and shall be accompanied by a fee as established by the city council, plus the publication cost.
- (2) Applications to amend zoning district boundaries or rezone land may be made by the owner, or agent of the owner, of the district or parcel of proposed change; or may be initiated by the city administrator on behalf of the city council or planning commission. Applications to amend zoning regulations or text of the zoning ordinance may be made by any interested party.
- (3) Applications will not be scheduled for a public hearing until the following information is submitted:
 - a. Fully completed and signed application form and application fee.
 - b. Map and legal description of land to be zoned or rezoned.
 - c. Verification of ownership of land to be zoned or rezoned.
 - d. A statement regarding the intended use of the property.
 - e. Proposed development schedule.
 - f. Site plan (required for all sites except sites in the A-1 and R-1 zoning districts. If zoning is being considered in conjunction with a subdivision application, the preliminary plat will serve as the site plan).
 - g. Comments from the state department of transportation for sites adjacent to a state highway.
 - h. Traffic study (may be required depending on location, size and type of development).

(d) *Site plan requirements.* The site plan shall include the following data, details and supporting plans that are relevant to the proposal. The applicant shall note the reason for any omissions.

- (1) Site plans shall be prepared by a registered land surveyor to a scale of one inch equals 20 inches on 24-inch by 36-inch sheets with continuation on 8½ inches by 11 inch sheets as necessary for written information.
- (2) Name of project, developer, locus map, property boundary lines, existing and proposed streets, rights-of-way and easements.
- (3) Location and size of existing and proposed utilities, including stormwater drainage and retention.
- (4) Location, dimensions and proposed use of buildings with setbacks from property lines and between structures.
- (5) Location and dimensions of driveways, parking and loading areas, sidewalks, fences and trash disposal facility.

- (6) Location and dimensions of landscaping.
- (7) Approved site plans shall remain valid for a period of two years. Upon request and for good cause, the planning and zoning commission and city council may extend this term for one year.

(e) *Review.* The city planning and zoning commission shall consider the application and conduct a public hearing at the time and date specified. Any hearing may, for good cause, at the request of the applicant or in the discretion of the planning and zoning commission, be continued. Upon the final hearing, the commission shall review the testimony and information presented, consider the impact the proposed amendment may have on public health, safety, morals and the general welfare, and shall recommend to the city council approval of the application, approval with modifications or conditions, or denial of the application. The application and the recommendation of the planning and zoning commission shall be submitted to the city council for final approval or denial. In case of a protest against an amendment, duly signed and acknowledged by the owners of 30 percent or more, of the areas of the land (exclusive of streets and alleys) included in the proposed change, or within an area determined by lines drawn parallel to, and 185 feet distant from, the boundaries of the district or land of the proposed change, then such change shall not become effective except by the favorable vote of two-thirds of all the members of the city council.

(f) *Building permits.* Building permits shall not be issued for developments that do not conform to site plans approved with the zoning application. Changes to a site plan must be reviewed by the planning and zoning commission and approved by city council.

(Code 1984, § 20-193; Ord. No. 3080, Art. VII, § 3, 11-16-1993; Ord. No. 3252, § 1, 1-21-1997)

Sec. 36-285. Classification of new annexations.

All new annexations of land to the city after the effective date of the ordinance from which this article is derived shall be classified as an A-1 Agriculture Rural Residential District, unless otherwise classified by the city council. Within a period of time not to exceed one year from the effective date of the ordinance annexing said addition, the city planning commission shall study and make recommendations concerning the use of land within said annexation to promote the general welfare and in accordance with the comprehensive city plan and upon receipt of such recommendations the city council shall, after public hearings as required by law, establish the district classification of said annexation; provided, however, that this shall not be construed as preventing the city planning commission and the city council from holding public hearings prior to annexation and establishing the district classification at the time of said annexation.

(Code 1984, § 20-194; Ord. No. 3080, Art. VII, § 4, 11-16-1993)

Sec. 36-286. Official zoning map.

(a) The boundaries of the zoning districts are hereby established as shown on the official zoning map. This map shall have applied thereon:

- (1) The date of adoption by the city council.
- (2) The signature of the mayor and the city clerk.

(b) The official zoning map for the city shall be filed in the office of the city clerk. The official zoning map may be amended in accordance with section 36-284.

(Code 1984, § 20-195; Ord. No. 3080, Art. VII, § 5, 11-16-1993)

Sec. 36-287. Violation and penalty.

(a) In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of RSMo 89.010 to 89.140 or of this article, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by the director of public works who is empowered to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of this article.

(b) The owner or general agent of a building or premises where a violation of any provision of this article has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, building, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable by a fine of not less than \$10.00 and not more than \$100.00 for each and every day that such violation continues, but if the offense be willful on conviction thereof, the punishment shall be a fine of not less than \$100.00 or more than \$250.00 for each and every day that such violation shall continue or by both such fine and imprisonment in the discretion of the court.

(c) Any such person who having been served with an order to remove any such violation shall fail to comply with said order within ten days after such service of shall continue to violate any provision of the regulations made under authority of RSMo 89.010 to 89.140, in the respect named in such order shall also be subject to a civil penalty of \$250.00.

(Code 1984, § 20-196; Ord. No. 3080, Art. VII, § 6, 11-16-1993)

Sec. 36-288. Invalidity of a part of article.

In case any portion of this division shall be held to be invalid or unconstitutional, the remainder of the division shall not thereby be invalid, but shall remain in full force and effect.

(Code 1984, § 20-197; Ord. No. 3080, Art. VII, § 7, 11-16-1993)

Sec. 36-289. Saving clause.

All rights or remedies are expressly saved as to any and all violations any previous zoning ordinance of amendments thereto that have accrued at the time of the effective date of the ordinance from which this division is derived; and that all existing violations of previous zoning ordinances which would otherwise become nonconforming uses under this division, but shall be considered as violations of this division in the same manner that they were violations of prior zoning ordinances of the city.

(Code 1984, § 20-198; Ord. No. 3080, Art. VII, § 8, 11-16-1993)

Secs. 36-290—36-311. Reserved.

DIVISION 8. BOARD OF ADJUSTMENT

Sec. 36-312. Created.

There is hereby created within and for the city a board of adjustment with the powers and duties as hereinafter set forth.

(Code 1984, § 20-211; Ord. No. 3080, Art. VIII, § 1, 11-16-1993)

Sec. 36-313. Membership.

(a) The board of adjustment shall be composed of five members, freeholders, citizens of the city, each appointed by the mayor with the approval of the city council for a term of five years; provided, however, that the terms of the existing board of adjustment, appointed to staggered terms in accordance with the provisions of RSMo ch. 89, shall continue. Three alternative members may also be appointed to serve in the absence of or the disqualification of the regular members.

(b) The city clerk shall be considered a non-voting ex officio member of the board of adjustment and shall serve as secretary of the board.

(c) Members of the city council, city planning commission, the director of public works, city attorney, city engineer or other municipal officials shall not be appointed to the board of adjustment.

(d) Board of adjustment members, once appointed, can thereafter be removed only for cause, upon written charges, and after a public hearing. Vacancies shall be filled by the appointing authority for the unexpired term of any member whose office becomes vacant.

(e) The board shall elect a chairperson and an acting chairperson from its membership, who shall serve for a term of office of one year.

(Code 1984, § 20-212; Ord. No. 3080, Art. VII, § 2, 11-16-1993)

Sec. 36-314. Rules of procedure; meetings.

The board of adjustment shall adopt rules of procedure in accordance with the provisions of this division and the state statutes governing their operation. Meetings of the board of adjustment shall be held at the call of the chairperson and at such other times as the board of adjustment may determine. Such chairperson, or in his absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board of adjustment shall be open to the public. The board of adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board of adjustment and shall be public record. All testimony, objections thereto and rulings thereon, shall be taken down by the secretary or a recorder employed by the board of adjustment for that purpose.

(Code 1984, § 20-213; Ord. No. 3080, art. VIII, § 3, 11-16-1993)

Sec. 36-315. Powers and duties.

(a) The board of adjustment shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official of the city in the enforcement of chapter 36, article V and the city building codes, chapter 8.

(b) Where there are practical difficulties or unnecessary hardship carrying out the strict letter of the zoning and building codes, the board may, when passing on appeals, vary or modify the application of any of the above regulations or provisions relating to the construction or alteration of structures or the use of land, so that the spirit of the zoning and building codes shall be observed, the public safety and welfare secured and substantial justice done.

(c) In exercising the abovementioned powers, the board may, in conformity with the city zoning and building codes, reverse or affirm wholly or partially, or may modify the order, requirement, decision or determination appealed from; and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken.

(d) The concurring vote of four members shall be necessary to reverse any order, requirement, decision or determination of such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass to effect any variation in the zoning or building codes.

(Code 1984, § 20-214; Ord. No. 3080, Art. VIII, § 4, 11-16-1993; Ord. No. 3505, § 1, 2-4-2003)

Sec. 36-316. Appeals.

(a) Appeals to the board of adjustment may be taken by any person aggrieved or any officer, department, board or bureau of the city affected by any decision of the director of public works in the interpretation and enforcement of this division.

(b) Appeals to the board of adjustment shall be taken within 30 days from the date of the decision by filing with the director of public works from whom the appeal is taken and with the city clerk a notice of appeal specifying the grounds thereof, and by paying a filing fee as provided in the city fee schedule at the office of the city clerk at the time the notice is filed. No portion of the filing fee shall be refunded and any expenditures in excess of the filing fee, incurred by the board of adjustment incidental to the processing of the appeal, shall be billed to the applicant or petitioner.

(c) Notice of such hearing shall be published in one issue of a newspaper of general circulation within the city, such notice to be published at least 15 days prior to date of said hearing before the board of adjustments. In addition to such public notice, and at least 15 days prior to the hearing, the applicant shall be responsible for mailing notices of appeal being requested to all the owners of lands located within 185 feet of the property upon which the appeal request is being made. Such mailed notice shall be given by certified mail, return receipt requested, and shall be in the form of a letter explaining the proposed appeal, thus providing an opportunity to all interested parties to be heard.

(d) The director of public works from whom the appeal is taken shall forthwith transmit to the board of adjustment certified copies of all the papers constituting the record of said matter together with a copy of the ruling or order from which the appeal is taken.

(e) An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to lives or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown.

(f) The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

(g) The board of adjustment shall not rehear an appeal once decided unless it is shown by the appellant that all pertinent facts of the case were not brought before the board of adjustment at the public hearing, and that for some reason he was prevented from presenting such facts; or that the facts of the case have materially changed since the public hearing.

(Code 1984, § 20-215; Ord. No. 3080, Art. VIII, § 5, 11-16-1993)

Sec. 36-317. Appeal to circuit court.

(a) Any person, jointly or separately aggrieved by any decision of the board of adjustment, or any officer, department, board or bureau of the city, may present to the circuit court of the county in which the property affected is located, a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the board of adjustment.

(b) Upon the presentation of such petition, the court may allow a writ of certiorari directed to the board of adjustment to review such decision of the board of adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, but shall not be less than ten days and may be extended by the court.

(c) The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due course shown, grant a restraining order.

(d) The board of adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show grounds of the decision appealed from and shall be verified.

(e) If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take additional evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his finding of fact and conclusions of law, which shall constitute a part of the proceedings upon which a determination of the court shall be made. The court may reverse or affirm, wholly, or partly, or may modify the decision brought up for review.

(f) Costs shall not be allowed against the board unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.

(Code 1984, § 20-216; Ord. No. 3080, Art. VIII, § 6, 11-16-1993)

Secs. 36-318—36-337. Reserved.

ARTICLE V. HISTORIC PRESERVATION COMMISSION

Sec. 36-338. Created; membership.

There is hereby created a historic preservation commission consisting of five members, citizens of the city, each appointed by the mayor of the city, with the approval of the city council. Each member shall serve a four-year term, with initial members having a term of one year, two years, three years, four years and four years, staggered so the member terms will be overlapping. Two alternate members may be appointed to serve in the absence or disqualification of regular members.

(Code 1984, § 20-225; Ord. No. 3264, § 1, 5-20-1997; Ord. No. 3477, § 1, 5-21-2002; Ord. No. 3860, § 1, 9-3-2013)

Sec. 36-339. Establishment of standards.

The first order of business shall be for the historic preservation commission to promulgate rules and regulations establishing standards consistent with this article and with applicable provisions of state law to promote the historic character of the C-2/H district, their value as places of unique interest and character, and for the preservation of features of historical significance and promotion of harmonious exterior architectural features. The commission shall submit to the city council for approval such proposed standards within 30 days of such meeting. Upon approval by the city council, by resolution or ordinance, such standards shall be filed with the city clerk and made available for public inspection.

(Code 1984, § 20-226; Ord. No. 3264, § 1, 5-20-1997)

Sec. 36-340. Duties and responsibilities.

It shall be the duty of the commission to examine plans for the construction, reconstruction or alteration of external features of any structure in the C-2/H district. The commission shall hear comments of the applicant, the owner of the lot upon which the structure will be constructed, reconstructed or altered, together with any other persons desiring to be heard. The commission shall issue a certificate of appropriateness to the applicant, provided it finds the plans in conformity with the standards established by the commission and approved by the city council. Upon receipt of the certificate of appropriateness the applicant may apply for a building

permit to begin said construction, reconstruction or alteration. Should the commission disapprove the plans, it shall suggest to the applicant changes which will bring the plans into conformity with the standards.

(Code 1984, § 20-227; Ord. No. 3264, § 1, 5-20-1997; Ord. No. 3458, § 1, 8-21-2001)

Secs. 36-341—36-368. Reserved.

ARTICLE VI. COMMUNICATIONS TOWERS

Sec. 36-369. Standards.

To the extent this article is inconsistent with any other provision of this chapter, as it relates to communications towers, the provisions of this article shall control. Communications towers shall be subject to the following standards.

Sec. 36-370. Intent and purpose.

(a) The purpose of this article is to regulate the placement, construction and modification of communications towers, support structures and antennas in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the city. This section is intended to:

- (1) Provide for the appropriate location and development of telecommunications facilities and systems to serve the citizens and businesses of the city;
- (2) Minimize adverse visual impacts of communications antennas and support through the careful design, siding, landscape screening and innovative camouflaging techniques;
- (3) Maximize the use of existing and new support structures so as to minimize the need to construct new or additional facilities;
- (4) Maximize the collocation of facilities on any new support structures;
- (5) Ensure that any new communications tower or structure is located in an area compatible with the neighborhood or surrounding community to the extent possible;
- (6) Ensure that regulation of communications towers and structures does not have the effect of prohibiting the provision of personal wireless services and does not unreasonably discriminate among functionally equivalent providers of such service;

(b) This section will be interpreted and enforced in compliance with the requirements of RSMo 67.5092 through 67.5104, 47 CFR 1.40001, and any applicable federal or state limitations on local regulation.

Sec. 36-371. Legislative findings.

(a) On February 8, 1996, Congress enacted the Federal Telecommunications Act of 1996 P.L. No. 104-104. The purpose of the Act included deregulation of the telecommunications industry and providing a more competitive environment for wired and wireless telecommunications services in the United States.

(b) The Telecommunications Act of 1996 preserves the authority of the city to regulate the placement, construction and modification of towers and antenna support structures and to protect the health, safety and welfare of the public.

(c) The city has been granted the authority to enact legislation to regulate the construction, placement and operation of telecommunications towers and antennas pursuant to its zoning powers established in RSMo ch. 89, as amended. State statute and additionally pursuant to its general and specific police powers established by statute authorizing the regulations herein to protect the public health, safety and welfare.

(d) The Federal Communications Commission (FCC) has exclusive jurisdiction over:

- (1) The regulation of the environmental effects of radio frequency emissions from telecommunications facilities, and
- (2) The regulation of radio signal interference among users of the radio frequency spectrum.

(e) Consistent with the Telecommunications Act of 1996, the regulations of this article will not have the effect of prohibiting the provision of personal wireless services and do not unreasonably discriminate among functionally equivalent providers of such service. The regulations also impose reasonable restrictions to protect the public safety and welfare and ensure opportunities for placement of antennas with prompt approval by the city. The section does not attempt to regulate in areas within the exclusive jurisdiction of the FCC.

(f) The uncontrolled proliferation of towers in the city is threatened without adoption of new regulations, and diminished property values, harmed aesthetic quality of the city, and threat to the health, safety and welfare of the public would all result from lack of regulation.

Sec. 36-372. General requirements.

(a) *Applicability.* The requirements set forth in this article shall be applicable to all communications towers, antennas and other support structures installed, built or modified after the effective date of the ordinance from which this section is derived the full extent permitted by law, except with respect to collocations which shall be governed by subsection (3)k12 of this section.

(b) *Building codes, safety standards and zoning compliance.* The design for a communications tower shall bear the seal of a structural engineer licensed and in good standing with the state. The structural engineer shall certify that the owner has been designed such that in the event of structural failure, it shall only fall on the property upon which it has been erected and shall not fall on any neighboring property. To ensure the structural integrity of antenna support structures, the owner shall see that it is constructed and maintained in compliance with all standards contained in applicable state and local building codes and the applicable standards published by the Electronics Industries Association, as amended from time to time. In addition to any other approvals required by this section, no antenna, tower or support structure shall be erected without verification of zoning compliance and issuance of a building permit.

(c) *Regulatory compliance.* All antennas and support structures shall meet or exceed current standards and regulations of the FAA, FCC and any other of state or federal agency with the authority to regulate communications antennas and support structures. Should such standards or regulations be amended, then the owner shall bring such devices and structure into compliance with the revised standards or regulations within the time period mandated by the controlling agency. No approval for any placement, construction or modification of any antenna or structure permitted by this article shall be granted for any applicant having an uncured violation of this article or any other governmental regulatory requirement related to such antenna or structures within the city.

(d) *Security fences and walls.* A fence or wall not less than seven feet in height from finished grade shall be constructed around each communications tower and around each guy anchor and peripheral support. The fence or wall shall comply with the following standards:

- (1) Access to the tower shall be through a locked gate in the required fence or wall.
- (2) If the communications tower is adjacent to a residential zoning district or a lot occupied by a residential dwelling unit, the required fencing shall consist of a masonry wall or solid fence with trees and shrubs planted along the exterior of the fence or wall. At least one tree and one shrub shall be required for each 30 linear feet of fence or wall line.
- (3) If high voltage is necessary for the operation of the communications tower and if it is present in a ground grid or in a tower, signs located every 20 feet and attached to the fence or wall shall display in large bold letters the following: "HIGH VOLTAGE—DANGER."

(e) *Airport approach paths.* Communications towers shall not encroach into or through any established public or private airport approach path as established by the Federal Aviation Administration (FAA).

(f) *Security.* All antennas and support structures shall be protected from unauthorized access by appropriate security measures. A description of proposed security measures shall be provided as part of any application to install, build or modify antennas or support structures.

(g) *Interpretation.* This article will be interpreted and enforced in compliance with the requirements of RSMo 67.5092 through 67.5104 and 47 CFR 1.40001, and any applicable federal or state limitations on local regulation.

(h) *Lighting.* Antennas and support structures shall not be lighted unless required by the FAA or other state or federal agency with authority to regulate, in which case a description of the required lighting scheme will be made a part of the application to install, build or modify the antennas or support structure. Equipment cabinets and shelters may have lighting only as approved by the city council as part of the conditional use permit approval.

(i) *Removal of obsolete and unused towers.* All obsolete or unused communications towers shall be removed within 12 months of cessation of use.

(j) *Advertising.* Except for disguised antenna support structure in the form of attachment to an existing and otherwise lawfully permitted pylon sign, the placement of advertising on structures regulated by this article is prohibited.

(k) *Design.*

- (1) Communications towers, except towers owned or operated by the city, shall not exceed 100 feet unless approved by a conditional use permit.
- (2) No two towers, except towers owned or operated by a government entity, shall be located within a 1,000-foot radius. The distance shall be calculated from the center of the base of the tower.
- (3) The design of the tower, compound and building mounted antennas shall maximize use of building materials, colors, textures, screening and landscaping that effectively blend the communications facilities within the surrounding natural setting and built environment.
- (4) Landscaping or sight proof fencing shall be required around the base of the communications tower and around ancillary structures as indicated on a sketch plan. Landscaping shall be required to effectively screen ancillary structures from adjacent development and roadways. Landscaping shall include evergreen trees a minimum of six feet in height. The evergreen trees shall be planted ten feet on center.
- (5) Communications towers, excluding stealth towers, shall be set back from any public right-of-way a minimum of 50 feet. Stealth towers shall be set back from a public right-of-way the minimum setback required by the zoning district in which the tower is located.

- (6) All towers, disguised support structures, and related structures, fences and walls shall be separated from the property line of any adjacent property at least a distance equal to one-half of the height of the tower or structure.
- (7) Antennas on structures, including signage, shall be painted or treated to match the structure to which they are attached. Antennas shall not exceed five feet above the structure unless additional height is authorized in the conditional use permit approving the antennas.
- (8) On-site parking for periodic maintenance and service shall be provided as all antenna or tower locations consistent with the underlying zoning district.

(l) *Shared use.* All new communications towers shall be constructed to accommodate at least one additional user. Collocation on towers shall be encouraged; the applicant for a permit for a communications tower shall submit a report to show that no viable collocation site exists to meet the applicant's coverage requirement. The report shall address all the existing towers within one mile of the proposed tower location and shall indicate the reasons the existing tower cannot include the proposed tower/antenna for collocation. The report shall include RF frequency coverage map for the proposed tower and the existing towers within the one-mile radius. The report shall be signed and certified by an electrical frequency engineer.

(m) *Obsolete equipment.* Any antenna or other attachment to a communications tower which is not in use for a period of six months or more shall be removed by the tower owner.

(n) *Commercial operation of unlawful tower or antennas.* Notwithstanding any right that may exist for a governmental entity to operate or construct a tower or structure, it shall be unlawful for any person to erect or operate for any private commercial purpose on any antenna, tower or disguised support structure in violation of any provision of this article.

(o) *Permitted use.* The placement of antennae and equipment are permitted in all zoning districts without conditional use permit only as follows:

- (1) The attachment, antenna or equipment is a "collocation," as that term is defined in RSMo 67.5092, and as amended.
- (2) The mounting of antennae on any existing building or structure, such as a water tower, provided that the presence of the antennas is concealed by an architectural elements or fully camouflaged by painting a color identical to the surface to which they are attached.

(p) *Application procedures.* Applications for permits for placement of allowed antennae and equipment shall be made on appropriate forms to the director of public works or their designee and accompanied by payment as provided in the city fee schedule or such other fee as may be established by the city council.

- (1) A detailed site plan, based on a closed boundary survey of the host parcel, shall be submitted indicating all existing and proposed improvements

including buildings, drives, walkway, parking areas and other structures, public right-of-way, the zoning categories of the subject and adjoining properties, the location of and distance to off-site residential structures, required setbacks, required buffer and landscape areas, hydrologic features and the coordinates and height of existing or proposed tower.

- (2) The application shall be reviewed by the director of public works or his designee to determine compliance with the above standards and transmit the application for review and comment by other departments and public agencies as may be affected by the proposed facility.
- (3) The director of public works, or their designee shall issue a decision on the permit within 45 days of the date of application of the application shall be deemed approved unless the time period for review and action was extended pursuant to this article. The director or his designee may deny the application or approve the application as submitted or with such modifications as are, in his judgment, reasonably necessary to protect the safety or general welfare of the citizens consistent with the purpose of this article.
- (4) A decision to deny an application shall be made in writing and state the specific reasons for the denial.
- (5) Appeals. Appeals shall be made in the same manner as otherwise provided for the appeal of administrative decisions.

(q) *Conditional use permit required.* All proposals to install, build or modify a communications tower or an antenna or support structure not permitted by subsection (o) of this section shall require the approval of conditional use permit following a duly advertised public hearing by the planning commission, subject to the following limitations:

- (1) Applications of conditional use permits shall be filed and processed subject to the requirements of and in the manner and time frame as established in section 36-283. A decision shall be accompanied by substantial evidence supporting the decision, which shall be made a part of the written record of the meeting at which a final decision on the application is rendered. Evidence shall be under oath and may be submitted with the application or thereafter or presented during the public hearing by the applicant or others. The fee for application for a conditional use permit under this subsection shall be as provided in the city fee schedule.
- (2) Additional minimum requirements. No conditional use permit shall be issued unless the applicant has clearly demonstrated by substantial evidence that placement of an antenna or support structure pursuant to subsection (k)(7) of this section is not technologically or economically feasible. The commission may consider current or emerging industry standards and practices among other information, in determining feasibility.

- (3) Final action on conditional use permits shall be taken within 120 days, except for applications for substantial modifications as defined in RSMo 67.5092, and as amended, which shall require final action within 45 days.

(r) *Deficient applications.* Any applicant for collocation whose application is insufficient shall be notified of that fact within 15 days. Any other applicant whose application is insufficient shall be notified within 30 days.

Chapter 37

RESERVED

Chapter 38

SECURITY PATROL

Article I. In General

- Sec. 38-1. Definitions.
- Sec. 38-2. License required.
- Sec. 38-3. Patrol business classified as detective agency.
- Secs. 38-4—38-24. Reserved.

Article II. Operator's Permit

- Sec. 38-25. Required.
- Sec. 38-26. Application.
- Sec. 38-27. Permit not transferable.
- Sec. 38-28. Revocation.
- Sec. 38-29. Issuance of revoked permit.
- Sec. 38-30. Company name to be painted on vehicle.
- Secs. 38-31—38-48. Reserved.

Article III. Security Patrolperson's Permit

- Sec. 38-49. Required.
- Sec. 38-50. Fee and qualifications.
- Sec. 38-51. Investigation of applicant.
- Sec. 38-52. Renewal of permit.
- Sec. 38-53. Revocation.

ARTICLE I. IN GENERAL**Sec. 38-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Security patrol means the patrol by a private individual or firm of the exterior premises of places of business property or residences in the city, at the request of the owners thereof and pursuant to written contract therewith.

(Code 1975, § 635.020; Code 1984, § 22-1)

Sec. 38-2. License required.

No person shall engage in the business of operating a security patrol without first obtaining a license therefor, as provided under chapter 48.

(Code 1975, § 635.010; Code 1984, § 22-16)

Sec. 38-3. Patrol business classified as detective agency.

For the purpose of this chapter and chapter 48, a security patrol business shall be in the same category as a detective agency and shall pay the same annual license fee as a detective agency and shall be under all provisions of chapter 48.

(Code 1975, § 635.030; Code 1984, § 22-17)

Secs. 38-4—38-24. Reserved.**ARTICLE II. OPERATOR'S PERMIT****Sec. 38-25. Required.**

Licenses for operators and owners of security patrols shall be issued by the city but not until the applicant therefor has obtained a permit to operate such a business as provided in this article.

(Code 1975, § 635.040; Code 1984, § 22-18)

Sec. 38-26. Application.

Applications for operator's permits under this article shall be made to the city clerk. These applications shall be verified under oath and shall set forth:

- (1) A full identification of the applicant and all persons to be directly or indirectly interested in the permit, if granted;
- (2) The residence and business address and the citizenship of the applicant and all members of any firm or partnership, and all officers and directors of any corporation applying;

- (3) Whether or not the applicant or any of the persons to be interested in the permit, if granted, has pled guilty to, nolo contendere (or similar no fault plea) to, or has been convicted of the violation of any national, state or municipal law;
 - (4) The past experience, if any, that the applicant has had in rendering this service to any municipality;
 - (5) Whether or not any permit issued to him has been revoked, and if so, the circumstances of the revocation;
 - (6) Show proof of acceptability by a bonding company licensed to do business in the state; and
 - (7) Such further information as the city council may require.
- (Code 1975, § 635.050; Code 1984, § 22-19)

Sec. 38-27. Permit not transferable.

No operator's permit issued under this article or any interest therein shall be transferred from one owner to another, except by approval of the city council in the same manner as in the case of the original application. The applicant for the transfer of a permit shall file with his application the consent, in writing, of the former owner of the permit and shall comply with all the terms and provisions of this chapter.

(Code 1975, § 635.060; Code 1984, § 22-20)

Sec. 38-28. Revocation.

(a) After five days' notice to the person holding a permit to operate security patrol service and a hearing, if requested in writing within the five-day period, the city council shall recommend any permit to be revoked for any of the following reasons:

- (1) The violation of any provisions of this chapter;
- (2) When it has been proved to the satisfaction of the city council that the holder of such permit has discontinued operation;
- (3) That such person or his employees has willfully violated any law or ordinance; or
- (4) Whenever it appears that a permit or license issued under this article has been obtained by misrepresentation or fraud.

(b) The person whose permit has been revoked shall forthwith cease to operate the security patrol for which the permit has been revoked.

(Code 1975, § 635.070; Code 1984, § 22-21)

Sec. 38-29. Issuance of revoked permit.

Whenever a permit to operate security patrols has been revoked by the city council for any reason set forth in section 38-28, no permit shall again be issued to such person unless the city council by resolution so orders.
(Code 1975, § 635.080; Code 1984, § 22-22)

Sec. 38-30. Company name to be painted on vehicle.

Every motor vehicle used in patrol operations shall have the name of the company painted thereon in a conspicuous manner.
(Code 1975, § 635.090; Code 1984, § 22-23)

Secs. 38-31—38-48. Reserved.**ARTICLE III. SECURITY PATROLPERSON'S PERMIT****Sec. 38-49. Required.**

(a) It shall be unlawful for any person to act as a security patrolperson without having a permit therefor. These permits shall be applied for in writing and verified under oath on such forms as the city clerk may provide, with the approval of the city council, and shall give such information as the city clerk may require, including without limitation, the following:

- (1) The applicant's name, age and residence, race, height, color of eyes and hair, nationality, place of birth, citizenship, length of time he has resided in the city and marital status; and
- (2) Whether the applicant has ever been convicted of or pled guilty to, nolo contendere (or similar no fault plea) to a felony or misdemeanor giving the particulars of each case.

(b) Applications for patrolperson's permits shall be accompanied by at least one recent photograph of the applicant, of such size as may be required by the city clerk.
(Code 1975, § 635.100; Code 1984, § 22-36)

Sec. 38-50. Fee and qualifications.

Each person who makes application for security patrolperson's permit shall pay a fee as provided in the city fee schedule, and shall meet the following qualifications:

- (1) Each person who makes an application for a patrolperson's permit, which application states that the applicant intends to be a security patrol employee, authorized to carry a firearm, shall be at least 21 years of age. Such persons who make application for a patrolperson's permit, not authorized to carry firearms, shall be at least 18 years of age;

(2) They shall not be addicted to the use of intoxicating liquors or drugs; and

(3) If they are required to operate a motor vehicle, they shall have a valid operator's license as required by law.

(Code 1975, § 635.110; Code 1984, § 22-37; Ord. No. 2825, § 1, 5-19-1987)

Sec. 38-51. Investigation of applicant.

Before issuing a permit to a security patrolperson, the city council shall investigate the facts set out in the application and shall not grant a permit to any person pled guilty to, nolo contendere (or similar no fault plea) to, or has been convicted of a violation of any of the criminal laws of any state defined as a felony or has served any part of any sentence for a felony offense within five years of the date of his application, if, when considering the case and all other relevant data, in the opinion of the city council, the applicant is not qualified to serve as a security patrolperson in the city. The permit shall be valid for a period of one year. On the issuance of any permit by the city, there shall also be issued a card to be of such size and design as may be prescribed and which shall bear on its face a photograph of the permittee, the number of his permit, the expiration date thereof, and such other information as the city council may direct. The original permit containing the photograph and other data of the permittee shall at all times be kept on the person of the patrolperson.

(Code 1975, § 635.120; Code 1984, § 22-38)

Sec. 38-52. Renewal of permit.

A security patrolperson's permit may be renewed from year-to-year by the city council if the permittee makes application and the city council approves the application by appropriate endorsement. The fee for renewal shall be as provided in the city fee schedule. Application form shall be furnished by the city clerk and shall show the date of which the original permit was granted and the number thereof, together with such other facts deemed necessary by the city council.

(Code 1975, § 635.130; Code 1984, § 22-39)

Sec. 38-53. Revocation.

Any permit granted under this article may be revoked by the city council, after five days' notice to the person holding the permit and after a hearing before the city council, if requested in writing within the five-day period by the person holding such permit, on a showing that the permittee has violated any of the provisions of this chapter or that he is not fit to be a security patrolperson.

(Code 1975, § 635.140; Code 1984, § 22-40)

Chapter 39

RESERVED

Chapter 40

SIGNS AND ADVERTISING

- Sec. 40-1. Unlawful within public rights-of-way.
- Sec. 40-2. Unlawful to put signs on property of another.
- Sec. 40-3. Community points of interest signs may be approved by the city council.

Sec. 40-1. Unlawful within public rights-of-way.

It is unlawful for any person to write, paint or print any sign, advertisement or other writing within or upon any public right-of-way in the city.

(Code 1975, § 235.020; Code 1984, § 23-1)

Sec. 40-2. Unlawful to put signs on property of another.

It shall be unlawful for any person to post, stick or affix any signs, posters or bills upon any building, window, or other property of another without the permission of the owner first had and obtained.

(Code 1975, § 235.050; Code 1984, § 23-3)

Sec. 40-3. Community points of interest signs may be approved by the city council.

(a) Off-premises signs for community points of interest may be approved at the discretion of the city council, with points of interest to be determined by the city council. Sign design must meet all requirements established for way finding signs, as approved by the city council.

(b) A completed application (provided by the city) for sign approval shall include size and location of sign being requested. A fee as provided in the city fee schedule shall be assessed and collected at the time of approval. Final approval for installation of the sign being requested shall not be granted until all requirements for design, size and location, as set forth by the city council, have been met.

(c) The city shall install all signs approved for right-of-way locations. The entity requesting the sign shall be responsible for all costs associated with the initial sign materials and future maintenance, repairs, re-installation or removal.

(Ord. No. 3839, § 1, 12-4-2012)

Chapter 41

RESERVED

Chapter 42

SOLID WASTE*

Article I. In General

- Sec. 42-1. Definitions.
- Sec. 42-2. Prohibited practices.
- Secs. 42-3—42-22. Reserved.

Article II. Collection, Storage and Disposal

- Sec. 42-23. Contracting for services authorized.
- Sec. 42-24. Director to make rules and regulations.
- Sec. 42-25. Transfer station.
- Sec. 42-26. Mandated; standards.
- Sec. 42-27. Hazardous wastes.
- Sec. 42-28. Composting facility.
- Sec. 42-29. Containers required.
- Sec. 42-30. Time for placement of containers for collection and removal after collection.
- Sec. 42-31. Bulky rubbish.
- Sec. 42-32. Tree limbs and yard wastes.
- Secs. 42-33—42-50. Reserved.

Article III. Waste Haulers

Division 1. Generally

- Sec. 42-51. Ownership of collected solid wastes.
- Sec. 42-52. Storage of containers.
- Sec. 42-53. Responsibilities of collectors.
- Secs. 42-54—42-79. Reserved.

Division 2. Transportation

- Sec. 42-80. Commercial haulers license.
- Sec. 42-81. Vehicle standards.
- Sec. 42-82. Hauling grading and excavation debris.
- Sec. 42-83. Demolition and construction wastes.
- Secs. 42-84—42-109. Reserved.

***State law references**—Municipal authority to provide for the collection of garbage and refuse, RSMo 71.680, 71.690; solid waste disposal, RSMo 260.200 et seq.

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Division 3. Permits and Inspection

- Sec. 42-110. Business license required; exception.
- Sec. 42-111. Liability insurance required.
- Sec. 42-112. Inspection.
- Sec. 42-113. Suspension or revocation; extensions of time.
- Sec. 42-114. Appeals.

ARTICLE I. IN GENERAL**Sec. 42-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved incinerator means an incinerator which complies with all of the current regulations of the responsible local and state air pollution control agencies.

Bulky rubbish means nonputrescible solid wastes consisting of combustible and/or noncombustible waste materials from dwelling units, commercial, industrial, institutional or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors, with the equipment available therefor.

Collection means the removal of solid waste from its place of storage to the transportation vehicle.

Commercial hauler mean a business or individual engaged in the collection of or the hauling of solid waste for hire.

Demolition and construction waste means waste materials from the construction or destruction of residential, industrial or commercial structures.

Director means the director of the solid waste management program of the city, or his authorized representative.

Disposable solid waste container means disposable containers with a capacity of 20 to 35 gallons specifically designed for storage of solid waste.

Dwelling unit means any room or group of rooms located within a structure, forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.

Garbage means putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food.

Hazardous wastes include, but are not limited to, pathological wastes, explosive wastes, pesticides, pesticide containers or toxic or radioactive materials.

Multiple housing facility means a housing facility containing more than two dwelling units under one roof.

Occupant means any person who, alone or jointly or severally with others, is in actual possession of any dwelling unit or of any other improved real property, either as its owner or as a tenant.

Processing includes incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

Refuse means solid waste.

Solid waste means unwanted or discarded waste materials in a solid or semisolid state, including, but not limited to, garbage, ashes, street refuse, rubbish, dead animals, animal and agricultural wastes, yard wastes, discarded appliances, special wastes, industrial wastes and demolition and construction wastes. Types of solid waste include:

- (1) *Commercial solid waste* means solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment, and multiple housing facilities with more than three dwelling units.
- (2) *Residential solid waste* means solid waste resulting from the maintenance and operation of dwelling units, excluding multiple housing facilities with more than three dwelling units.

Solid waste container means a receptacle used by any person to store solid waste during the interval between solid waste collections.

Solid waste disposal means the process of discarding or getting rid of unwanted material, in particular the final deposition of solid waste by man.

Solid waste management means the entire solid waste system of storage, collection, transportation, processing and disposal.

Storage means keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

Transportation means the transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

Yard wastes means grass clippings, leaves and tree trimmings.
(Code 1984, § 24-1; Ord. No. 2486, § 1, 9-2-1975; Ord. No. 3954, 4-18-2017)

Sec. 42-2. Prohibited practices.

It is unlawful for any person to:

- (1) Deposit solid waste in any solid waste container other than his own, without the written consent of the owner of such container and/or, with the intent of avoiding payment of the service charge for solid waste collection and disposal;
- (2) Interfere in any manner with solid waste collection and transportation equipment, or with solid waste collectors in the lawful performance of their duties;

- (3) Burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency;
 - (4) Dispose of solid waste at any facility or location which is not approved by the city and the state division of health;
 - (5) Engage in the business of collecting, transporting, processing or disposing of solid waste within the city limits without a city business license.
- (Code 1984, § 24-3; Ord. No. 2486, § 8, 9-2-1975)

Secs. 42-3—42-22. Reserved.

ARTICLE II. COLLECTION, STORAGE AND DISPOSAL

Sec. 42-23. Contracting for services authorized.

The city may provide for collection service by contracting with a person, county, or other city or a combination thereof, for the entire city or portions thereof, or may provide for collection service in any other fashion deemed to be in the best interests of the city.

(Code 1984, § 24-66; Ord. No. 2486, § 3.1, 9-2-1975)

State law reference—Municipal authority to contract for the collection and disposal of solid waste, RSMo 260.215(3).

Sec. 42-24. Director to make rules and regulations.

(a) The director shall make, amend, revoke and enforce reasonable and necessary rules and regulations governing, but not limited to:

- (1) The preparation, drainage and wrapping of garbage deposited in solid waste containers;
- (2) The specifications for solid waste containers, including the type, composition, equipment, size and shape thereof;
- (3) The identification of solid waste containers and the covers thereof, and the equipment thereto appertaining, if any;
- (4) The weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers;
- (5) The storage of solid waste in solid waste containers;
- (6) The sanitation, maintenance and replacement of solid waste containers;
- (7) The transportation, processing and disposal of solid waste;
- (8) Processing facilities and fees for the use thereof;
- (9) Disposal facilities and fees for the use thereof;

(10) Records of the quantity and type of wastes received at processing and/or disposal facilities; and

(11) The handling of special wastes such as toxic wastes, sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.

(b) A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the city clerk.

(Code 1984, § 24-2; Ord. No. 2486, § 7, 9-2-1975)

Sec. 42-25. Transfer station.

Fees shall be as provided in the city fee schedule.

(Code 1984, § 24-5; Ord. No. 2499, § 1, 11-4-1975; Ord. No. 2672, § 1, 8-18-1981; Ord. No. 2691, § 1, 1-19-1982; Ord. No. 2840, § 1, 9-15-1987; Ord. No. 2861, 2-2-1988; Ord. No. 2938, § 1, 9-4-1990; Ord. No. 3301, § 1, 1-20-1998; Ord. No. 3471, § 1, 2-5-2002; Ord. No. 3582, § 1, 8-16-2005; Ord. No. 3837, 11-6-2012; Ord. No. 3840, 12-4-2012; Ord. No. 3954, 4-18-2017)

Sec. 42-26. Mandated; standards.

Solid wastes shall be deposited at a processing facility or disposal area complying with all requirements of the state division of health.

(Code 1984, § 24-106; Ord. No. 2486, § 5.1, 9-2-1975)

Sec. 42-27. Hazardous wastes.

The disposal of hazardous wastes shall meet all local, state and federal regulations.

(Code 1984, § 24-107; Ord. No. 2486, § 5.2, 9-2-1975)

Sec. 42-28. Composting facility.

The composting facility shall receive only grass clippings, leaves, limbs, brush, garden vegetation and similar yard wastes.

(Code 1984, § 24-108; Ord. No. 3684, 7-15-2008)

Sec. 42-29. Containers required.

(a) The occupant of every dwelling unit and of every institutional, commercial, business, industrial or agricultural establishment producing solid waste within the corporate limits of the city shall provide sufficient and adequate containers for the storage of all solid waste, except bulky rubbish and demolition and construction waste, to serve each such dwelling unit and/or establishment, and to maintain such solid waste containers at all times in good repair.

(b) All solid waste to be collected shall be placed in proper leakproof and waterproof solid waste containers with secure lids, except as otherwise provided herein, and the owners thereof shall maintain these solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times.

(Code 1984, § 24-46; Ord. No. 2486, §§ 2.1, 2.2, 9-2-1975)

Sec. 42-30. Time for placement of containers for collection and removal after collection.

Solid waste containers shall not be placed at the curb for collection until the regularly scheduled collection day. Containers shall be removed from the curb before the end of the scheduled collection day.

Sec. 42-31. Bulky rubbish.

The city transfer station will accept bulky rubbish in the manner prescribed in the transfer station policy.

(Code 1984, § 24-68; Ord. No. 2486, §§ 3.2, 3.4, 9-2-1975)

Sec. 42-32. Tree limbs and yard wastes.

(a) Tree limbs less than four inches in diameter and brush shall be securely tied in bundles not larger than 48 inches long and 18 inches in diameter when not placed in storage containers. The weight of any individual bundle shall not exceed 75 pounds.

(b) Yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of the wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights-of-way. The weight of any individual container and contents shall not exceed 75 pounds.

(Code 1984, §§ 24-49, 24-50, 24-69; Ord. No. 2486, §§ 2.5, 2.6, 3.3, 9-2-1975)

Secs. 42-33—42-50. Reserved.

ARTICLE III. WASTE HAULERS

DIVISION 1. GENERALLY

Sec. 42-51. Ownership of collected solid wastes.

All solid waste collected shall, upon being loaded into transportation equipment, become the property of the collector.

(Code 1984, § 24-67; Ord. No. 2486, § 3.2, 9-2-1975)

Sec. 42-52. Storage of containers.

Solid waste containers shall be stored on private property. The storage site shall be well drained, fully accessible to collection equipment, public health personnel and fire inspection personnel.

(Code 1984, § 24-71; Ord. No. 2486, § 3.7, 9-2-1975)

Sec. 42-53. Responsibilities of collectors.

Solid waste collectors shall be responsible for the collection of solid waste from the point of collection to the transportation vehicle provided the solid waste was stored in compliance with this article. Any spillage or blowing litter caused as a result of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector.

(Code 1984, § 24-72; Ord. No. 2486, § 3.8, 9-2-1975)

Secs. 42-54—42-79. Reserved.

DIVISION 2. TRANSPORTATION

Sec. 42-80. Commercial haulers license.

All persons engaged in the hauling of paper, trash, rubbish or other debris for hire within the city shall secure a city business license therefor.

(Code 1975, § 610.050A, B; Code 1984, § 24-86)

Sec. 42-81. Vehicle standards.

(a) All transportation vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for the transportation of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or there shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or, as an alternate, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers.

(b) Notwithstanding any other provision of law to the contrary, any truck, tractor-trailer or other combination engaged in transporting solid waste between the city and a solid waste disposal area, solid waste processing facility or transfer station, may operate with a weight not to exceed 22,400 pounds on one axle. Nothing in this section shall be construed to permit the operation of any motor vehicle on the interstate highway system in excess of the weight limits imposed by federal statute. No truck, tractor-trailer or other combination shall exceed the width and length limitations provided in RSMo 304.190. The director shall prescribe the route or

routes to be traveled in the transporting of solid wastes between the city and any solid waste disposal area, solid waste processing plant or transfer station by any truck, tractor-trailer or other combination having an axle weight greater than that otherwise permitted in the absence of this section.

(Code 1984, § 24-87; Ord. No. 2486, § 4.1, 9-2-1975)

State law reference—Vehicle weight, RSMo 260.218.

Sec. 42-82. Hauling grading and excavation debris.

All earth and rock material from grading or excavation activities shall be removed, hauled and conveyed for disposal in tight vehicles, trucks or receptacles, so constructed and maintained that none of the material being transported shall spill upon the public rights-of-way.

(Code 1984, § 24-88; Ord. No. 2486, § 4.2, 9-2-1975)

Sec. 42-83. Demolition and construction wastes.

Transportation and disposal of demolition and construction wastes shall be in accordance with this Code.

(Code 1984, § 24-89; Ord. No. 2486, § 4.3, 9-2-1975)

Secs. 42-84—42-109. Reserved.

DIVISION 3. PERMITS AND INSPECTION

Sec. 42-110. Business license required; exception.

No person shall engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the city, without first obtaining a city business license.

(Code 1984, § 24-21; Ord. No. 2499, § 1, 11-4-1975; Ord. No. 2672, § 1, 8-18-1981; Ord. No. 2691, § 1, 1-19-1982; Ord. No. 2840, § 1, 9-15-1987)

Sec. 42-111. Liability insurance required.

No business license shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, shall set forth evidence of a satisfactory public liability insurance policy, covering all operations of such applicant pertaining to such business and all vehicles to be operated in the conduct thereof. The policy shall be in the amount of not less than \$100,000.00 for each person injured or killed, and in the amount of not less than \$300,000.00 in the event of injury or death of two or more persons in any single accident, and in the amount of not less than \$100,000.00 for damage to property. Should any such policy be cancelled, the city clerk shall be notified of such cancellation by the insurance carrier in writing not

less than 30 days prior to the effective date of such cancellation, and provisions to that effect shall be incorporated in such policy. The policy shall also place upon the company writing the policy the duty to give such notice.

(Code 1984, § 24-22; Ord. No. 2486, § 6.2, 9-2-1975)

Sec. 42-112. Inspection.

(a) In order to ensure compliance with state law, this chapter and the rules and regulations authorized herein, the director is authorized to inspect all phases of solid waste management within the city. No inspection shall be made in any residential unit unless authorized by the occupant or by due process of law.

(b) In all instances where such inspections reveal violations of this chapter, the rules and regulations authorized herein for the storage, collection, transportation, processing or disposal of solid waste or the laws of the state, the director shall issue notice for each such violation stating therein the violation or violations found, the time and date and the corrective measure to be taken, together with the time in which such corrections shall be made.

(Code 1984, § 24-27; Ord. No. 2486, § 6.7, 9-2-1975)

Sec. 42-113. Suspension or revocation; extensions of time.

In all cases when, after an inspection, corrective measures have not been taken within the time specified in the notice of violation, the director shall suspend or revoke the license of the offender. In those cases where an extension of time will permit correction and there is no public health hazard created by the delay, one extension of time not to exceed the original time period may be given.

(Code 1984, § 24-28; Ord. No. 2486, § 6.8, 9-2-1975)

Sec. 42-114. Appeals.

Any person who feels aggrieved by any notice of violation or other order issued pursuant to this article of the director may, within ten days of the act for which redress is sought, appeal directly to the city council in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.

(Code 1984, § 24-29; Ord. No. 2486, § 6.9, 9-2-1975)

Chapter 43

RESERVED

Chapter 44

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Article I. In General

Secs. 44-1—44-18. Reserved.

Article II. Excavations

- Sec. 44-19. Definitions.
- Sec. 44-20. Fines for failure to obtain permits; insurance and bond required.
- Sec. 44-21. Permit fees.
- Sec. 44-22. Specifications for excavations; backfilling and replacement where paved surfaces are disturbed.
- Sec. 44-23. Manner of excavation; barricades and danger signals to be erected and placed.
- Sec. 44-24. Excavation to be backfilled, compacted.
- Sec. 44-25. Sanitary sewer connections to be inspected prior to backfilling.
- Sec. 44-26. Maintenance of backfill.
- Sec. 44-27. Inspection, approval of backfill.
- Sec. 44-28. Removal and replacement of existing compacted base.
- Sec. 44-29. Resurfacing after approval of backfill, procedure.
- Secs. 44-30—44-46. Reserved.

Article III. Street and Sidewalk Construction and Maintenance

- Sec. 44-47. Approval of plan.
- Sec. 44-48. Functional classification of streets.
- Sec. 44-49. Street dedication.
- Sec. 44-50. New building construction limitations.
- Sec. 44-51. Maintenance policy.
- Sec. 44-52. Declaration of necessity of improvements; protests.
- Sec. 44-53. Procedure for improvements of not more than 1,200 feet.
- Sec. 44-54. Participation by city in street and sidewalk construction paid for by special assessment.
- Sec. 44-55. Condemnation of sidewalks.
- Sec. 44-56. Sidewalk construction.
- Sec. 44-57. Sidewalk maintenance.
- Sec. 44-58. Sidewalk districts.
- Sec. 44-59. Right-of-way and pavement widths.
- Sec. 44-60. Design criteria for pavement surfaces.
- Sec. 44-61. General specifications.
- Sec. 44-62. Vehicle entrance; setbacks at corner lots.

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Sec. 44-63. Procedure to vacate an alley, or a part thereof.
Secs. 44-64—44-84. Reserved.

Article IV. Property Numbering

Sec. 44-85. Required.
Sec. 44-86. Numbering system.
Sec. 44-87. Assignment of numbers.
Sec. 44-88. Display of numbers.
Sec. 44-89. Violation; penalty.

ARTICLE I. IN GENERAL

Secs. 44-1—44-18. Reserved.

ARTICLE II. EXCAVATIONS

Sec. 44-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Boring includes drilling or pushing of a pipe, tubing or cable through a cylindrical cavity which is not greater than two inches in diameter than the pipe, cable, casing or tubing being permanently installed and which is greater than 18 inches below any part of the road surface.

Construct means and includes installing, erecting, building, affixing or otherwise placing a fixed structure, material or object in, under, through or above any public right-of-way.

Excavate means and includes any cutting, digging, tunneling, grading or other alteration of the surface or subsurface material or earth of any public right-of-way.

Paved surface means and includes Portland cement concrete pavement, asphalt concrete surfacing, double asphalt surface treatment, brick, surface asphalt treatment roads of soil base, roads with a base of AB-3, or similar surface in the right-of-way.

Public right-of-way means and includes street, highway, road, alley and other land dedicated to or otherwise subject to public use, whether or not improved by paving, curbing, guttering or otherwise.

Street superintendent means the employee holding the position with said title. (Code 1975, § 570.010; Code 1984, § 25-16; Ord. No. 3010, § 1, 8-4-1992; Ord. No. 3817, § 1, 2-7-2012)

Sec. 44-20. Fines for failure to obtain permits; insurance and bond required.

(a) No person whether licensed or not, shall, unless officially authorized to do so, make an excavation within the right-of-way limits of any public way without first obtaining a permit in writing from the street superintendent and paying the respective permit fees to the city clerk or his designee. A fine of \$250.00 shall be assessed for failure to obtain a permit prior to excavation. When an emergency requires an immediate excavation, a permit shall be obtained no later than 5:00 p.m. on the next regular business day for the city. A fine of \$250.00 shall be assessed for failure to obtain the required permit within this time frame.

(b) Whenever any corporation, having authority under its franchise to do so, makes any excavation in any public way in the city, the corporation shall first obtain a written permit and arrange for paying the respective permit fee to the city clerk or his designee, but no bond will be required of the corporation.

(c) Any person or corporation, prior to commencing any excavation in any public way, shall provide to the city a certificate of insurance showing liability coverage of a minimum of \$1,000,000.00 per occurrence.

(d) Any individual or corporation not specifically enumerated in subsection (b) of this section shall post a cashier's check or acceptable street opening surety bond payable to the city in the amount calculated in subsection (e) of this section to ensure and guarantee to the city the proper performance of the work and restoration of the street to a satisfactory condition as required by the street superintendent.

(e) The bond or cashier's check, which shall be required in subsection (d) of this section, may be submitted in one of two ways:

- (1) By posting a 12-month bond or cashier's check in the amount of \$5,000.00 that shall not be project specific, but shall be applicable to all excavations during that 12-month period; or
- (2) By posting a project specific bond or cashier's check that shall be calculated by squaring off the sides of the excavation and adding to the dimensions of the excavation six inches in each direction, unless there is an expansion joint or crack within two feet of the edge of the excavation, in which case the dimensions shall be increased to the joint. The total square feet will then be used with the amounts below to calculate the required bond or cashier's check:
 - a. Gravel streets: \$3.00 per square foot.
 - b. Chip and seal, asphaltic concrete and Portland cement concrete:
 1. For excavations, the first 20 square feet or fraction thereof: \$500.00; for each additional five square feet or fraction thereof: \$30.00.
 2. For boring under any street or right-of-way: \$200.00.
 - c. Unimproved street or abutting right-of-way at least two feet from the edge of any curb or street surface where no other excavation permit is required, including boring under any street surface: \$200.00 for the first 20 linear feet and \$1.00 for each additional linear foot.
 - d. If damage is done to the street surface beyond the measured excavation, an additional amount shall be added as deemed necessary by the street superintendent.

- e. The city may use the proceeds, or portion thereof, of the bond or cashier's check required in this subsection (e) for the maintenance or repair of the excavation in case of failure or refusal of the applicant to restore the excavation and damage to the right-of-way surface.

(Code 1975, § 570.020A, B; Code 1984, § 25-17; Ord. No. 3010, § 1, 8-4-1992; Ord. No. 3035, § 1, 1-5-1993; Ord. No. 3817, § 1, 2-7-2012)

Sec. 44-21. Permit fees.

Whoever receives a street excavation permit, which shall be obtained in accordance with section 44-20, shall pay the fees in accordance with the city fee schedule. There shall be no requirement for a person to obtain a permit or to present insurance and bond when a proposed excavation is for the purpose of installing or erecting a mailbox or its supporting structure and the box holder is the direct installer.

(Code 1975, § 570.020C; Code 1984, § 25-18; Ord. No. 3010, § 1, 8-4-1992; Ord. No. 3035, § 1, 1-5-1993; Ord. No. 3817, § 1, 2-7-2012)

Sec. 44-22. Specifications for excavations; backfilling and replacement where paved surfaces are disturbed.

The specifications herein provide the minimum standards for the removing of various pavement surfaces, open trenches, excavating, method of backfilling and replacement of surfaces for all areas disturbed that are within the street right-of-way.

- (1) The contractor shall be responsible for placing of adequate and required signs, barricades and fencing to protect all excavations being made.
- (2) For excavations within the street pavement or surface area and within two feet of the back of the curb or edge of the street surface where there is no curb the following shall be followed.
 - a. For gravel streets: The contractor shall backfill the excavation with base rock with fines. The aggregate shall be placed in six-inch lifts and tamped or compacted with either a mechanical tamper or hand tamper with sufficient water added to ensure thorough settling and density in accordance with state department of highway's specifications. The area shall be left with a one-through two-inch crown.
 - b. For concrete, asphalt or oil and chat streets:
 1. Prior to excavating the street surface, the contractor shall score, with a saw, the street surface to a depth of two inches for flexible pavements, such as asphalt or oil and chat, on each side of the required excavation. Rigid pavements such as Portland cement shall be sawed the full depth of the pavement.
 2. The contractor shall backfill the excavation with base rock with fines. The aggregate shall be placed in six-inch lifts and tamped or

compacted with either a mechanical tamper or hand tamper with sufficient water added to ensure thorough settling and density in accordance with state department of transportation standards.

3. The contractor shall monitor and repair the street opening, at least every 72 hours until the permanent repair is made.
4. The final repair of the street opening shall be made as follows:
 - (i) The street surface shall be saw cut, in straight lines to the full pavement depth to form a rectangular repair six inches larger in each direction than the excavation.
 - (ii) All concrete, rock or other materials shall be excavated to a minimum depth of ten inches from the street surface to permit the placement of a pavement material similar to the existing street surrounding the excavation.
 - (iii) In a concrete street a ten-inch Portland concrete cap meeting 3,750 psi compressive strength in 27 days shall be poured. Repairs made to concrete streets with an asphalt cap must be repaired with asphalt capped concrete in similar thicknesses to the existing pavement. All repairs in concrete streets must have steel dowel bars inserted into the surrounding pavement prior to the placement of new concrete to prevent the repair from shifting or moving in relation to the existing street grade.
 - (iv) In an asphalt or oil and chat street there shall be poured an eight-inch cap of Portland concrete meeting 3,750 PSI compressive strength within 27 days with a two-inch surface of asphaltic concrete, Saturock or poly perm mix placed for the final two inches. The Saturock or poly perm mix shall consist of three-eighths inch aggregate and smaller rock with a minimum MC 250 oil. The final surface shall be tamped using a mechanical tamper or roller to adequately compress and bind together the material to form a permanent and smooth patch. Asphalt or oil and chat streets may also be repaired with hot mix asphalt and must be placed at a thickness greater than or equal to the existing pavement thickness.
5. All excavated materials and broken concrete shall be removed from the excavation site and properly disposed of.
6. The contractor shall be responsible for making the final repairs to the street surface within 45 days from the date of the street opening.
7. 180 days after the final repair has been completed a final inspection shall be made and if the repair continues to be satisfactory the bond or cashier's check required above shall be returned.

8. If the contractor desires not to make the required repairs or fails to make or maintain the repair, the bond required above shall be used by the city to make the needed repairs.

(Code 1975, § 570.030; Code 1984, § 25-19; Ord. No. 3010, § 1, 8-4-1992; Ord. No. 3035, § 1, 1-5-1993; Ord. No. 3817, § 1, 2-7-2012)

State law reference—Municipal authority to regulate building of sidewalks, RSMo 88.870, 88.880.

Sec. 44-23. Manner of excavation; barricades and danger signals to be erected and placed.

(a) *Manner of excavations.* The person making the cut or excavation in any street, sidewalk, alley or public right-of-way shall cause the same to be done with the least possible injury to the street, sidewalk, alley or right-of-way. He shall place excavated earth therefrom in such a manner as to cause the least inconvenience to the public, and to permit the uninterrupted passage of water along the nearby gutters.

(b) *Barricades and danger signals.* Any person who has made an excavation in any of the public ways of the city shall cause the excavation to be barricaded in such a manner as to adequately protect traffic, both vehicular and pedestrian. He shall cause the excavations, barricades, excavated materials, tools, supplies or equipment at the excavated sites to be lighted with proper and suitable danger signals in such a manner that all traffic may be amply and duly warned of the existence of the excavations, barricades, materials, tools, supplies or equipment and in conformity with the Manual on Uniform Traffic-Control Devices.

(Code 1975, § 570.040; Code 1984, § 25-20)

Sec. 44-24. Excavation to be backfilled, compacted.

At the completion of any work requiring an excavation in a public way, the excavation shall be immediately backfilled by filling the excavation or opening in approximately six inch lifts with suitable backfilling material. Each lift shall be well tamped or compacted with either hand or mechanical tampers and sufficient water shall be added to each lift uniformly to ensure the thorough settlement and density thereof.

(Code 1975, § 570.050; Code 1984, § 25-21)

Sec. 44-25. Sanitary sewer connections to be inspected prior to backfilling.

Every sanitary sewer connection made within any public way in the city shall be inspected by the superintendent of waste water treatment before any part of the excavation is backfilled. No person shall backfill any excavation containing any sanitary sewer connection without the prior approval of the superintendent of waste water treatment.

(Code 1975, § 570.060; Code 1984, § 25-22)

Sec. 44-26. Maintenance of backfill.

After an excavation has been backfilled in any public way, the person responsible for the excavation shall maintain the backfill for a period of 90 days and make certain the backfill surface remains at approximately the same grade as the adjacent surface and at such a level that it will not be hazardous or detrimental to persons or vehicles passing thereover. If, in the opinion of the director of public works, the person responsible for the excavation fails to maintain the backfill at the proper grade or level, the city shall restore the backfill to the required grade or level and charge the costs incurred to the person responsible for the excavation.

(Code 1975, § 570.070; Code 1984, § 25-23)

Sec. 44-27. Inspection, approval of backfill.

At the expiration of 180 days from the initial backfilling of an excavation, the director of public works shall inspect the same and if conditions are found to be satisfactory the person responsible for the excavation shall be relieved from further liability in connection therewith, except for the cost of any item of work done by the city necessitated through negligence or failure on the part of the person responsible for the excavation and the cost of resurfacing as herein provided. Acceptance of the backfilling shall be given in writing by the city clerk.

(Code 1975, § 570.080; Code 1984, § 25-24; Ord. No. 3817, § 1, 2-7-2012)

Sec. 44-28. Removal and replacement of existing compacted base.

If any existing compacted base, such as base rock, rolled stone, macadam or brick is removed, it shall be replaced with compacted crushed stone aggregate base rock six inches thick before resurfacing.

(Code 1975, § 570.100; Code 1984, § 25-26; Ord. No. 3817, § 1, 2-7-2012)

Sec. 44-29. Resurfacing after approval of backfill, procedure.

Upon acceptance of the backfill by the director of public works, if the adjacent surface be other than concrete, macadam or asphalt, or oil seal, the city shall resurface the area excavated with the same type and with as good quality surface as the adjacent surface. The resurfacing shall be subject to the specifications of the director of public works.

(Code 1975, § 570.110; Code 1984, § 25-27; Ord. No. 3817, § 1, 2-7-2012)

Secs. 44-30—44-46. Reserved.

**ARTICLE III. STREET AND SIDEWALK CONSTRUCTION AND
MAINTENANCE**

Sec. 44-47. Approval of plan.

No streets or sidewalks shall be constructed on public property or public streets until the city council has been presented with a complete plan of proposed improvement and has approved it by a five-eighths majority.
(Code 1975, § 580.070; Code 1984, § 25-41)

Sec. 44-48. Functional classification of streets.

For the purpose of planning the orderly extension and improvement of the streets in the city, the public streets are as classified in the comprehensive plan of the city.
(Code 1975, § 580.010; Code 1984, § 25-42)

Sec. 44-49. Street dedication.

Any proposition to dedicate any public right-of-way for street purposes shall be first referred to the planning commission to ensure compliance and orderly extension of the comprehensive plan, and the other requirements of this article and other applicable city ordinances.
(Code 1975, § 580.030; Code 1984, § 25-43)

Sec. 44-50. New building construction limitations.

No building permit shall be issued for, and no building shall be erected on any lot, which is shown on the comprehensive plan as future right-of-way acquisition for major or collector streets.
(Code 1975, § 580.040; Code 1984, § 25-44)

Sec. 44-51. Maintenance policy.

(a) The city will maintain and repair without charge to abutting property, all improved streets that are determined to be permanently improved streets, and are so designated by the city council by resolution, upon recommendation of the director of public works, and which are in existence or under contract for construction at the time of passage of the ordinance from which this section was derived. All streets thereafter constructed or improved shall be constructed and improved in accordance with the construction specifications in this article. Such streets shall be designated as permanently improved and shall be maintained and repaired as aforesaid.

(b) Unimproved streets shall be those which have been heretofore constructed or improved and are not deemed by the city council as having been permanently improved, and those streets which may hereafter be constructed or improved not in accordance with the street specifications of the city.
(Code 1975, § 580.050; Code 1984, § 25-45)

Sec. 44-52. Declaration of necessity of improvements; protests.

(a) Before the city council shall grade or pave any alley, or grade, pave or gutter the roadway part of any street, when the improvement is to be paid for with special tax bills, the city council shall, by resolution, declare that they deem the improvement necessary to be made, and shall cause the resolution to be published in a newspaper printed and published in the city, for two consecutive insertions in a weekly paper, or seven consecutive insertions in a daily paper. If a majority of the resident owners of the lands that would be liable for the cost of the improvement, at the date of the passage of the resolution, who shall own a majority of the front feet owned by residents of the city, abutting on the street or part of street proposed to be improved, shall not within ten days after the date of the last publication file with the city clerk their protest against such improvement, then the city council shall have the power to cause the improvement to be made. If the city council shall find and declare by ordinance that no majority have so filed a protest, the finding and declaration shall be conclusive, after the execution of the contract for the making of the improvement. Thereafter, no special tax bill shall be held invalid for the reason that a protest sufficiently signed was filed with the city clerk.

(b) The city council shall have full power to make all provisions deemed necessary for the making of contracts by the city, and for the doing of all the work necessary in making the improvements herein specified. All contracts shall be let to the lowest and best bidder, upon advertisement for bids, published by two consecutive insertions in a weekly paper or seven consecutive insertions in a daily paper in a newspaper published in the city.

(c) But before the city shall make any contract for any improvements excepting repairs, an estimate of the cost thereof shall be made by the director of public works. The estimate shall be filed with the city clerk and no contract shall be made for a price exceeding the estimate.

(d) The city council shall have the power to require any contractor doing work to guarantee that an improvement will last for a specified term of years, and during such term will be kept in repair, and to require the contractor to give to the city approved bonds for the faithful performance of any obligation.

(e) The city council shall have the power to repair any sidewalk, curbing, guttering or paving without letting any contract for the work, but can have such work done in such manner as may be provided for by ordinance. When the work is done by the city, not through a contractor, the tax bills shall be issued to the city and the city shall have the same power to collect such tax bills as other owners of tax bills.

(Code 1984, § 25-46)

State law reference—Similar provisions, RSMo 88.520.

Sec. 44-53. Procedure for improvements of not more than 1,200 feet.

(a) When the city council deems it necessary to pave, macadamize, gutter, curb, grade or otherwise improve the roadway of any street or avenue for a distance not more than 1,200 feet in length so as to connect at both ends with paving, macadamizing, guttering, curbing, grading or other improvement either on the same street or avenue or on other streets or avenues, or on the same street or avenue and another street or avenue, the city council shall declare the work to be necessary to be done and shall cause the same proceedings to be had as are provided in section 44-52, except that no protest may be filed.

(b) The resolution passed and published shall state the fact that anyone desiring to do so may appear before the city council at a time stated therein and be heard on the question of the necessity of the work sought to be done, and if anyone does so appear he shall be heard. The city council shall by resolution state the result of the hearing to be a reaffirmance of the necessity for the doing of such work or the contrary, as the city council may then decide.

If no one appears, or if the city council reaffirms the necessity of the doing of the work and improvement, then it shall proceed with the work and improvement in the manner provided in this article when no sufficient protest is filed within the time limited therefor.

(Code 1984, § 25-47)

State law reference—Similar provisions, RSMo 88.523.

Sec. 44-54. Participation by city in street and sidewalk construction paid for by special assessment.

Where the rights-of-way of residential, collector and major streets, dedicated to the public and accepted by ordinance prior to the date of the passage of the ordinance from which this section is derived, are subsequently permanently improved, and the improvement is to be paid in whole or in part by special assessment levied and assessed against the fronting or abutting property, the cost assessed shall not exceed the amount provided in the city fee schedule per front or abutting foot, but shall be limited to that amount, and the cost of permanent street improvement in excess of the amount provided in the city fee schedule per front or abutting foot, if any, shall be paid by the city, except the following streets and sidewalks shall not be included in this article:

- (1) All public streets and sidewalks in the public square of the city;
- (2) Franklin Street, Second Street to the public square, Water Street to the public square;
- (3) Jefferson Street, Second Street to the public square, Water Street to the public square;
- (4) Main Street, Ohio Street to the public square;

- (5) Center Street, Grand River Street to the public square;
 - (6) Washington Street, Ohio Street to the public square, Green Street to the public square; and
 - (7) Main Street, Green Street to the public square.
- (Code 1975, § 580.110; Code 1984, § 25-48)

State law references—Municipal authority to limit amount assessed against abutting landowners for street improvements, RSMo 88.530; municipal authority to assess any of the cost of sidewalk improvements against abutting landowners, RSMo 88.890.

Sec. 44-55. Condemnation of sidewalks.

The city council may, by ordinance, condemn any sidewalk which they deem to be in a dangerous or defective condition or out of repair, or any sidewalk which is not located upon the established grade and line for sidewalks (on the street on which it is located, as provided by the ordinances of the city), or any sidewalk which does not conform to the specifications and requirements of the Americans with Disabilities Act of 1990, 42 USC ch. 126, as provided by the ordinances of the city, and to provide for the removal of any sidewalk so condemned.

(Code 1984, § 25-49; Ord. No. 3817, § 1, 2-7-2012)

State law reference—Similar provisions, RSMo 88.873.

Sec. 44-56. Sidewalk construction.

(a) The city council may, by ordinance, provide for the building of any sidewalk or for the rebuilding and reconstruction of the same, including grading and filling therefor, and including the removal of any obstructions, and including approaches at corner lots, and including the grading or parking of that portion of the street lying between the property line and the street curbline, by contract, and levy a special assessment against each lot or tract along which such work is done, for the cost thereof. No contract shall be let until the plans and specifications for the work have been adopted by ordinance and comply with the specifications of the Americans with Disabilities Act of 1990 (provided, the adoption may be by reference to general plans and specifications, which have already been adopted by ordinance by the city).

(b) No contract shall be let until an advertisement for bids for the doing of the work has been published in at least one issue of a weekly newspaper or at least two consecutive issues of a daily newspaper, published in the city. The date for the opening of said bids shall be at least ten days after the date of the first publication of the advertisement for bids. Before the bids are opened, the director of public works, or other proper person designated by ordinance by the city council, shall prepare and file an estimate showing the estimated quantities of grading, filling and of the various materials required for the sidewalk in front of each separate lot, tract or parcel of ground, and an estimate of the cost of the work per cubic yard or per

square yard, as the case may be, and an estimate of the cost of the removal of any obstruction. No contract shall be let for a price in excess of the estimate of the cost.

(c) After the bids are opened by the city council, the city council shall let the contract for the work to the lowest and best responsible bidder, and in case there are no bids received, or that all bids are rejected for any reason, the city council may readvertise for bids for the work, or may, by ordinance, order and require the director of public works or other proper person to build and construct the sidewalk or do the other work as herein contemplated, according to the specifications adopted therefor (provided, however, that the cost of the work shall not exceed the estimate of the director of public works previously filed), keeping an accurate account of the cost of the separate items thereof. The city council shall pay for the labor and material and all other costs of the work out of any funds which they may have on hand available for such a purpose. At the completion of the work (either by contract or by the city) the city council shall levy the cost thereof as a special assessment against the lot, tract or parcel of ground along which each of the sidewalks or other improvements is made.

(Code 1984, § 25-50; Ord. No. 3817, § 1, 2-7-2012)

State law reference—Similar provisions, RSMo 88.880.

Sec. 44-57. Sidewalk maintenance.

If, upon inspection by the director of public works, any sidewalks are found to be defective or dangerous and constitute a hazard, or do not comply with the specifications of the Americans with Disabilities Act of 1990, 42 USC ch. 126, he shall report this information to property owner and city council. The property owner shall have 30 days in which to repair and correct such defects or hazards. During this 30-day period, suitable warnings shall be posted at the hazard if so decided by the director of public works. If the property owner refuses to correct the defect or hazard within 30 days of notification, the city council shall order the work done and the cost of the work shall be charged to the land owner as a special tax bill and made a lien on his property.

(Code 1975, § 580.060; Code 1984, § 25-51; Ord. No. 3817, § 1, 2-7-2012)

State law reference—Assessment of cost of maintenance against abutting owner, RSMo 88.883, 88.893.

Sec. 44-58. Sidewalk districts.

(a) The city council may, when deemed necessary or expedient, divide the city or any portion thereof into sidewalk districts, by ordinance, and may adopt plans and specifications for the building of all sidewalks within the district. The city council may advertise for bids and award a contract to the lowest and best responsible bidder for the building and construction of all sidewalks which it may order be built

within the district for the next ensuing year. The advertisement for bids shall be published in at least one issue of a weekly newspaper or in at least two consecutive issues of a daily newspaper published in the city.

(b) And before the bids are opened or any contract let, the director of public works, or other proper person designated by the city council by ordinance, shall prepare and submit to the city council an estimate of the cost of the sidewalk, including approaches, grading and parking, material, etc. The estimate shall be the price per cubic yard or square yard, as the case may be, for the finished improvement, and no contract shall be let for a price in excess of the estimate. The cost of all sidewalks, approaches, parking or other improvement herein contemplated shall be, on their completion, levied as a special assessment against the lot, tract or parcel of ground along and in front of which the improvement is made.

(Code 1984, § 25-52)

State law reference—Similar provisions, RSMo 88.887.

Sec. 44-59. Right-of-way and pavement widths.

The minimum rights-of-way and minimum pavement widths for construction of alleys and sidewalks are as follows:

WIDTHS FOR RIGHTS-OF-WAY, SIDEWALKS AND ALLEYS

<i>Type</i>	<i>Berths</i>	
	<i>Right-of-way (in feet)</i>	<i>Surface width (in feet)</i>
Alleys	20	16
Sidewalks	Located in street right-of-way	4*
Streets	†	†

*Minimum is for residential areas—greater widths will be required in other areas based on projected usage.

†Comply with the requirements of the city thoroughfare plan.

(Code 1975, § 580.120; Code 1984, § 25-53)

Sec. 44-60. Design criteria for pavement surfaces.

The criteria for pavement surfaces are as follows:

PAVEMENT SURFACES

<i>Type of Street</i>	<i>Base Rock</i>	<i>Base Asphalt</i>	<i>Surface Asphalt</i>	<i>Concrete</i>
Minor street—residential	6"	4"	2"	7"

<i>Type of Street</i>	<i>Base Rock</i>	<i>Base Asphalt</i>	<i>Surface Asphalt</i>	<i>Concrete</i>
Minor street—commercial	6"	4"	2"	7"
Major street—secondary	6"	5"	3"	9"
Major street—primary	6"	8"	3"	9"

Notes:

- Based on 5,000 vehicles per day. If the street will have more traffic or more than average truck traffic, a special design will be required.
- Asphaltic concrete shall be designed as base course and surface course. All streets shall have a base of compacted crushed stone aggregate with a minimum depth of six inches.

(Code 1975, § 580.130; Code 1984, § 25-54; Ord. No. 3817, § 1, 2-7-2012)

Sec. 44-61. General specifications.

(a) All streets will be engineered as to grade and alignment. The centerline will be the centerline of the easement or dedication, unless drainage precludes such alignment. All drainage within the street right-of-way shall drain to the street unless otherwise approved by the director of public works.

(b) Control stakes will be set and maintained until completion of work. Street must be profiled for centerline grade and shall have a finished crown based on a fall of one-fourth inch per foot from centerline to flo-line at curb.

(c) All finished grades will meet harmoniously with intersecting streets.

(d) The director of public works will approve or disapprove all engineering concepts on each street before it is submitted for approval to the city council.

(e) The size and configuration of all catch basins, culverts or other drainage structures will need the approval of the director of public works.

(f) At least three sets of plans and profile of proposed street construction will be furnished to the director of public works for his approval. These plans and profile to remain in the city files if the plans and profile are approved.

(g) All grading shall be done under the supervision of the director of public works in accordance with the accepted and usual grading practices of the state department of transportation.

(h) Excavation shall conform to limits indicated on the plans and profile as approved. Excavation shall not be made below grade except where boulders or stone masonry is encountered or removal of unstable material is directed by the director of public works. For rigid pavements, the subgrade shall be scarified to a depth of six

inches below grade and then compacted with compacting equipment as directed in subsection (m) of this section for fill areas. For flexible pavements, the subgrade shall be compacted in a like manner but scarifying will not be required.

(i) Material removed below grade shall be replaced with approved material thoroughly compacted or as otherwise directed by the director of public works.

(j) The acquisition of fill material and disposition of material removed during grading work will require the approval by the director of public works.

(k) Complete information will be obtained relative to utilities and other city facilities and extreme care exercised to protect them. Water and gas valves to be set to finished grade. Manhole and lamphole structures to be set to finished grade.

(l) Spring or seepage water encountered shall be reported to the director of public works if drainage is not provided for by the drawings.

(m) Fills shall not be started until the area has been inspected and approved by the director of public works. Embankment and fill material shall be free from frost, stumps, trees, roots, sod or muck. Only approved material from excavation or borrow areas shall be used. Material shall not be placed on frozen ground. No stones of over four inches in diameter shall be placed within 12 inches of finished sub-grade. Fill material shall be placed in layers not exceeding eight inches (loose depth). The compactive effort on each layer shall consist of distributing all equipment movements over the entire fill area and of at least three complete coverages with a tamping-type roller over the entire area to be compacted. The tamping-type roller shall have tampers or feet projecting not less than six inches from the surface of the drum and shall have a minimum load on each tamper of 250 pounds per square inch of tamping area. Compactive effort shall continue until the tamping feet penetrate not more than two inches into the layer of material being compacted. Continuous leveling and manipulating will be required during compacting operations and the moisture content shall be adjusted as is necessary, in the judgment of the director of public works, to permit proper consolidation. No lift shall be covered by another until compaction complying with these requirements has been secured. Unstable areas in the embankment shall be removed and replaced with suitable material.

(n) Culverts, headwalls and other structures shall be constructed before fill is placed. Fill around culverts, headwalls or other structures shall be carefully and symmetrically placed in six inch to eight inch layers and shall be compacted to 90 percent of maximum density. Where drainage pipes are to be built in fill, the fill shall be constructed to one foot above the top of the pipe and then excavated for the pipe.

(o) Street shall be barricaded and flares or lights maintained during period of construction.

(p) Provision should be made to provide driveway entrances with a five foot minimum radius turnout. All street intersections will have a minimum curb radius of 20 feet, providing this is practical. On streets with heavy truck traffic larger radii will be necessary.

(q) Curbs to be backfilled and banks sloped with care as previously mentioned in making street construction acceptable. Complete cleanup and removal of all materials and debris before street is to be accepted.

(r) Curb and gutter section shall be of Portland cement concrete on all streets and approved by the director of public works.

(s) Generally, specifications and construction practices shall be in conformance with state highway and transportation commission, Standard Specifications for Highway Construction, most recent edition, and any supplements thereto. Any variations from these shall be approved by the director of public works. The following specifications shall apply and they refer to the standard specifications of state department of transportation:

- (1) Portland cement concrete, class B concrete shall be used for curb and gutter, pavement and sidewalk construction. Coarse aggregate shall have a maximum size of 1½ inches for curb and gutter and pavement and three-fourths inch for sidewalks. Air entrainment shall be used. Maximum slump and mixing water content shall be as specified for class B concrete.
- (2) Asphaltic concrete, base material shall be either type B or type C asphaltic concrete. Surface course shall be type C.
- (3) Aggregate base material, shall be type 1 aggregate and shall be used for alley surfacing and as a base for all flexible and rigid pavements as specified in section 44-60.

(Code 1975, § 580.140; Code 1984, § 25-55; Ord. No. 3817, § 1, 2-7-2012)

Sec. 44-62. Vehicle entrance; setbacks at corner lots.

On corner lots in the R-1 and R-2 zoning districts, vehicle entrances (driveways) shall be setback a minimum of 20 feet from the intersection of street right-of-ways; in all other districts the setback shall be a minimum of 40 feet.

(Code 1984, § 25-56; Ord. No. 3573, § 1, 5-3-2005)

Sec. 44-63. Procedure to vacate an alley, or a part thereof.

(a) *General.* An alley, or part thereof, may be vacated in accordance with the provisions of this section.

(b) *Public hearing, notice.* An alley, or part thereof, shall not be vacated until after a public hearing in relation thereto. Public notice of the time and place of such hearing shall be published in a newspaper of general circulation in the city at least

15 days prior to the hearing. In addition, applicants requesting a closure shall be responsible for mailing notices of such hearing to all property owners of lots adjacent to said alley. Such notices shall explain the proposed closure and shall be mailed by certified mail, return receipt, at least ten days prior to the hearing. The mailing list and receipts shall be filed with the planning and zoning commission secretary or the city clerk prior to the public hearing.

(c) *Application.*

- (1) Applications shall be made on forms provided by the city and shall be accompanied by a fee as provided in the city fee schedule, plus the cost to publish the public hearing notice.
- (2) Applications requesting that an alley, or part thereof, be vacated may be made by an owners of property adjacent to said alley; or may be initiated by the city administrator on behalf of the city council or planning commission.
- (3) Applications will not be scheduled for a public hearing until the following information is submitted:
 - a. Fully completed and signed application form and application fee.
 - b. Legal description of alley, or part thereof, to be vacated.
 - c. Map showing said alley and all properties adjacent to said alley.
 - d. A list of all owners of property adjacent to said alley.

(d) *Other costs.* All other costs associated with this process shall be the responsibility of the applicants.

(Code 1984, § 25-57; Ord. No. 3656, 11-6-2007)

Secs. 44-64—44-84. Reserved.

ARTICLE IV. PROPERTY NUMBERING

Sec. 44-85. Required.

All buildings or structures in the city shall display a property number.
(Code 1984, § 25-71; Ord. No. 3221, § 1, 6-4-1996)

Sec. 44-86. Numbering system.

(a) On streets running eastwardly or westwardly, property numbers shall commence with the number 100 at Main Street and increase each direction from Main Street 100 numbers for each block or block length.

(b) On streets running northwardly or southwardly, property numbers shall commence with the number 100 at Franklin Street and increase each direction from Franklin Street 100 numbers for each block or block length.

(c) Odd numbers shall be assigned to buildings on the west and north sides of the streets.

(Code 1984, § 25-72; Ord. No. 3221, § 1, 6-4-1996)

Sec. 44-87. Assignment of numbers.

(a) The building official shall issue property numbers for new or additional structures and each platted lot.

(b) In buildings or structures having more than one occupancy, each unit shall be issued a property number or apartment number.

(Code 1984, § 25-73; Ord. No. 3221, § 1, 6-4-1996)

Sec. 44-88. Display of numbers.

(a) The owner of any building or structure shall display a property number within 30 days after completion or occupancy thereof.

(b) Property numbers shall be clearly visible and readable from the street fronting the property. All numbers shall be Arabic numerals at least three inches high with a stroke of at least one-half inch.

(Code 1984, § 25-74; Ord. No. 3221, § 1, 6-4-1996)

Sec. 44-89. Violation; penalty.

Should any owner fail or refuse to display property numbers as herein required, or allow the property number to become obscured or illegible, he shall be guilty of an infraction punishable by a fine not to exceed \$10.00.

(Code 1984, § 25-75; Ord. No. 3221, § 1, 6-4-1996)

Chapter 45

RESERVED

Chapter 46

SUBDIVISIONS*

- Sec. 46-1. Authority and jurisdiction.
- Sec. 46-2. Purpose.
- Sec. 46-3. Definitions.
- Sec. 46-4. Procedures for submission of plats.
- Sec. 46-5. Specifications for plans and plats.
- Sec. 46-6. Design standards.
- Sec. 46-7. No building permit for building on lot that does not abut street.
- Sec. 46-8. Improvements.
- Sec. 46-9. Guarantees of performance.
- Sec. 46-10. Dedications and reservations.
- Sec. 46-11. Variances and appeals.
- Sec. 46-12. Violations and penalties.
- Sec. 46-13. Off-street parking requirements when subdivision regulations do not apply.
- Sec. 46-14. Fences.

***State law reference**—Regulations governing subdivision of land, RSMo 89.410 et seq.

Sec. 46-1. Authority and jurisdiction.

(a) In accordance with the provisions of RSMo ch. 89, the city does hereby provide for the regulation and subdivision of land within the city limits.

(b) The following shall be considered as subdivisions:

- (1) The division of land into two or more tracts, lots, sites or parcels, any part of which, when subdivided, shall contain less than ten acres in area.
- (2) The division of land, previously subdivided or platted, into tracts, lots, sites, or parcels of less than ten acres in area.
- (3) The dedication or vacation or reservation of any public or private easement through any tract of land regardless of the area involved, including those for use by public and private utility companies.
- (4) The dedication or vacation of any street or alley through any tract of land regardless of the area involved.

(Code 1984, § 26-1; Ord. No. 2961, § 1, 4-16-1991)

Sec. 46-2. Purpose.

The subdivision of land is the first step in the process of urban development. The arrangement of land parcels in the community for residential, commercial, and industrial uses and for streets, alleys, schools, parks and other public purposes, will determine to a large degree the conditions of health, safety, economy and amenity that prevail in the urban area. The quality of these conditions is of public interest. These regulations and standards for the subdivision and improvement of land for urban use are to make provision for adequate light, air, open spaces, drainage, transportation, public utilities and other needs, and to ensure the development and maintenance of a healthy, attractive, and efficient community that provides for the conservation and protection of its human and natural resources. These regulations are designed, intended and should be administered in a manner to:

- (1) Give consideration to the principles and concepts in the comprehensive city plan.
- (2) Provide neighborhood conservation and prevent the development of slums and blight.
- (3) Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts.
- (4) Provide that the cost of improvements which primarily benefit the tract of land being developed be borne by the owners or developers of the tract, and that the cost of improvements which primarily benefit the whole community be borne by the whole community.
- (5) Provide the best possible design for the tract.

- (6) Reconcile any differences of interest.
- (7) Establish adequate and accurate records of land subdivision.
(Code 1984, § 26-2; Ord. No. 2961, § 2, 4-16-1991)

Sec. 46-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley means a minor right-of-way, dedicated to public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street, which may be used for public utility purposes.

Attached dwelling means a one-family dwelling attached to two more one-family dwellings by common vertical walls.

Basin means an area drained by the main stream and tributaries of a large river.

Berm means a raised and elongated mound of earth intended to direct the flow of water or to screen or buffer an area from its surroundings.

Block means a parcel of land, intended to be used for urban purposes, which is entirely surrounded by public street, highways, right-of-ways, public walks, parks or greenstrips, rural land or drainage channels or a combination thereof.

Building line or *setback line* means a line designating the area outside of which buildings may not be erected.

Check dam means a small dam constructed in a gully or other small watercourse to decrease the stream flow velocity, minimize channel scour, and promote deposition of sediment.

Cul-de-sac means a turnaround at the end of a dead-end street.

Culvert means a drain, ditch or conduit, not incorporated in a closed system that carries drainage water under a driveway, roadway, railroad, pedestrian walk, or public way.

Cut and fill means to move earth by excavating part of an area and using the excavated material for adjacent embankments or fill areas.

Detention basin means a storage facility designed for the temporary storage of stream flow or surface runoff and for the release of the stored water at controlled rates.

Easement means a grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes.

Fill means to deposit sand, gravel, earth or other material in low-lying or underwater areas to build up or create usable land; the material so deposited.

Grade means the slope of a road channel or of natural ground; the finished surface of a canal bed, roadbed, top of embankment, or bottom of excavation; any surface prepared for the support of construction, such as paving or laying a conduit.

Impervious surface means material that reduces or prevents the absorption of stormwater into the ground.

Impoundment means an artificial collection or storage of water, such as a reservoir, pit, dugout, or sump.

Lot means a contiguous parcel of land, subdivision of a block, or other parcel which is not divided by any public highway or alley, intended as a unit for the transfer of ownership or development.

Lot, corner, means a lot of which at least two adjacent sides abut for their full lengths on two or more streets.

Lot, double frontage, means a lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.

Lot, flag, means a lot with a developable area connected to a public road by a narrow strip of land that includes a driveway.

Lot, reverse frontage, means a double frontage lot that is not accessible from one of the nonintersecting streets on which it fronts.

Patio house means a one-family, typically one-story dwelling located on and along at least one side lot line, with a court or patio area enclosed by fences or walls.

Plan, final, means a map of a land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets, alleys, public areas and other dimensions of land.

Plan, preliminary, means a map of the proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of the land.

Plat means a map of land subject to a common development or sales plan that shows the location and boundaries of streets, individual lots or parcels, and other site information.

Revetments means a facing of stone or other material, either temporary or permanent, placed along the edge of a stream to stabilize the bank and protect it from the erosive action of the stream.

Street means any public thoroughfare which affords the principal means of access to abutting property.

Street, collector, means a minor street which collects traffic from other minor streets and serves as the most direct route to a major street.

Street, cul-de-sac, means a minor street having one end open to vehicular traffic and having one closed end terminated by a turnaround.

Street, frontage or service, means a minor street auxiliary to and located on the side of a major street for service to abutting properties and adjacent areas and for control of access.

Street, intersecting, means any street which joins another street whether or not it crosses the other street.

Street, major, means any street designated as an existing or proposed arterial on the major street plan.

Street, minor, means any street not classified as a major street on the major street plan.

Subdivider means any person, firm, partnership, corporation, or other entity, acting as a unit, subdividing or proposing to subdivide land as herein defined.

Subdivision means the division or redivision of land into two or more lots, tracts, sites or parcels for the purpose of transfer of ownership or for development, or the dedication or vacation of a public or private right-of-way or easement.

Swale means an elongated earthen depression intended to direct the flow of water. (Code 1984, § 26-3; Ord. No. 2961, § 3, 4-16-1991)

Sec. 46-4. Procedures for submission of plats.

(a) *Subdivision review committee.*

- (1) A subdivision review committee is hereby established to provide a preliminary review and report to the developer and the planning commission of proposed subdivisions at the preapplication stage of the development.
- (2) The committee shall consist of:
 - a. Director of public works.
 - b. City administrator.
 - c. Representative of the planning commission.
 - d. Representative of the city council.
 - e. Depending on the project, and as deemed appropriate, other city officials and representatives from private utility companies may be invited to participate.
- (3) The committee shall submit their findings and recommendations within 14 days to both the planning commission and the developer.

(b) *Preapplication plans and data.* Prior to submitting the preliminary plan and making a formal application, the developer shall submit the following information for review and recommendations from the subdivision review committee:

- (1) A general description of the existing conditions of the site and the suitability of the site for the proposed development. This information may include data on:
 - a. Existing covenants and agreements.
 - b. The availability of utilities and community facilities.
 - c. The proposed use of each portion of the subdivision.
 - d. Proposed lot sizes and building sizes.
 - e. Proposed business areas, park and school sites, and other pertinent data as may be needed to supplement the sketches required below.
- (2) A general location map shall be submitted and shall show the proposed subdivision and its relationship to existing utilities, schools, parks, major streets, and other features that will affect and influence the subdivision.
- (3) A sketch plan drawn to approximate scale shall be submitted and shall show topography, using a contour interval of not greater than five feet, the proposed street layout, lots and other planning features. The street and lot plan may be in the form of a freehand pencil sketch.

(c) *Agenda.*

- (1) Each plat submitted for preliminary or final approval shall be placed on the agenda of the planning commission only after fulfilling the appropriate requirements of these regulations. However, a plat not meeting all of the requirements may be submitted providing the subdivider presents with the plat a written request for specific exceptions and enumerates in detail the reasons therefor.
- (2) The applicant shall submit all required plans and specifications to the director of public works not less than ten working days prior to the planning commission meeting at which the request is to be considered.

(d) *Filing fee.* To defray partially the costs of administrative procedures there shall be paid to the city clerk at the time of submission of the preliminary plan a fee as provided in the city fee schedule. Where only a portion of an approved preliminary plat is submitted for final approval, a final plat of the remaining area may be submitted at any time within five years of the preliminary approval without payment of an additional filing fee by the subdivider, if the final plat for the additional area conforms substantially to the approved preliminary plat.

(e) *Coordination with zoning application requiring the submission of a development plan.* It is the intent of the city that subdivision review be carried out simultaneously with the review of zoning applications which require the submission of development plans under the zoning ordinance, including, for example, planned unit developments and mobile home parks. The development plans required for such zoning applications shall be submitted in a form to satisfy the requirements of this chapter for preliminary plans as set forth in section 46-5(a).

(f) *Exemption.* Plats, or replats of existing areas, containing three lots or fewer and involving no dedication of easements of right-of-way or installation of required improvements may bypass the preliminary plan steps, provided that all other requirements of this chapter are met.

(g) *Preliminary plan.*

- (1) Upon receipt of the recommendations of the subdivision review committee the developer shall prepare a preliminary plan for submission to the planning commission.
- (2) Four copies shall be submitted to the office of the city clerk along with the required filing fee.

(h) *Certificate of design.* The preliminary plat shall be accompanied by a statement signed by the individual preparing the plat that he has, to the best of his ability, designed the subdivision in accordance with the comprehensive city plan, with which he is completely familiar, applicable state and local ordinances, and in accordance with the ordinances and regulations governing the subdivision of land, except where an exception is required in writing and the reasons for which are clearly stated.

(i) *Planning commission action on preliminary plan.*

- (1) The planning commission shall approve, approve conditionally, or disapprove, the plan within 60 days of the date of its submission by the applicant.
- (2) If the preliminary plan is disapproved or approved conditionally, the reasons for such action shall be stated in writing, a copy of which shall be signed by the planning commission chairperson and shall be attached to one copy of the plan and transmitted to the subdivider. The reasons for disapproval or conditional approval shall refer specifically to those parts of the comprehensive city plan or specific regulations with which the plan does not conform. On conditionally approving a plan, the planning commission may require submission of a revised preliminary plan.
- (3) If the preliminary plan conforms to all of the standards, or after the applicant and planning commission agree upon any revision which shall be filed with the planning commission on a revised copy, the subdivider may proceed with the preparation of a final plat and final improvement plans.

(j) *Final plat approval.*

- (1) For all cases of subdividing within the scope of these regulations, a plat of land in question shall be drawn and submitted to the planning commission and city council for their approval or disapproval, as provided below.
- (2) The final plat of the proposed subdivision shall be submitted to the planning commission and the city council for approval within one year of the date on which the preliminary plan was approved.
- (3) The final platting of a subdivision may be platted in phases. However, the individual phases must conform to the current regulations in effect at the time of the submission of the individual plat.
- (4) The planning commission shall act upon the final plat within 60 days after it has been submitted for final approval. This approval and the date shall be shown on the plat over the signature of the planning commission chairperson.
- (5) If the final plat is disapproved, grounds for this refusal shall be stated in writing, a copy of which shall be transmitted with the tracing and prints to the applicant. The reasons for disapproval shall refer specifically to those parts of the subdivision ordinance, other ordinance, or comprehensive plan with which the plat does not comply.
- (6) Unless an application is made to and approved by the planning commission for an extension of time, a final plat not submitted within the time period shall be considered as lapsed and will need to be resubmitted.

(k) *City council action.* Before recording the final plat, it shall be submitted to the city council for approval and for acceptance of public ways and service and utility easements and land dedicated to public use. An ordinance shall be prepared and submitted to the city council for their approval. The city clerk or deputy city clerk shall attest to the passage of the ordinance by recording the ordinance number on the plat and signing the plat. The failure of the city council to approve the ordinance shall be deemed a refusal of the proposed deviations shown thereon.

(l) *Official recording.*

- (1) After final approval of the plat and the affixing of all required signatures on the original tracing, the subdivider shall provide the planning commission with two dark line prints thereof, and one contact reproducible Mylar tracing, said tracing to be filed with the city clerk. One dark line print shall be retained in the permanent file of the planning commission and one shall be sent to the office of the city clerk. The applicant shall file the original tracing, one dark line print on cloth, or Mylar, and one contact reproducible cloth or Mylar tracing or film with the county recorder.

- (2) No plat or other land subdivision instrument shall be filed in the office of the county recorder until it shall have been approved by the planning commission and by the city council as hereinafter set forth.
 - (3) All final plats shall be filed within two years of date of approval by the planning commission, and no lots shall be sold from any plat until recorded.
 - (4) Failure to record the plat within two years of the date of planning commission or city council approval, whichever is later, shall void all approvals thereto, unless extended by the planning commission and city council upon application prior to the expiration date.
- (Code 1984, § 26-5; Ord. No. 2961, § 4, 4-16-1991; Ord. No. 3234, § 1, 8-6-1996)
- State law reference**—Plat approval, RSMo 89.420.

Sec. 46-5. Specifications for plans and plats.

(a) *Contents of preliminary plan.* The preliminary plan shall be drawn at a scale of 100 or less feet to one inch and shall contain or be accompanied by the following information.

- (1) The scale, north point and date.
- (2) The proposed name of the subdivision.
- (3) The name and address of the owner of record, the subdivider and of the individual preparing the plat.
- (4) A key map showing the location of the proposed subdivision references to existing or proposed major streets and to government section lines, and including the boundaries and number of acres of the drainage area of which the proposed subdivision is a part.
- (5) The names, with location of intersecting boundary lines, of adjoining subdivisions, and the location of city limits if falling within or immediately adjoining the tract.
- (6) The land contours with vertical intervals not greater than two feet referenced to a United States Geological Survey or Coast and Geodetic Survey bench mark or monument.
- (7) The location of existing buildings, water, watercourses, easements of record, and the location of dedicated streets at the point where they adjoin and/or are immediately adjacent to the subdivision; provided, however, that actual measured distances shall not be required.
- (8) The length of the boundaries of the tract, measured to the nearest foot, and the proposed location and width of streets and alleys, showing approximate gradients, easements and setback lines, and the approximate lot dimension.
- (9) The locations, size and type of sanitary and storm sewers, water mains, culverts, power and natural gas lines and other surface and subsurface

structures and pipe lines existing within or immediately adjacent to the proposed subdivision; and the location, layout, type and proposed size of the following structures and utilities:

- a. Water mains.
 - b. Sanitary sewer mains, sub-mains, and laterals.
 - c. Storm sewers, culverts, and drainage structures.
 - d. Street improvements.
 - e. Sidewalks.
- (10) The location of all drainage channels and subsurface drainage structures, and the proposed method of disposing of all runoff from the proposed subdivision, and the location and size of all drainage easements relating thereto, whether they are located within or outside of the proposed plat.
 - (11) General location of the limits of 100-year-frequency flood, as indicated by the federal flood insurance maps or as calculated by a registered professional engineer.
 - (12) The classification of every street within or adjacent to the subdivision shall be designated as part of the proposed design. This shall be done by placing the appropriate terms, primary thoroughfare, secondary thoroughfare, collector or minor in parentheses, directly on each street.
 - (13) A preliminary outline of the deed restrictions and covenants that would be placed upon the subdivision.
- (b) *Contents of the final plat.*
- (1) A final plat, neatly drawn in ink or tracing cloth, or a Mylar reproducible, and three dark line prints thereof shall be submitted to the office of the city clerk to be placed on the agenda for the planning commission for final approval.
 - (2) There shall be submitted two sets of the proposed plans and specifications for all improvements and the proposed restrictions in final form; provided, however, the final plat may be approved subject to later submission of final improvement plans and specifications.
 - (3) The final plat shall be drawn at a scale of 100 or less feet to the inch from an accurate survey and on sheets whose dimensions are 18 inches by 24 inches between border lines. On the first sheet of every plat, there shall be a key map showing the location of the subdivision referenced to government survey section lines and major streets. If more than two sheets are required for the plat, the key map shall show the number of the sheet for each area. A border of one-half inch surrounding the sheet shall be left blank at the top, bottom, and right hand side, and margin of two inches at the left side for binding purposes.

- (4) The location and description of all section corners and permanent survey monuments in or near the tract, to at least one of which the subdivision shall be referenced.
- (5) The length of all required lines dimensioned in feet and decimals thereof, and the value of all required true bearings and angles dimensioned in degrees, minutes, and seconds, as hereafter specified.
- (6) The boundary lines of the land being subdivided fully dimensioned by lengths and bearings, and the location of boundary lines of adjoining lands, with adjacent subdivisions identified by official names.
- (7) The lines of all proposed streets fully dimensioned by lengths and bearings or angles.
- (8) The lines of all proposed alleys. Where the length and/or direction of any alley is not readily available from data given for lot and block lines, the length and/or bearing shall be given.
- (9) The widths, and names where appropriate, of all proposed streets and alleys, and of all adjacent streets, alleys, and easements which shall be properly located.
- (10) The lines of all proposed lots fully dimensioned by lengths and bearings and angles, except where a lot line meets a street line at right angles, the angles, the angle or bearing value may be omitted.
- (11) The outline of any property which is offered for dedication to public use fully dimensioned by lengths and bearings, with the area marked "public."
- (12) The blocks numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each block, with areas to be excluded from platting marked "reserved" or "not a part."
- (13) The location of all building lines, setback lines, and easements for public services or utilities with dimensions showing their location.
- (14) The location of all easements for drainage with dimensions showing their location.
- (15) The radii, length of curve, delta angle expressed in degrees, minutes and seconds, the points of tangency, tangent length and bearing expressed in feet and decimals, degree minutes and seconds, will be shown for the center line of all streets.
- (16) The property acknowledgements of owners and the consent by the mortgagee to plat restrictions.
- (17) The following which shall be made and shown on the cloth tracing or Mylar reproducible:
 - a. Owner's certificate and dedication, signed.

- b. Land surveyor's certificate of survey, signed, and his seal.
 - c. Certificate for release of mortgage for any portion dedicated to the public.
 - d. Certificates of planning commission approval.
 - e. Certificate of city council acceptance of ways, easements, and public land dedications.
 - f. Reference to any separate instruments, including restrictive covenants, filed in the office of the recorder of deeds which directly affect the land being subdivided.
 - g. Treasurer's certificate.
- (18) A title which shall include:
- a. Name of the subdivision.
 - b. Name of city, county and state.
 - c. Location and legal description of the subdivision referenced to section, township and range.

- (19) If the plat information has been recorded on a computer disk, a copy of said disk shall be submitted along with the plat drawings.

(c) *Minor replats.* An individual who owns five or fewer continuous lots may realign the property lines without filing for a resubdivision if the following conditions are met:

- (1) The realign will not affect any platted streets or alleys.
- (2) The redefined properties can be served by utilities located, or to be located, in public rights-of-way or in approved utility easements.
- (3) All redefined lots will conform to current minimum lot widths, lengths, and square footage requirements and will front on a public street.
- (4) The total number of lots proposed will be equal to or less than the number of existing lots being realigned.
- (5) Where an existing lot has a structure located on the property, the property shall not be redefined so as to create a violation of any yard requirements or intensity of use.
- (6) A detailed land survey by a registered land surveyor shall be provided and recorded for all the property being redefined which shall include:
 - a. A written property description in compliance with state law.
 - b. A line drawing to scale which shall include any existing buildings, fences, etc., on the subject property and dimensions to any structure

within 25 feet of any property lines. The survey shall also include any easements which have been recorded or which may be required to provide services to the subject property or adjoining properties.

- c. Monuments will be erected at each change in direction and covering each property being realigned.
- d. A copy of the recorded survey shall be included with any building permit application.

(Code 1984, § 26-5; Ord. No. 2961, § 5, 4-16-1991; Ord. No. 3043, § 1, 3-16-1993; Ord. No. 3303, § 1, 2-3-1998)

State law references—Plats, RSMo ch. 445; plat, how drawn and content, RSMo 445.020.

Sec. 46-6. Design standards.

(a) *Streets.* The arrangement, character, extent, width, grade, and location of all streets shall be designed with consideration to the concepts of the comprehensive master plan, or other standards as adopted and the following provisions:

- (1) Major streets shall be planned to conform to the major street plan. Each subdivision shall provide for the continuation of all arterial and major streets.
- (2) Whenever a subdivision abuts or contains an existing or proposed major street, limited access highway right-of-way or railroad right-of-way, the planning commission may require that access to such properties be provided by any of the following means:
 - a. A series of cul-de-sacs, U-shaped streets, or a parallel minor street allowing for reverse frontage lots or deep lots or other treatments which will afford separation and adequate protection and privacy for residential properties. When reverse lots are used, the developer shall provide landscaping plantings, berms or other treatments which shall provide a means of screening the property from the major street or limited access highway to a height of at least four feet measured from the surface of the area to be screened. A landscape easement of at least 20 feet shall be provided along that portion of lots abutting such traffic artery. The developer may be required by the planning commission to establish a non-access easement along a major street right-of-way to prohibit abutting lot owners from gaining direct access to the major street.
 - b. Service streets or frontage roads separated from the major street by a ten-foot-wide planting or grass strip, and having access only at suitable points. The planning commission may require that provisions be made to permit the servicing of adjoining properties by providing for the extension of the frontage or service street.

- (3) Ingress and egress to residential properties should be provided only in minor streets.
- (4) Residential minor streets shall be laid out so that their use by through traffic will be discouraged.
- (5) Satisfactory access to all platted parcels shall be provided to public streets.
- (6) Reserve strips controlling access to minor streets by adjacent property owners shall be prohibited except where their control is placed under conditions approved by the planning commission.
- (7) All streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and their appropriate relations to the proposed uses of the land to be served by such streets.
- (8) Where a plat that is submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed street system for the unsubdivided portion shall be prepared and submitted by the subdivider.
- (9) When a tract of land is subdivided into larger than normal lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision, with provision for adequate utility easements and connections for such resubdivision.
- (10) Consideration shall be made for the arrangement of streets to provide for the continuation of existing streets into surrounding areas. The planning commission may require the dedication of street rights-of-way to facilitate the development of adjoining properties.
- (11) The use of curvilinear streets, cul-de-sacs, and U-shaped streets shall be permitted in residential areas. However, streets shall not be laid out so as to intersect with themselves.
- (12) Streets shall intersect at approximately right angles.
- (13) Intersections involving the junction of more than two streets shall be avoided whenever possible.
- (14) Offset intersections (street jogs) or the intersections of parallel streets with less than 125 feet separation should be avoided.
- (15) The improved portion of streets shall be centered within the right-of-way except where the planning commission may grant approval.
- (16) Half streets shall be prohibited.
- (17) A street which is planned as a continuation of an existing street shall have the same name. Names of new streets shall not be so similar in sound and/or spelling to existing street names as to cause confusion or misunderstanding.

The use of a suffix (i.e., street, avenue, boulevard, drive, road, lane, etc.) shall be used to provide a uniform classification of street function and/or location of the street. Street names shall be subject to the review of the planning commission, post office, fire department, and the police department.

- (18) Cross streets shall be provided at block lengths of 1,320 feet or more.
- (19) In subdivisions under construction or built in phases, temporary culs-de-sac shall be constructed at the end of all streets with a length of 500 feet or more. Temporary culs-de-sac shall be constructed with a minimum rock base of six inches and shall be maintained by the developer or owner.
- (20) Street standards.

STREET STANDARDS

	<i>Right-of-Way</i>	<i>Pavement Width</i>	<i>Sidewalk Width</i>
Minor street—residential	50 feet	28 feet	4 feet
Minor street—commercial	60 feet	32 feet	5 feet
Major street—secondary	80 feet	42 feet	5 feet
Major street—primary	100 feet	44 feet	5 feet

- (21) Pavement design; compacted.

PAVEMENT DESIGN

	<i>Base Rock</i>	<i>Base Asphalt</i>	<i>Surface Asphalt</i>	<i>Concrete</i>
Minor street—residential	6"	4"	2"	7"
Minor street—commercial	6"	4"	2"	7"
Major street—secondary	6"	5"	3"	9"
Major street—primary	6"	8"	3"	9"

- (22) Street grades.

STREET GRADES

Minor street—residential	0.5—10%
Minor street—commercial	0.5—8%
Major street—secondary	0.5—7%
Major street—primary	0.5—5%

- a. Base material shall be placed on stabilized subgrade compacted to a minimum 95 percent proctor. Testing services shall be provided by an independent service and paid for by the developer. Pavement subgrade shall be proof rolled in the presence of the city street superintendent prior to paving. Soft areas in subgrade shall be removed and stabilized prior to paving.
 - b. Concrete streets shall be constructed in accordance with section 500 of Missouri Standard Plans for Highway Construction, a publication of state department of transportation.
 - c. Sidewalks in the right-of-way shall be concrete four inches thick poured on compacted gravel base. Driveways in the right-of-way shall be six inches thick with steel or fiber reinforcing. Sidewalks shall be separated at least one foot from curb and gutter.
 - d. Unless otherwise stated, materials and construction methods shall conform to state department of transportation standards.
 - e. Cul-de-sac: Right-of-way 50-foot radius, curb 39-foot radius, center island eleven-foot radius maximum.
 - f. Curb and gutter and driveway entrances shall conform to design standards approved by the city council.
- (23) Unless otherwise specified, all construction and materials shall be in conformance to state department of transportation standards.
- (24) Testing services for compaction, moisture, quality of material, etc., shall be provided by an independent service approved by the city but paid for by the developer.
- (25) Curb, gutter and driveway entrances shall be constructed in accordance with design standards approved by the city council.
- (b) *Blocks.*
- (1) The lengths, widths and shapes of blocks shall be determined with due regard to the following:
- a. Provision for adequate building sites suitable for the special needs of the type of use contemplated.
 - b. Needs for convenient access, safety, circulation of both vehicular and pedestrian traffic.
 - c. Consideration of topography.
 - d. Zoning requirements as to lot sizes and dimensions.
- (2) Residential block lengths shall not be longer than 1,320 feet along the centerline of the block. When a block exceeds 600 feet in length, the planning

commission may require a dedicated easement of not less than 15 feet in width and a paved crosswalk not less than four feet in width to provide pedestrian access across the block.

(3) Blocks used for residential purpose should be of sufficient width to allow for two tiers of lots of appropriate depth.

(4) Blocks intended for business and industrial use should be of a width suitable to provide for off-street parking and loading facilities.

(Code 1984, § 26-6; Ord. No. 2961, § 6, 4-16-1991; Ord. No. 3140, § 1, 11-15-1994; Ord. No. 3399, § 1, 2-1-2000; Ord. No. 3570, § 1, 4-5-2005; Ord. No. 3817, § 1, 2-7-2012)

State law references—Municipal authority to regulate size, location and use of buildings, etc., to promote health, safety, morals or general welfare of community, RSMo 89.020; municipal authority to regulate grading and improving streets, RSMo 89.410(2).

Sec. 46-7. No building permit for building on lot that does not abut street.

No building permit shall be issued for, and no building shall be erected on any lot that does not abut on a street. All streets giving access to a lot shall conform to the provisions of this chapter.

Sec. 46-8. Improvements.

(a) *General.*

(1) All improvements for a subdivision for residential, commercial, industrial or other purposes, shall be designed and installed in accordance with applicable city and/or state minimum standards with the elements of the city comprehensive plan being taken into consideration.

(2) Plans for all improvements required shall be prepared by a qualified engineer, registered in the state. Two sets of the proposed plans and specifications for all improvements shall be filed with the city clerk.

(3) Construction of improvements shall not begin until the final improvement plans are approved by the city council.

(b) *Streets.*

(1) Existing city streets damaged during development of a subdivision, shall be repaired and restored by the owner and/or developer to equal or better condition than before development. Such repairs shall be made prior to the city's acceptance of the subdivision improvements.

(2) The owner and/or developer shall be responsible for the construction of streets, including curb and gutter, within and bordering the subdivision.

- (3) The city council may postpone the construction of curb and gutter on existing streets in small subdivisions if it is not feasible to alter storm water flow from an existing ditch to curb and gutter. Such postponement shall be in the form of a restrictive covenant to run with the land.

(c) *Sidewalks.*

- (1) Except for minor streets, the owner and/or developer shall be responsible for the construction of a sidewalk on one side of streets within and bordering the subdivision.
- (2) Sidewalks shall be four feet wide on collector streets and five feet wide on major streets and must meet the requirements set forth in the Americans with Disabilities Act of 1990.
- (3) The city council may waive the sidewalk requirement for subdivisions less than a block long 550 feet except when the new sidewalk would extend an existing sidewalk.

(d) *Sanitary sewers.*

- (1) The developer shall install, in accordance with applicable standards, the required collector sanitary sewer lines to service the proposed development.
- (2) Where the development is of sufficient size, density or type of usage, the developer shall be responsible for installing required interceptor lines, lift stations, and sewage treatment facilities, etc., to service the proposed development.
- (3) These improvements may include off-site improvements.
- (4) Whenever a sanitary sewer line is not reasonably accessible, the planning commission may consider permitting the use of private sewage treatment facilities (septic systems, holding tanks, etc.) until such time as a sewer collection system is available. Said private systems must conform to all applicable state and local health department standards.

(e) *Storm drainage and storm sewers.*

- (1) The developer shall provide adequate storm water drainage improvements to handle storm water from the proposed project and from the watershed which may flow through the project. Improvement plans shall include storm water retention facilities with calculations showing capacity to handle a 25-year flood event.
- (2) The planning commission may require off-site improvements to handle the runoff from the project.

(f) *Street signs.* Street signs, posts, traffic signs, etc., shall be provided by the developer within the subdivision. All signage shall conform to Federal Highway Administration's (FHWA) Manual on Uniform Traffic Control Devices (MUTCD) standards. The developer may ask the city to install the required signage and reimburse the city for all applicable labor and material expenses.

(g) *Street lighting.*

- (1) *Standard lighting.* Standard lighting shall be 100 watt, mercury vapor, wood pole installed at the intersection of public streets. The city shall order such lights from the public electric utility and pay the monthly street lighting rate approved by the state public utility commission.
- (2) *Special lighting.* Owners and developers may request special lighting in lieu of or in addition to standard lighting and may request the city to share in the cost of the special lighting. The city may share in the cost of special lighting under the following conditions:
 - a. The special lights are installed and maintained by the public electric utility on public streets and, if deemed necessary by the city, lights are installed at all street intersections.
 - b. The owner/developer pays any installation costs and pays for the maintenance of the pole and light.
 - c. The overall monthly cost to the city for the power and maintenance of underground wiring for the special lighting is less than the overall monthly cost for standard lighting.
 - d. The illumination of street intersections is equal to or greater than the illumination provided by standard lighting.
 - e. There is a separation of at least 350 feet between lights.

Owners/developers requesting city cost sharing for special lighting shall submit to the city a plan showing the location and type of lights to be installed.

(h) *Water mains.*

- (1) The developer shall be responsible for the extending of adequate water lines to service all properties with adequate domestic and fire flow protection.
- (2) These extensions shall be done in accordance with applicable standards and policies governing water line construction.

(i) *Landscaping.*

- (1) The standards and criteria contained in this subsection are minimum standards and shall apply to all new subdivisions containing industrial, commercial and multifamily (three or more units) developments.
- (2) Subdivision improvement plans shall include a landscape plan, including a drawing of the enclosure and screening of trash containers.

- (3) All unpaved and otherwise unimproved areas shall be brought to finish grade, planted to grass or other ground cover, and shall receive shade trees and shrubs of reasonable quality and size. Parking lots with more than one aisle shall be designed with landscaped areas equalizing at least 2½ percent of the total parking lot area. The number of trees required in the parking lot interior shall be one tree for each 200 square feet of the required landscaped area.
 - (4) Shade trees shall be planted and maintained in accordance with the management plan set forth by the city tree board.
 - (5) Trash containers shall be enclosed in a permanent masonry or frame enclosure. No trash container shall be visible from off the property.
 - (j) *Permanent markers.* Each lot and block corner shall be marked with iron pipes or pins not less than one-half inch in diameter and 24 inches long at least one inch below finished grade; and each subdivision shall be marked with a permanent monument in accordance with state minimum property survey standards.
 - (k) *As-built plans.* One set of as-built plans and specifications shall be provided for all improvements prior to the time of acceptance of the improvements. Said plans shall be certified and signed by a registered engineer.
 - (l) *Maintenance and supervision.* Where the subdivision has sewer lines, sewage treatment plants, water supply systems or other facilities necessary or desirable for the subdivision and which are not or cannot be maintained by a public agency, provision shall be made which is acceptable for the proper and continuous operation, maintenance and supervision of such facilities.
 - (m) *Parking lots and driveways.* Parking lots and driveways in new subdivisions containing industrial, commercial and multifamily (three or more units) developments shall be hard surface and constructed of either asphalt or concrete.
(Code 1984, § 26-7; Ord. No. 2961, § 7, 4-16-1991; Ord. No. 3234, §§ 2—5, 8-6-1996; Ord. No. 3303, §§ 2—8, 2-3-1998; Ord. No. 3413, § 1, 8-1-2000; Ord. No. 3441, § 1, 5-1-2001; Ord. No. 3608, § 1, 7-18-2006; Ord. No. 3817, § 1, 2-7-2012)
- State law references**—Municipal authority over street lighting, RSMo 88.613 et seq.; planning commission to approve improvements, commission disapproval, how overruled, RSMo 89.380; approval of public improvements after adoption of major street plan, RSMo 89.460.

Sec. 46-9. Guarantees of performance.

- (a) *Surety bond.*
- (1) Prior to the issuance of any building permit, all improvements required herein shall be installed or an appropriate performance bond, letter of credit or other securities, approved by the city administrator, shall be posted with the city.

- (2) The security shall be for 100 percent of all required improvements.
- (3) If the proposed improvements are not installed within one year, the city may use the proceeds of the securities for the installation of the improvements.

(b) *Maintenance bond.* Owners/developers herein required to install public improvements shall provide a maintenance bond for 100 percent of the cost of the improvements guaranteeing the improvements free of defects in materials and workmanship. The maintenance bond shall be for a period of two years from the date the project improvements are completed and accepted by the city.

(Code 1984, § 26-8; Ord. No. 2961, § 8, 4-16-1991; Ord. No. 3570, § 2, 4-5-2005)

State law references—Municipal authority to accept bond in lieu of completion of improvements, RSMo 89.410(2); municipal authority to withhold building permits on land with incomplete improvements, RSMo 89.470.

Sec. 46-10. Dedications and reservations.

(a) Easements. Where alleys are not provided, easements not less than 15 feet wide shall be provided for use by public and private utilities along each rear lot line, and alongside lot lines where necessary, in the following manner:

- (1) A permanent easement no less than 7½ feet wide shall be provided along the rear lot line, or along the side lot line where necessary, of each abutting or adjoining lot.
- (2) Where the land owned and being subdivided by the subdivider ends at a rear or side lot line and the subdivider is unable to obtain from the adjoining property owners an easement not less than 7½ feet wide, the planning commission, upon finding that the easement will be available from the adjoining property owners at a future date, may approve the grant of an easement along each rear lot line, or side lot line where necessary, not less than 15 feet wide of which ten feet is a permanent easement and five feet is a temporary easement reverting to the property owner at such time as the adjacent easement not less than 7½ feet wide is obtained from the adjoining property owner.
- (3) Easements shall be maintained free of buildings or other structures. The planning commission may require area easements and easements of greater width for the extension of main storm and sanitary sewers and other utilities where it is deemed necessary.

(b) Where a subdivision is traversed by a watercourse, drainage channel or stream, which drains 160 acres, more or less, of land, there shall be provided a right-of-way for drainage and public parks and which shall contain all of the runoff from a 50-year maximum flood. The right-of-way shall include all of the land within the subdivision that has an elevation below the 50-year maximum flood elevation which shall be calculated in accordance with standard engineering practices.

(c) Public areas and open space public parks, playgrounds, school sites and other public areas and open spaces shall be provided in accordance with the requirements and standards set forth in the comprehensive city plan and in the ordinances relating thereto.

(Code 1984, § 26-9; Ord. No. 2961, § 9, 4-16-1991)

State law reference—Municipal authority to provide for the dedication, reservation or acquisition of lands and open spaces necessary for public uses indicated on city plan, RSMo 89.410(1).

Sec. 46-11. Variances and appeals.

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardship or inequity, the planning commission may vary or modify, except as otherwise indicated, such requirements of design, but not of procedure or improvements, so that the subdivider may develop his property in a reasonable manner, but so, at the same time, the public welfare and interests of the city are protected and the general intent and spirit of these regulations preserved. Such modification may be granted upon written request of the subdivider stating the reasons for each modification and may be waived by three-fourths vote of the regular membership of the planning commission.

(Code 1984, § 26-10; Ord. No. 2961, § 10, 4-16-1991)

Sec. 46-12. Violations and penalties.

(a) No building permit shall be issued for any new structure or change, improvement or alteration of any existing structure on any tract of land which does not comply with all of the provisions of these regulations.

(b) Any person, firm, or corporation who constructs any public improvement or portion thereof in violation of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100.00 or more than \$500.00 or be punished by confinement in the county jail for not more than one year, or by both such fine and confinement for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(c) Whoever shall sell or offer for sale, lease or offer for lease, while a subdivision regulation ordinance is in effect, any lot, or block, within the incorporated limits of the city, or any addition thereto, or any subdivision of any lot or block therein, before all of the requirements of this chapter have been complied with, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than

\$100.00 or more than \$500.00 or be punished by confinement in the county jail for not more than one year, or by both such fine and confinement for each lot, block or part thereof so disposed of, offered for sale, or leased.

(Code 1984, § 26-11; Ord. No. 2961, § 11, 4-16-1991)

Sec. 46-13. Off-street parking requirements when subdivision regulations do not apply.

It is the intent of this section to require off-street parking facilities in connection with the construction, expansion, and relocation of certain buildings and which are not required under chapter 36.

- (1) *When required.* Any of the improvements listed below and for which a building permit is required under this chapter, shall include off-street vehicle parking and loading facilities in accordance with chapter 36, article IV, division 5:
 - a. Construction of new buildings.
 - b. Expansion of existing buildings if said expansion results in an increase in the size of the original buildings by 50 percent or more.
 - c. Movement and relocation of buildings.
- (2) *Installation.* Required off-street parking facilities shall be installed prior to the issuance of a certificate of occupancy. If the parking facilities cannot be installed due to inclement weather, the owner shall provide a bond or letter-of-credit guaranteeing said parking facilities.

(Code 1984, §§ 6-190, 6-191, 6-192; Ord. No. 3397, § 1, 2-1-2000)

Sec. 46-14. Fences.

No fence in excess of four feet in height shall be constructed upon any property in closer proximity to any public street than the prescribed building setback line, or the existing line of buildings adjacent to the property, without the prior approval of the city council for good cause shown, as determined by the city council. The term "fence," as used in this chapter, means any manmade structure which is not a supporting wall of any building and which is a barrier to sight, light or movement of persons.

(Code 1984, §§ 6-161, 6-162; Ord. No. 2591, §§ 1, 2, 12-19-1978)

Chapter 47

RESERVED

Chapter 48

TAXATION AND BUSINESS LICENSING

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ARTICLE I. IN GENERAL

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ARTICLE II. OCCUPATIONAL LICENSE TAXES***DIVISION 1. GENERALLY****Sec. 48-19. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bond or performance bond means, unless otherwise expressly provided, a corporate surety bond written by a company authorized to do business in the state conditioned upon the faithful compliance of the licensee, his agents, servants and employees with all statutes, rules and regulations of the state, the provisions of this article or the ordinances of the city applicable to or regulating the licensed occupation. In addition, any bond given pursuant to the requirements of this article shall be:

- (1) Conditioned on the faithful performance by the licensee of any contract or sale entered into by the licensee arising out of or in connection with the licensed occupation;
- (2) In the penal sum of \$2,000.00, unless otherwise provided;
- (3) For the use and benefit of the city or any person suffering injury or damages arising out of a breach of the conditions of the bond to the extent of such injury or damage, not to exceed the face amount of the bond for any or all of such claims, whether made by one or more of such persons or the city; and
- (4) Deemed conditioned as set forth in this definition, and for the use and benefit of the city and those persons as above set forth whether so expressly provided in such bond or not.

Suit may be brought upon such bond by any such person in his own name or in the name of the city, for his use and benefit.

Contractor means and includes persons, building companies, lumber and material companies who make contracts for building, remodeling and repairing. It shall include any type of contractor or builder who makes contracts by the job, by the

***State law references**—Municipal authority to levy taxes and licenses, RSMo 94.020; license taxes on certain businesses, RSMo 94.110.

week or by hourly rates, except those persons whose earnings are subject to withholding by an employer, in connection with the work they are performing, for social security tax, state or federal income tax.

Employee means any full- or part-time individual paid wages or salary by a merchant, manufacturer, contractor or business, as defined herein. Any business that is a sole proprietorship shall be deemed as having one employee for the purposes of this article.

Insurance policy means a public liability policy written by a company authorized to do business in the state with a minimum coverage of \$5,000.00 for injuries to any one person, \$10,000.00 for all injuries arising out of one accident, and \$5,000.00 for property damages.

Manufacturer means a person who holds or purchases personal property for the purpose of adding to the value thereof by any process of manufacturing, refining or by combination of different materials, or who shall purchase and sell articles such as he manufactures.

Merchant means a person who deals in the selling of any goods, wares or merchandise at any store, stand or place occupied and maintained for that purpose within the corporate limits of the city unless a different meaning is or may be otherwise provided by ordinance.

Occupation means any occupation, business, profession, vocation, trade or pursuit, or the keeping or maintaining of any institution, establishment, article, utility or commodity for which a license is required by this article, for persons engaging therein.

Pawnbroker means any person engaged in the business of lending money on the security of pledged goods or engaged in the purchasing of tangible personal property on condition that it may be redeemed or repurchased by the seller.

Pawnshop means the location at which, or the premises in which, a pawnbroker regularly conducts business.

(Code 1975, § 605.020; Code 1984, § 27-16; Ord. No. 3003, § 1, 5-5-1992; Ord. No. 3281, § 1, 9-2-1997)

Sec. 48-20. Occupations and businesses to be licensed, taxed and regulated.

All of the various objects, occupations, professions, trades, avocations and businesses within the city shall be licensed, taxed and regulated under and by virtue of authority granted to the city as a city of third class and in accordance with RSMo ch. 94, and as amended therein.

(Code 1975, § 605.010; Code 1984, § 27-17; Ord. No. 3281, § 2, 9-2-1997)

Sec. 48-21. License required.

It shall be unlawful for any person to conduct, pursue, carry on, or operate within the city any trade, avocation, occupation or profession without first having obtained a license in accordance with the terms of this article. Any persons found to be in violation of this article shall be deemed guilty of an ordinance violation and punished pursuant to section 1-13.

(Code 1975, § 605.090; Code 1984, § 27-18; Ord. No. 3281, § 3, 9-2-1997)

Sec. 48-22. Evidence of workers' compensation insurance prior to license issuance.

No license required under the provisions of this article shall be issued by the city to any contractor until such contractor produces a copy of a certificate of insurance for workers' compensation coverage if the applicant for the license is required to cover his liability under RSMo ch. 287. It is further made a violation of this section to provide fraudulent information to the department.

(Code 1984, § 27-18.1; Ord. No. 3060, § 1, 8-3-1993; Ord. No. 3337, § 1, 10-20-1998)

Sec. 48-23. Registration and license required.

Every person desiring to do business in the city shall register his place of business and obtain a license to do business. Every person shall, before doing or offering to do business within the corporate limits of the city, register each separate place of business with the city collector and obtain a certificate or license to do business as provided in this article.

(Code 1975, § 605.100; Code 1984, § 27-19)

Sec. 48-24. License year; tax for fraction of year.

All licenses granted under the provisions of this article shall commence on October 1 in each year and shall expire on September 30 of the year following the date of issuance, unless otherwise specified. The amount collected for any license issued after April 1, shall be prorated by 50 percent as to the amount due for an entire 12-month period.

(Code 1975, § 605.060; Code 1984, § 27-23; Ord. No. 3281, § 4, 9-2-1997)

Sec. 48-25. Payment of taxes and fees prerequisite to issuance of license.

No license shall be issued until all taxes, fees or other charges owed to the city have been paid in full as of the date of the application for the license.

(Code 1975, § 605.120; Code 1984, § 27-22)

Sec. 48-26. Form of license.

All licenses issued by the city shall run in the name of the city and be signed by the mayor and the city clerk, who shall affix the city's corporate seal thereto. The

form of each license shall designate to whom it is issued, for what purpose issued, the business, trade or avocation for which it is issued, the period of time for which it is issued, and the amount of tax paid.

(Code 1975, § 605.080; Code 1984, § 27-24)

State law reference—Licenses, how issued, RSMo 94.120.

Sec. 48-27. License to be posted.

Every person to whom a license is issued under the provisions of this article shall keep the license conspicuously posted at the place of business for which the license is issued or on the motor vehicle for which the license is issued.

(Code 1975, § 605.040; Code 1984, § 27-25)

Sec. 48-28. Licenses not assignable or transferable.

No license granted under the provisions of this article shall be assigned or transferred, and no refund shall be made on any license issued because the person to whom the license was issued continues or retires from the business, calling or occupation for which the license was issued.

(Code 1975, § 605.070; Code 1984, § 27-26)

State law reference—Similar provisions, RSMo 94.120.

Sec. 48-29. License fee for more than one business.

Every person engaged in more than one occupation, where all of the operations are operated as one business under the same management and at the same location, may pay one license fee for all those occupations which are licensed on the basis of the total number of employees at such location.

(Code 1975, § 605.110; Code 1984, § 27-27; Ord. No. 3281, § 5, 9-2-1997)

Sec. 48-30. Oaths.

All oaths provided for and prescribed by the terms of this article shall be made before a notary public or other officer authorized to administer oaths by the laws of this state.

(Code 1975, § 605.140; Code 1984, § 27-28)

Sec. 48-31. Revocation of licenses.

(a) Whenever the city clerk has reasonable grounds to believe that a licensee under this article has violated or is in violation of any of the provisions of this article or of the zoning laws or regulations of the city, upon five days' written notice, the collector may revoke the licensee's occupational license until the violation has ceased, or is corrected. If during the five-day period the licensee requests in writing a hearing on the matter, the city council shall conduct a hearing thereon within ten

days following the licensee's request, and the revocation shall stand abated until the council notifies the licensee of its decision. If the licensee fails to attend the hearing, the city collector shall forthwith revoke his license.

(b) No proceeding shall be brought for violation of this article nor any license revoked for violation of this article for any infraction occurring more than three years next preceding the revocation or initiation of any such proceeding.
(Code 1975, § 605.190; Code 1984, § 27-29)

Sec. 48-32. Expiration of liability insurance.

Any liability insurance policy required to be furnished under the provisions of this article shall be considered to have expired on the expiration date shown on the face of the policy, unless a certificate of continuation shall have been received by the city collector on or before such expiration date. All policies shall provide for 30 days' notice to the city collector prior to cancellation. No insurance policy shall contain a deductible clause of more than \$50.00.
(Code 1975, § 605.180; Code 1984, § 27-30)

Sec. 48-33. Duty of city clerk.

It shall be the duty of the city clerk to collect all moneys for licenses issued under this article. He shall keep a complete and accurate account and list of all such licenses issued by him. The list of accounts shall clearly show what licenses have been issued and for what purpose issued, the business, trade or profession for which issued, the period of time for which issued and the amount paid.
(Code 1975, § 605.050; Code 1984, § 27-31)

Sec. 48-34. Special events license and business license.

(a) When a special event is being held in the city and more than one person or business will be at the same location and there is an event promoter for said special event, the event promoter shall be required to register with the city and purchase a special event license as provided in the city fee schedule. As part of the registration for said license, the special event promoter shall be required to provide to the city a listing of the name, address, telephone number, and retail sales tax identification number (if applicable) of each vendor that will participate in the special event. In addition, the event promoter shall pay unto the city an amount equal to what is required in subsection (c) of this section.

(b) Every person and/or business desiring to do business in the city limits for a period of seven days or less shall register their place of business, along with the location in which they expect to conduct said business, as well as a statement as to the services or items which shall be offered for sale and/or services provided.

(c) The special event business license shall be purchased on a daily rate, as provided in the city fee schedule, per vendor for the first business day and as provided in the city fee schedule per day for each day thereafter, not to exceed seven business days. In the event the business shall require more than seven business days, said business shall be required to purchase a business license as outlined in the remainder of this chapter.

(d) Section 48-24 shall not apply to the special events licenses.
(Code 1984, § 27-20; Ord. No. 3738, 5-18-2010)

Secs. 48-35—48-58. Reserved.

DIVISION 2. MERCHANTS, CONTRACTORS AND AUCTIONEERS*

Sec. 48-59. Estimates to be submitted.

Every merchant or contractor, when he makes his application for the registration of his place of business and upon obtaining a license to do so, shall submit and file a written declaration, under oath, on a form provided by the city clerk setting forth the number of employees of the business.

(Code 1984, § 27-41; Ord. No. 3281, § 8, 9-2-1997)

Sec. 48-60. Annual business tax.

(a) There shall be collected and is hereby levied upon and against every business, merchant, contractor or auctioneer, for the privilege of doing business or selling goods, wares and merchandise within the city, an annual business tax in the manner and form as follows:

BUSINESS TAX

<i>Number of Employees</i>	<i>Amount of Tax</i>
1 to 3	\$50.00
4 to 20	\$100.00
21 to 50	\$250.00
51 or more	\$500.00

(b) The annual business tax shall be due and payable on October 1.

(c) A late charge, as provided in the city fee schedule, shall be added to any annual business tax not paid by November 1. A late payment penalty of 1½ percent per month of the amount due shall be added to any annual business tax not paid by December 1.

(Code 1984, § 27-42; Ord. No. 3281, § 9, 9-2-1997; Ord. No. 3486, § 1, 7-16-2002)

***State law reference**—Merchants' licenses and taxes, RSMo 150.010 et seq.

Sec. 48-61. Nonresident contractors and auctioneers.

Every contractor and auctioneer engaged in a contracting or auctioneering business who is a nonresident of the city and does not have a business located in the city shall, if he contracts any business within the city, pay the same license fee as a resident contractor or auctioneer engaged in a like business.

(Code 1975, § 605.170; Code 1984, § 27-46; Ord. No. 3281, § 6, 9-2-1997)

Sec. 48-62. Sales tax payment must be current for issuance of license.

(a) All persons that are required to pay sales taxes to the city and state must be current, prior to the issuance of a city merchant's license. Any person that is not current in the payment of sales tax according to the printout received from the state department of revenue shall not be issued a city merchant's license until such time as the city and state sales taxes, penalties and interest are fully paid and the department of revenue for the state certifies that same are fully paid. In the event that the merchant has entered into an agreement with the state department of revenue for the payment of delinquent sales taxes, including interest and penalty thereon, verification of such agreement with the department of revenue shall provide as sufficient clearance for the issuance of a city merchant's license.

(b) Any person in violation of this section shall be punished pursuant to section 1-13.

(c) Only those persons authorized by RSMo 32.057 shall have access to the state department of revenue printout that lists merchants that are current in sales tax payments.

(Code 1984, § 27-50; Ord. No. 2867, §§ 1—5, 6-7-1988; Ord. No. 3281, § 10, 9-2-1997)

Secs. 48-63—48-80. Reserved.

DIVISION 3. TELEPHONE SERVICE

Sec. 48-81. Statement of gross receipts to be filed.

It is hereby made the duty of every person engaged in the telephone business described in section 48-82 to file with the city clerk on December 1 and June 1 of each year a sworn statement of the gross receipts of their business from May 1 of each year for the six calendar months preceding the filings of the statement. The city clerk or his duly authorized deputy shall be and is hereby authorized to investigate the correctness and accuracy of the statement required and for that purpose shall have access at all reasonable times to the books, documents, papers and records of any person making such a statement in order to ascertain the accuracy thereof.

(Code 1975, § 645.020C; Code 1984, § 27-61)

Sec. 48-82. License tax.

Every person now or hereafter engaged in the business of supplying telephone, telecommunication, data transmission or similar services in the city, whether through wire or wireless transmission, excluding direct broadcast satellite services, shall pay to the city, as a license tax, a sum equal to five percent of the gross receipts from such business originating in, conducted within and furnished to customers within the corporate limits of the city.

(Code 1975, § 645.020B; Code 1984, § 27-62; Ord. No. 3370, § 2, 6-15-1999; Ord. No. 3393, § 1, 1-14-2000; Ord. No. 3394, § 1, 1-14-2000; Ord. No. 3511, § 1, 8-5-2003; Ord. No. 3598, § 1, 4-18-2006; Ord. No. 3616, § 1, 9-5-2006)

Sec. 48-83. Amount of franchise tax.

Every person now or hereafter engaged in the business of supplying telephone, telecommunication, data transmission or similar services in the city, whether through wire or wireless transmission, excluding direct broadcast satellite services, shall pay to the city, as a franchise tax, a sum equal to five percent of the gross receipts from such business originating in, conducted within and furnished to customers within the corporate limits of the city. Such payments to the city may be made each calendar quarter for receipts for the previous quarter, or semi-annually for receipts from the previous six months.

(Code 1975, § 645.020D; Code 1984, § 27-63; Ord. No. 3598, § 2, 4-18-2006; Ord. No. 3616, § 2, 9-5-2006)

Sec. 48-84. Tax in lieu of certain other taxes.

The tax required by this division to be paid shall be in lieu of any other occupation tax required of any person engaged in the telephone business described in section 48-82, but nothing herein contained shall be so construed as to exempt any person from the payment to the city the tax which the city levies upon the real or personal property belonging to any such person, nor the tax required of merchants or manufacturers for the sale of anything other than telephone service, nor shall the tax herein required exempt any such person from the payment of any other tax which may be lawfully required other than an occupation tax on any of the telephone businesses described in section 48-82.

(Code 1975, § 645.020E; Code 1984, § 27-64)

Secs. 48-85—48-111. Reserved.**DIVISION 4. ELECTRIC POWER AND ENERGY SERVICE****Sec. 48-112. Amount of occupation tax.**

Every electric power and energy company, and every other person owning, operating, controlling, leasing or managing any electric plant or system generating,

manufacturing, selling, distributing or transmitting electric energy and power, shall in addition to all other taxes, payments or fees now or hereafter required by law or ordinance, pay to the city an occupation tax in an amount equal to five percent of the gross receipts derived from the sale, distribution or transport of electric power and energy within the present or future limits of the city during the period of such occupation.

(Code 1984, § 27-71; Ord. No. 3393, § 2, 1-4-2000)

Sec. 48-113. Basis of occupation tax.

The occupation tax shall be based upon the sale, distribution or transport of electric power and energy for domestic and commercial consumption and not for resale, but not including any revenue for electric service to the city and to other governmental agencies and political subdivisions.

(Code 1984, § 27-72; Ord. No. 3393, § 2, 1-4-2000)

Sec. 48-114. Statement of gross revenues to be filed.

The light, power or energy company shall pay the herein provided occupation tax monthly, and the tax shall be computed upon the basis of gross revenue from the first day through the last day of each month beginning on January 1, 2000. The company shall calculate the tax due the city monthly, and within 60 days after the last day of each month file a statement notifying the city of the amount of gross revenue subject to the payment of the said tax which was received during the month, and at the time of filing such statement shall pay to the city the tax due.

(Code 1984, § 27-73; Ord. No. 3393, § 2, 1-4-2000)

Secs. 48-115—48-141. Reserved.

DIVISION 5. GAS SERVICE

Sec. 48-142. Amount of occupation tax.

Every gas company, and every other person, firm or corporation, their successors and assigns, owning, operating, controlling, leasing or managing any gas plant or system manufacturing, selling, distributing or transmitting natural or manufactured gas shall in addition to all other taxes, payments or fees now or hereafter required by law or ordinance, pay to the city an occupation tax in an amount equal to five percent of the gross receipts derived from the sale, distribution or transport of gas within the present or future limits of the city during the period of such occupation.

(Code 1984, § 27-78; Ord. No. 3394, § 2, 1-4-2000)

Sec. 48-143. Basis of occupation tax.

The occupation tax shall be based upon the sale, distribution or transport of gas for domestic and commercial consumption and not for resale, but not including any revenue for gas service to the city and to other governmental agencies and political subdivisions.

(Code 1984, § 27-79; Ord. No. 3394, § 2, 1-4-2000)

Sec. 48-144. Statement of gross revenues to be filed.

The gas company shall pay the herein provided occupation tax monthly, and the tax shall be computed upon the basis of gross revenue from the first day through the last day of each month beginning on January 1, 2000. The company shall calculate the tax due the city monthly, and within 60 days after the last day of each month file a statement notifying the city of the amount of gross revenue subject to the payment of the said tax which was received during the month, and at the time of filing such statement shall pay to the city the tax due.

(Code 1984, § 27-80; Ord. No. 3394, § 2, 1-4-2000)

Secs. 48-145—48-171. Reserved.

ARTICLE III. CIGARETTE TAX*

DIVISION 1. GENERALLY

Sec. 48-172. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cigarette means any roll for smoking made wholly or in part of tobacco irrespective of size or shape and whether or not such tobacco is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except tobacco.

Package means the individual box or other container in or from which retail sales of cigarettes are normally made or intended to be made.

Retail dealer means any person, other than a wholesale dealer, jobber or manufacturer, engaged in the business of selling cigarettes.

Sale means any transfer of title or possession, or both, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever for a consideration or any agreement thereof.

***State law reference**—Cigarette tax, RSMo ch. 149.

Wholesale dealer means any person who sells cigarettes to retail dealers or other persons for the purpose of resale only.

(Code 1975, § 640.010; Code 1984, § 27-106)

State law reference—Similar definitions, RSMo 149.011.

Sec. 48-173. Oaths and affidavits.

The city clerk or his employees or agents duly designated and authorized, shall have power to administer oaths and take affidavits in relation to any matter or proceedings in the exercise of their powers and duties under this article.

(Code 1975, § 640.130; Code 1984, § 27-107)

Secs. 48-174—48-199. Reserved.

DIVISION 2. LICENSE AND OCCUPATION TAXES

Sec. 48-200. Amount; intent.

(a) Every person engaged in the retail business of selling cigarettes or offering or displaying the same for sale within the city shall procure a license therefor for the place of business in which he desires to sell cigarettes. At the time this license is issued, the licensee shall pay to the city clerk the sum, as provided in the city fee schedule, as a registration fee for each place of business licensed.

(b) Each licensee under this section engaged in business detailed in subsection (a) of this section shall pay an additional occupation tax of \$5.00 per \$100.00 or \$50.00 per \$1,000.00 for each and all cigarettes sold, offered or displayed for sale.

(c) The intent and meaning of this division is that it shall levy an occupation tax based upon and pursuant to the method provided for by RSMo 94.110, and pursuant to the powers therein granted and the powers further granted under state law to cities of third class. The tax shall be paid and the stamps provided in this division shall be affixed by the person selling the cigarettes or displaying or offering the same for sale, after they have arrived in the city, and before being displayed or offered for sale by any retail dealer in the city.

(Code 1975, § 640.020; Code 1984, § 27-116; Ord. No. 3248, §§ 1, 2, 12-3-1996)

Sec. 48-201. License.

(a) Every person desiring to continue to engage in or to begin to engage in the sale of cigarettes at retail within the city shall file an application for a cigarette license provided in this division.

(b) Every application for a cigarette license shall be made upon a form prescribed, prepared and furnished by the city clerk, and shall set forth such information as he shall require. Upon approval of the application, the city clerk shall grant and issue to the applicant a cigarette license, as herein provided, for each place of business within the city set forth in the application.

(c) Cigarette licenses shall not be assignable and shall be valid only for the persons in whose names they are issued and for the transaction of business in the places designated therein, and shall at all times be conspicuously displayed at the places for which issued.

(d) All licenses shall expire one year from date of issue unless sooner suspended, surrendered, or revoked by the city clerk. Whenever any license issued under the provisions of this section is defaced, destroyed or lost, the city clerk shall issue a duplicate license upon payment of a fee as provided in the city fee schedule.
(Code 1975, § 640.070; Code 1984, § 27-117)

Sec. 48-202. Payment of fee.

The occupation license tax provided for by this division shall be paid by purchase from the city treasurer of stamps of such design and denomination as shall be prescribed by the city treasurer; or, alternatively, by payment of such license occupation tax contemporaneously with delivery of the sales report pursuant to section 48-203. In the sale of stamps, the city treasurer shall allow a discount of ten percent of the denominational value thereof to cover the cost of labor in affixing and canceling such stamps.
(Code 1975, § 640.030; Code 1984, § 27-118; Ord. No. 3248, §§ 1, 3, 12-3-1996)

Sec. 48-203. Tax stamps; report of daily purchases and returns.

(a) It shall be the duty of every wholesale dealer or jobber, before delivering to any retail dealer or other person within the city for sale at retail within the city, to affix to each package of cigarettes a stamp purchased from and furnished by the city treasurer, which stamp so affixed and canceled shall evidence the payment of the occupation license tax imposed by this division, and such stamp shall be canceled as soon as it shall be affixed to the package containing such cigarettes.

(b) Alternatively, the wholesale dealer or jobber shall agree to provide to the city a report showing daily purchases and returns of each package of cigarettes by each retail dealer and vending machine operator within the city, which report shall net out the dollar amount due the city for the occupation license tax by the month. The reporting form shall be approved by the city and shall be due not later than the 15th of each month for the preceding month. Each wholesale dealer or jobber shall authorize the city to verify such reports with information provided to the state department of revenue.
(Code 1975, § 640.090; Code 1984, § 27-120; Ord. No. 3248, §§ 1, 4, 12-3-1996)

Sec. 48-204. Records required.

For the purpose of enabling the city clerk to properly enhance the terms of this division as to retail dealers, the following provisions are hereby enacted:

- (1) At the time of delivering cigarettes to any retail dealer, each wholesale dealer in the city shall make a true duplicate invoice showing the date of delivery, the amount and value of each shipment of cigarettes delivered, and the name of the retail dealer to whom delivery is made, and shall retain the same for a period of three years, subject to the use and inspection of the city clerk.
- (2) Each wholesale and retail dealer in the city shall procure and retain invoices showing the amount and value of each shipment of cigarettes received by him, the date thereof, and the name of the shipper, and shall retain the same for a period of three years, subject to the use and inspection of the city clerk.
- (3) The city clerk, by regulation, may provide that whenever cigarettes are shipped into the city, the railroad company, express company, trucking company or other public carrier transporting any shipment thereof shall file with the city clerk a copy of the freight bill within ten days after delivery in the city of each shipment.
- (4) All dealers within the city shall maintain and keep for a period of three years such other records of cigarettes received, sold or delivered within the city as may be required by the city clerk.

(Code 1975, § 640.100; Code 1984, § 27-121)

Sec. 48-205. Powers and duties of city clerk.

(a) The city clerk, or his duly authorized representative, is hereby authorized to examine the books, papers, invoices, and other records, and stock of cigarettes in and upon any premises where placed, stored and sold, and equipment of any wholesale or retail dealer pertaining to the sale and delivery of cigarettes taxable under this division. To verify the accuracy of the occupation tax imposed and assessed by this division, each person is hereby directed and required to give to the city clerk, or his duly authorized representative, the means, facilities and opportunity for this examination as are herein provided and required.

(b) In addition to the powers herein granted to the city clerk, he is hereby authorized and empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to:

- (1) The method and means to be used in cancellation of tax stamps, if any;
- (2) The denomination and sale of tax stamps; and

- (3) The delegation of his powers to a deputy or other employee or employees of his office or, with the consent of the city council, to delegate his powers to the chief of police.

(Code 1975, § 640.100; Code 1984, § 27-122)

Sec. 48-206. Refunds for uncanceled tax stamps.

(a) Whenever any cigarettes upon which stamps have been placed by a retail dealer have been sold and shipped into another city or state for sale or use, or have become unfit for use and consumption or unsalable or have been destroyed, the retail dealer shall be entitled to a refund of the actual amount of tax paid by him with respect to the cigarettes. If the city clerk is satisfied that a retail dealer is entitled to a refund, he shall issue to the retail dealer stamps of sufficient value to cover the refund.

(b) The city clerk is hereby authorized to adopt, prescribe and promulgate such rules and regulations with regard to the presentation and proof of claim for refunds as he may deem advisable.

(Code 1975, § 640.110; Code 1984, § 27-123)

Sec. 48-207. Suspension and revocation of licenses.

(a) The city council may suspend, or, after hearing, revoke a cigarette license whenever it finds that the holder thereof has failed to comply with any of the provisions of this division or any rules or regulations prescribed or promulgated under this division. Upon suspending or revoking any cigarette license, the city council shall request the holder thereof to surrender to the city clerk immediately all licenses or duplicates thereof, and the holder shall surrender promptly all such licenses to the city clerk as requested.

(b) Whenever the city council suspends a cigarette license it shall cause the holder to be notified immediately and afford him a hearing, if desired, and if the hearing has not already been afforded. After the hearing, the city council shall either rescind its order of suspension or, good cause appearing therefor, continue the suspension or revoke the license.

(Code 1975, § 640.080; Code 1984, § 27-124)

Sec. 48-208. Failure to affix tax stamps; possession of unstamped cigarettes.

(a) Any person who fails to affix the stamps within the time and manner required of him under the provisions of this division shall pay, as a part of the tax imposed hereunder, a penalty equal to 100 percent of the initial tax liability, and the tax penalty thereon shall bear interest at the rate of six percent per annum.

(b) No person, other than licensed wholesalers or other persons as specifically provided for in this division, shall possess for the purpose of sale of any cigarettes to which the stamps or meter units required by this division are not affixed.

(c) Mere possession of an unstamped package of cigarettes by any person, except under circumstances specifically prescribed by this division, shall be prima facie evidence that the cigarettes are intended for sale.

(Code 1984, § 27-125)

State law reference—Similar provisions, RSMo 149.051.

Sec. 48-209. Conditions for sale.

No person shall sell or offer for sale or display for sale at retail within the city any cigarette unless on the container thereof there has been affixed a state decal, the occupation license tax has been paid thereon, and evidence of payment has been made pursuant to section 48-203.

(Code 1975, § 640.050; Code 1984, § 27-126; Ord. No. 3248, §§ 1, 4, 12-3-1996)

Sec. 48-210. Sales of untaxed cigarettes in vending machines prohibited; use of untaxed cigarettes prohibited.

It shall be unlawful for any person to sell and dispense through a vending machine any cigarettes upon which the tax has not been paid and the payment thereof evidenced on the containers thereof. It shall be unlawful for any person, through a vending machine, or otherwise, to remove the container of cigarettes, in whole or in part, or mutilate the same before the tax thereon has been paid and evidence of payment stamped or printed thereon.

(Code 1984, § 27-127)

Sec. 48-211. Forging stamp unlawful.

It shall be unlawful for any person falsely or fraudulently to make, forge, alter or counterfeit any cigarette tax stamp or the printed markings of a meter machine prescribed by the city council under the provisions of this division, or cause or procure to be falsely or fraudulently made, forged, altered or counterfeited, any such stamp or markings, or knowingly and willfully utter, publish, pass or tender as true any such false, altered, forged or counterfeited stamp or marking.

(Code 1975, § 640.060; Code 1984, § 27-128)

State law reference—Fraudulent activities relative to tax stamps a felony, RSMo 149.071.

Sec. 48-212. Seizure and sale of unstamped cigarettes.

Whenever the city clerk or any of his duly authorized representatives shall discover any cigarettes subject to tax has not been paid or the stamps affixed as herein required, the city clerk or his representatives are hereby authorized and empowered to seize and take possession of such cigarettes forthwith together with any vending machine or receptacle in which they are held for sale, and they shall thereupon be deemed to be forfeited to the city. The city clerk may, within a reasonable time thereafter, by a public notice at least five days before the day of sale,

sell such forfeited cigarettes at a place designated by him, and from the proceeds of the sale shall collect the tax due thereon, together with a penalty of 50 percent thereof and the costs incurred in such proceedings. The city clerk shall pay the balance, if any, to the person in whose possession such forfeited cigarettes were found; provided, however, that such seizure and shall not be deemed to relieve any person from fine or imprisonment provided herein for violation of any provision of this division.

(Code 1975, § 640.120; Code 1984, § 27-129)

Secs. 48-213—48-232. Reserved.

ARTICLE IV. GENERAL SALES TAX AND UTILITY SERVICE SALES TAXES

Sec. 48-233. General sales tax imposed; rate.

(a) Pursuant to the authority granted by and subject to the provisions of state law, a tax for general revenue purposes is hereby imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in RSMo 144.010 to 144.510 and the rules and regulations of the state director of revenue issued pursuant thereto.

(b) The rate of the tax shall be one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the city, if such property and services are subject to taxation by the state under the provisions of RSMo 144.010 to 144.510.

(c) The tax shall be collected as provided by law.

(Code 1984, § 27-171; Ord. No. 2500, § 1, 11-4-1975)

State law references—City sales tax act, RSMo 94.500 et seq.; sales and use tax generally, RSMo ch. 144.

Sec. 48-234. Utilities and fuel sales tax imposed; rate.

A municipal sales tax of one percent on all sales of metered water service, electricity or electrical current, natural, artificial or propane gas, wood, coal or home heating oil used for nonbusiness, noncommercial or nonindustrial purposes is hereby imposed within the corporate limits of the city.

(Code 1984, § 27-172; Ord. No. 2620, §§ 1, 2, 11-6-1979)

State law reference—Municipal authority to impose sales tax on utilities, RSMo 144.032.

Secs. 48-235—48-261. Reserved.

ARTICLE V. PAWNBROKERS**Sec. 48-262. License required.**

No person shall do business as a pawnbroker in the city without first obtaining a business license as provided in this article. The license for a pawnbroker shall be separate and apart from any other business license. Furthermore, pawnbroker shall comply with the state law including, but not limited to, the provisions of RSMo ch. 367 and showing proof of compliance therewith along with the license application. (Code 1984, § 27-173; Ord. No. 3003, § 2, 5-5-1992)

Sec. 48-263. Bond required.

Each applicant for a pawnshop license shall file with the city, at the time of application, a surety bond, satisfactory to the city, in an amount of \$5,000.00 for each license. Such bond shall be maintained current during the continuance of such license. The bond shall run to the state for the use of the state and of any person who may have cause of action against the obligor as provided by RSMo 367.011 to 367.060 and all rules and regulations lawfully made by the city. (Code 1984, § 27-174; Ord. No. 3003, § 2, 5-5-1992)

State law reference—Authority of city to require bond, RSMo 367.043(4).

Sec. 48-264. License qualifications.

(a) Before an applicant may be eligible to be issued a pawnshop license, the applicant shall complete an application which shall provide sufficient information and identification of the individual applicant, each member of a partnership, or, if a corporation, each officer, shareholder, and director, to permit an investigation to be performed. After the completed application has been received it shall be investigated to the satisfaction of and approved by the chief of police. This application shall include, but not be limited to, the following:

- (1) Show that applicant is of good moral character;
- (2) Show that applicant has net assets of at least \$50,000.00 readily available for use in conducting business as a pawnshop for each licensed pawnshop;
- (3) Show that the pawnshop will be operated lawfully and family within the purposes as prescribed by federal and state statutes and local ordinances.
- (4) The city may refuse to issue a pawnshop license to any applicant who has a felony or misdemeanor conviction which directly relates to the duties and responsibilities of the occupation of pawnbroker or otherwise makes the applicant presently unfit for a pawnshop license.
- (5) Proof of general liability and surety bond.

- (6) If the applicant is unlicensed at the time of applying for the pawnshop license, or there is a change in principals who are not presently licensed as pawnbrokers in the city, an investigation fee, as provided in the city fee schedule, shall accompany the application.
- (7) If the applicant is currently licensed and is applying for a second or additional license for a separate location; or involves substantially identical principals and owners of pawnshops, licensed in the city, there shall be an investigation fee, as provided in the city fee schedule, which shall accompany the application.

(b) No applicant for a license shall be qualified to receive a license should that applicant have any conviction of a felony or misdemeanor which directly relates to the duties and responsibilities of the occupation of pawnbroker or otherwise makes the applicant unfit for a pawnshop license.

(Code 1984, § 27-175; Ord. No. 3003, § 2, 5-5-1992)

State law reference—Similar provisions, RSMo 367.043.

Sec. 48-265. Receipt for pledged property.

(a) At the time of making any secured personal credit loan, the lender shall execute and deliver to the borrower a receipt, which is consecutively numbered for accounting purposes. The receipt shall fully describe the tangible personal property subjected to the security interest to secure the payment of the loan. All receipts shall be consecutively numbered and, whether used or voided, shall be accounted for. The receipt shall contain the following information legibly entered in ink:

- (1) The name and address of the pawnshop.
- (2) The name and address of the pledgor. The pledgor's description, which shall include, but not be limited to, height, weight, color of eyes; date of birth; sex; identification number or other official number from identifications such as driver's license, military identification or photo identification of public record; color of hair; race or complexion; and other characteristics, i.e., tattoos, scars, beard.
- (3) The date of the transaction.
- (4) A complete identification and description of the pledged goods including make, manufacturer, model number, serial number, color, condition and other characteristics of the property.
- (5) The amount of the cash advanced or credit extended to the pledgor.
- (6) The amount of the pawn service charge and interest charge.
- (7) The total amount which must be paid to redeem the pledged goods on the maturity date.
- (8) The maturity date of the pawn transaction.

- (9) A statement to the effect that the pledgor is not obligated to redeem the pledged goods, and that the pledged goods may be forfeited to the pawnbroker 60 days after the specified maturity date.

(b) If the pawn ticket is lost, destroyed, or stolen, the pledgor may notify the pawnbroker and provide statements as required by state law.

(Code 1984, § 27-176; Ord. No. 3003, § 2, 5-5-1992)

State law reference—Similar provisions, RSMo 367.031 (1)—(9).

Sec. 48-266. Receipts, bills of lading or statement of origin for items purchased for resale.

In accordance with generally accepted accounting practices adequate documents of title as evidenced by invoices, bills of lading, or similar statements of origin shall be maintained for every item being sold at a pawnshop.

- (1) If the property was purchased or is on consignment from any manufacturer or wholesale dealer having an established place of business, or goods purchased at an open sale from any bankrupt firm, there shall be adequate documents of title or other evidence of open and legitimate purchase identifying said merchandise. Such records shall be available at the place of business during regular business hours.
- (2) When there is a pawnshop operated at a business location, any merchandise, purchased, taken in trade, or otherwise obtained without documents of title as provided for in subsection (1) of this section, then a consecutively numbered receipt, which fully and adequately describes the property, shall be provided to the seller and a copy maintained by the purchaser. This receipt shall fully describe the property and the person selling the property and include the following:
 - a. The name and address of the pawnshop.
 - b. The name and address of the seller or consignee. The seller's or consignee's description, which shall include, but not be limited to, height; weight; color of eyes; date of birth; sex; identification number or other official number from identifications such as driver's license, military identification or photo identification of public record; color of hair; race or complexion; and other characteristics, i.e., tattoos, scars, beard.
 - c. The date of the transaction.
 - d. A complete identification and description of the consigned or purchased goods, including make, manufacturer, model number, serial number, color, condition and other characteristics of the property:
 1. The amount of cash advanced or credit extended to the pledgor;
 2. The amount of the pawn service charge;

3. The total amount which must be paid to redeem the pledged goods on the maturity date;
4. The maturity date of the pawn transaction; and
5. A statement to the effect that the pledgor is not obligated to redeem the pledged goods, and that the pledged goods may be forfeited to the pawnbroker sixty days after the specified maturity date.

(Code 1984, § 27-177; Ord. No. 3003, § 2, 5-5-1992)

Sec. 48-267. Authorization to sell.

Any individual receiving pledged property for security, purchasing or taking in trade, any used or second-hand property shall receive from the pledgor/seller a signed document providing that the pledgor/seller declared he has the right to sell the property.

(Code 1984, § 27-178; Ord. No. 3003, § 2, 5-5-1992)

State law reference—Similar provisions, RSMo 367.040(4)(6)(c).

Sec. 48-268. Minimum age.

A pawnbroker shall not accept a pledge from a person who is under 18 years of age.

(Code 1984, § 27-179; Ord. No. 3003, § 2, 5-5-1992)

State law reference—Similar provisions, RSMo 367.040(4)(1).

Sec. 48-269. Hours.

No pawnbroker shall receive by way of pledge or pawn any goods, articles or things whatsoever from any person between the hours of 8:00 p.m. and 7:00 a.m.

(Code 1984, § 27-180; Ord. No. 3003, § 2, 5-5-1992)

Sec. 48-270. Serial numbers or identification numbers.

No pawnbroker shall accept as collateral or security, or purchase, or offer for sale, any property or item which at the time it was manufactured had a serial number or identification number affixed to it, unless such item shall have plainly visible thereon the manufacturer's serial number or identification number.

(Code 1984, § 27-181; Ord. No. 3003, § 2, 5-5-1992)

Sec. 48-271. Copies of information; inspection of merchandise; accounting journals and records.

(a) A pawnbroker shall make out and provide copies of information required in section 48-265(a)(1) through (4) or section 48-266(2). Copies of this information shall be hand delivered to the police department, or mailed and postmarked, before the hour of 12:00 noon of the following business day. There shall be no charge for such information or report to the city.

(b) The pawnbroker shall also show and exhibit for inspection to any city, county, or state law enforcement officer any article of personal property pledged or purchased.

(c) Each licensee shall keep, consistent with accepted accounting practices, adequate and detailed books, records and ledgers relating to the licensee's transactions. Such books and records shall be preserved for a period of at least two years from the date of the last transaction recorded therein.

(Code 1984, § 27-182; Ord. No. 3003, § 2, 5-5-1992)

Sec. 48-272. Safekeeping of property, etc.

A pawnbroker shall not:

- (1) Make any agreement requiring the personal liability of a pledgor in connection with a pawn transaction.
- (2) Accept any waiver, in writing or otherwise, of any right or protection accorded a pledgor pursuant to RSMo 367.011 to 367.060.
- (3) Fail to exercise reasonable care to pledged goods from loss or damage.
- (4) Fail to return pledged goods to a pledgor upon payment of the full amount due the pawnbroker on the pawn transaction. In the event the pledged goods are lost or damaged as a result of pawnbroker negligence while in the possession of the pawnbroker, it shall be the responsibility of the pawnbroker to replace the lost or damaged goods with like kind of merchandise.
- (5) Be responsible for loss of pledged articles due to acts of God, acts of war, or riots. Each pawnbroker shall be responsible to provide reasonable fire and theft security.

(Code 1984, § 27-183; Ord. No. 3003, § 2, 5-5-1992)

State law reference—Similar provisions, RSMo 367.040(4)(2)—(5).

Sec. 48-273. Violations, penalty.

All violations of this article shall be punishable pursuant to section 1-13 and RSMo 367.050.

(Code 1984, § 27-184; Ord. No. 3003, § 2, 5-5-1992)

Secs. 48-274—48-294. Reserved.

ARTICLE VI. HOTELS AND MOTELS

Sec. 48-295. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Hotel and *motel* means any structure or building containing rooms furnished for the accommodation of lodging guests, with or without meals being provided, and kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are available for pay or compensation to transient guests. Transient guests means any person who occupies a room in a hotel or motel for 31 days or less.

(Code 1984, § 27-206; Ord. No. 3576, § 1, 6-7-2005)

Sec. 48-296. Business license required.

Each hotel and motel in the city must register with the city by purchasing a city business license.

(Code 1984, § 27-211; Ord. No. 3576, § 6, 6-7-2005)

Sec. 48-297. Levy of tax.

There is hereby levied a tax of four percent of the gross daily rent due from and paid by transient guests of all sleeping rooms occupied and rented by transient guests of hotels and motels located in the city. This charge is in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law.

(Code 1984, § 27-207; Ord. No. 3576, § 2, 6-7-2005)

Sec. 48-298. Use of tax revenue.

The proceeds from the tax hereby levied shall be used solely for the purpose of promoting tourism.

(Code 1984, § 27-208; Ord. No. 3576, § 3, 6-7-2005)

Sec. 48-299. Payment of tax.

Each operator of a hotel or motel shall, on or before the 20th day of the month following the last day of each month, report to the city clerk on forms provided of total rents charged and the amount of tax collected for transient occupancy. At the time the report is filed, the full amount of the tax collected shall be remitted to the city clerk.

(Code 1984, § 27-209; Ord. No. 3576, § 4, 6-7-2005)

Sec. 48-300. Exemption not allowed.

Transient guests exempt from the payment of sales taxes shall not be exempt from payment of the lodging tax herein levied.

(Code 1984, § 27-210; Ord. No. 3576, § 5, 6-7-2005)

Sec. 48-301. Violations/penalties for nonpayment.

(a) In addition to the penalties imposed in this section, it shall be unlawful for any person, owner, proprietor, managing agent, operator or any employee of a hotel or motel to fail or refuse to register a hotel or motel, to fail or refuse to pay the lodging tax herein imposed, to fail or refuse to submit any required report or other financial record, to refuse to permit any necessary inspection of hotel or motel records, or to willfully render a false or fraudulent report or claim.

(b) Any operator who fails to remit any tax imposed by this article within the time required shall pay a penalty of one percent per month and interest in the amount of two percent per month on the unpaid taxes which shall be considered delinquent 30 days after the last day of each quarter. Every penalty imposed in this section shall become a part of the lodging tax herein imposed.

(Code 1984, § 27-211; Ord. No. 3576, § 6, 6-7-2005)

Sec. 48-302. Maintenance of records.

It shall be the duty of every operator liable for the collection and payment to the city of any tax imposed under this article to keep and preserve for a period of three years all records which may be necessary to determine the amount of such taxes as may have accrued to the city and for the collection or payment of which such operator is responsible. The city clerk or the clerk's authorized agent or representative shall have the right to inspect such records at all reasonable times, but shall hold the same in confidence and utilize same only for the purpose of enforcement of this article.

(Code 1984, § 27-212; Ord. No. 3576, § 7, 6-7-2005)

Chapter 49

RESERVED

Chapter 50

TRAFFIC AND VEHICLES

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ARTICLE I. IN GENERAL**Sec. 50-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley or *alleyway* means any street with a right-of-way of less than 20 feet in width.

Authorized emergency vehicle means a vehicle publicly owned and operated as an ambulance, or a vehicle publicly owned and operated by the state highway patrol, police or fire department, sheriff or constable or deputy sheriff, traffic officer or any privately owned vehicle operated as an ambulance when responding to emergency calls.

Bicycle means every vehicle propelled solely by human power upon which any person may ride, having two tandem wheels, except scooters and similar devices.

Bus means any vehicle or motor car designed and used for the purpose of carrying more than seven persons.

Business district means the territory contiguous to and including a highway when within any 600 feet along the highway there are buildings in use for business or industrial purposes, including, but not limited to, hotels, banks or office buildings, railroad stations and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

Central business (or traffic) district means all streets and portions of streets within the area described by city ordinance as such.

Commercial vehicle means every vehicle designed, maintained or used primarily for the transportation of property.

Controlled access highway means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over the highway, street or roadway.

Crosswalk means:

- (1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway;
- (2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Curb means the lateral boundaries of that portion of a street designated for the use of vehicles, whether marked with curbstones or not.

Curb loading zone means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

Driver means every person who drives or is in actual physical control of a vehicle or who operates a motor vehicle.

Electric personal assistive mobility device means a self-balancing, two-non-tandem-wheeled device, designed to transport only one person, with an electric propulsion system with an average power of 750 watts (one horse power), whose maximum speed on a paved level surface, when powered solely by such a propulsion system while ridden by an operator who weighs 170 pounds, is less than 20 miles per hour.

Freight curb loading zone means a space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight (or passengers).

Golf cart means a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour.

Highway means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Improved street or highway means a street or highway that has been paved with hot paving macadam, brick or asphalt, or improved in any manner by adding material or substance so as to present a surface other than the original earth surface.

Intersection means:

- (1) The area embraced within the prolongation or connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
- (2) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

Laned roadway means a roadway which is divided into two or more clearly marked lanes for vehicular traffic.

Live load means the weight of the cargo or a commercial vehicle, in addition to that of the chassis and body of the vehicle.

Motor bus means a motor vehicle designed or regularly used to carry more than eight persons.

Motor vehicle means any self-propelled vehicle not operated exclusively upon tracks, except farm tractors and motorized bicycles.

Motorcycle means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground but excluding a tractor.

Motorized bicycle means any two- or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than 50 cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground.

Official time standard. Whenever certain hours are named herein they means standard time or daylight saving time as may be in current use in the city.

Official traffic-control devices means all signs, signals, markings and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

One-way street means a street where vehicles are required to move in one direction only.

Operator means any person who is in actual control of a vehicle, or who operates a motor vehicle.

Other motorized device means any two- or three-wheeled gasoline or electric powered device that is not a motorized bicycle, motorcycle, electric personal assistive mobility device or motorized wheelchair.

Park or parking means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

Passenger curb loading zone means a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

Pedestrian means any person afoot.

Pneumatic tires means tires of rubber or other substance and fabric, inflated with air.

Police officer means every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Private road or driveway means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Railroad means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

Railroad train means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

Residence district means the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.

Right-of-way means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

Roadway means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term "roadway," as used herein, shall refer to any such roadway separately but not to all such roadways collectively.

Safety zone means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

School zone means a space in the street lawfully designated by ordinance for the safety of persons going to and returning from public, private or parochial schools.

Service car means a motor vehicle other than a motor bus, offered for or engaged in carrying passengers for hire over a designated route for a fixed fare and over the route of which the passenger has no control.

Sidewalk means that portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

Solid tires means tires of rubber or other resilient material, other than pneumatic tires.

Stand or standing means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

State highway means a highway maintained by this state as a part of the state highway system.

Stop, when required, means complete cessation from movement.

Stop or stopping, when prohibited, any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

Street or highway means the entire width between the lines of every way publicly maintained when any part thereof is open to the uses of the public for purposes of vehicular travel.

Taxicab means a motor vehicle other than a motor bus or service car offered for or engaged in carrying passengers for hire.

Through highway means every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right-of-way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this chapter.

Tractor means any motor vehicle designed primarily for agricultural use or used as a travelling power plant or for drawing other vehicles on farm or road-building implements and having no provision for carrying loads independently.

Traffic means pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purposes of travel.

Traffic-control signal or device means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

Traffic division means the traffic division of the police department of the city, or in the event a traffic division is not established, then said term whenever used herein shall be deemed to refer to the police department of the city.

Truck means any vehicle, machine, tractor, trailer or semi-trailer, or any combination thereof, propelled or drawn by mechanical power and designated or used in the transportation of property upon the highway.

Utility task vehicle (UTV) means any motorized vehicle manufactured and used exclusively for off-highway use and is between 50 inches and 67 inches in width, with an unladen dry weight of 2,000 pounds or less, traveling on four or six wheels.

Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting motorized bicycles and devices moved by human power or used exclusively upon stationary rails or tracks or motorized wheelchairs operated by persons with a disability.

(Code 1975, § 300.010; Code 1984, § 28-1; Ord. No. 3934, § 1, 9-6-2016)

State law reference—Similar definitions, RSMo 300.010, 304.044, 307.180(1).

Sec. 50-2. Certain traffic regulations continued in effect.

Each ordinance which is in effect immediately prior to the effective date of the ordinance from which this chapter is derived and which is for the purpose of regulating the speed of motor vehicles upon the public streets, establishing one way streets and alleys, establishing stop signs and signals for the purpose of regulating and stopping motor vehicle traffic upon the public streets, prohibiting the parking of motor vehicles upon the public streets at all times or at specified times, and designating public streets upon which commercial vehicles may not operate shall continue in full force and effect from and after the effective date of the ordinance from which this chapter is derived and not be repealed until such time as additional ordinances shall be adopted and become effective in accordance with this chapter. (Code 1984, § 28-2)

Sec. 50-3. Official traffic-control devices continued in effect.

All official traffic-control devices, as such term is defined herein, which are lawfully in place immediately prior to the effective date of the ordinance from which this chapter is derived are hereby redesignated as official traffic-control devices, and each shall continue to be such until changed, replaced or removed pursuant to ordinance of the city council or directive of the director of public works. (Code 1984, § 28-3)

Sec. 50-4. Schedules.

The city clerk shall maintain appropriate schedules showing the current status of ordinances and of official acts of the city traffic engineer relating to:

- (1) Speed regulations;
- (2) One-way streets and alleys;
- (3) Designation of through streets;
- (4) Nonmetered parking;
- (5) Prohibited and limited uses of designated streets;
- (6) Places where turning movements are prohibited or limited;
- (7) Places designated as zones of any classification;
- (8) Stop and yield intersections;
- (9) Crosswalks and traffic lanes;
- (10) Carrier and taxicab stops and stands;
- (11) Purpose, type and location of official traffic-control devices; and
- (12) Such other matters of a similar nature as may be directed by the city council or the director of public works.

(Code 1984, § 28-4)

Sec. 50-5. Applicability of chapter to public employees.

The provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States government, this state, county, or city, and it shall be unlawful for any said driver to violate any of the provisions of this chapter, except as otherwise permitted in this chapter.

(Code 1975, § 310.050; Code 1984, § 28-5)

State law reference—Similar provisions, RSMo 300.095.

Sec. 50-6. Applicability of chapter to persons propelling push carts or riding bicycles or animals.

Every person propelling any push cart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which by their very nature can have no application.

(Code 1975, § 310.030; Code 1984, § 28-6)

State law reference—Similar provisions, RSMo 300.085.

Sec. 50-7. Obedience to police and fire department officials.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.

(Code 1975, § 310.020; Code 1984, § 28-7)

State law reference—Similar provisions, RSMo 300.080.

Sec. 50-8. Commercial vehicles prohibited from using certain streets.

In cases where an equally direct and convenient alternate route is provided, an ordinance may describe and signs may be erected giving notice thereof, that no persons shall operate any commercial vehicle upon streets or parts of streets so designated except those commercial vehicles making deliveries thereon.

(Code 1975, § 370.070; Code 1984, § 28-8)

State law reference—Similar provisions, RSMo 300.550.

Sec. 50-9. Bus and truck routes.

Any buses or trucks passing through the city and failing to travel on the designated streets which are highways within the city shall be deemed guilty of an offense.

(Code 1975, § 345.220; Code 1984, § 28-9)

State law references—Similar provisions, RSMo 304.260; municipal authority to limit use of certain streets to passenger vehicles, RSMo 304.120(2)4.

Sec. 50-10. Use of toy vehicles.

No conveyance defined herein as an other motorized device shall be operated upon any roadway within the city. Only vehicles, bicycles, electric personal assistive mobility devices, motorized wheelchairs, motorized bicycles, horse drawn conveyances, properly equipped tractors and agricultural equipment may be operated upon roadways within the city.

(Code 1975, § 310.040; Code 1984, § 28-10)

State law reference—Similar provisions, RSMo 300.090.

Sec. 50-11. Authorize playground, church and school stops.

The local officials and the state highway commission or their agents, in their respective jurisdictions, are hereby authorized to designate, mark or sign post certain church, school and playground stops, relating to a warrant for safeguarding person, property, life and limb, and of a type and number best suited to the needs of the general public, and producing the least delay to through moving traffic.

(Code 1975, § 305.130; Code 1984, § 28-11)

Sec. 50-12. Play streets.

(a) The director of public works, with approval of the city council, shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

(b) Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any driver shall exercise the greatest care in driving upon any such street or portion thereof.

(Code 1975, §§ 315.120, 315.130; Code 1984, § 28-12)

State law reference—Similar provisions, RSMo 300.185, 300.190.

Sec. 50-13. Clinging to vehicle.

No person riding upon any bicycle, motorized bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

(Code 1975, § 345.130; Code 1984, § 28-13)

State law reference—Similar provisions, RSMo 300.350.

Sec. 50-14. Riding on parts of vehicle not intended for passengers.

It shall be unlawful for any person to ride upon any portion of a motor vehicle not designed or intended for the use of passengers when the vehicle is in motion, or any vehicle operated on any street, way or parking lot, public or private upon which the public is invited to travel, or for the operator thereof to permit any person to so ride

on any vehicle, or to thus operate such vehicle when anyone is so riding thereon. This section shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in space intended for merchandise. (Code 1975, § 300.120; Code 1984, § 28-14)

Sec. 50-15. Opening vehicle doors.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

(Code 1975, § 345.090; Code 1984, § 28-15)

State law reference—Similar provisions, RSMo 300.340.

Sec. 50-16. Boarding, alighting from moving vehicles.

It shall be unlawful for any person to board or alight from any vehicle while such vehicle is in motion.

(Code 1975, § 300.110; Code 1984, § 28-16)

Sec. 50-17. Loads which might become dislodged to be secured.

All motor vehicles, and every trailer and semitrailer, operating upon the streets of the city and carrying goods or material or farm products which may reasonably be expected to become dislodged and fall from the vehicle, trailer or semitrailer as a result of wind pressure or air pressure and/or by the movement of the vehicle, trailer or semitrailer shall have a protective cover or be sufficiently secured so that no portion of such goods or material can become dislodged and fall from the vehicle, trailer or semitrailer while being transported or carried.

(Code 1975, § 345.180; Code 1984, § 28-17)

State law reference—Similar provisions, RSMo 307.010(1).

Sec. 50-18. Obstruction of view at intersections.

No person shall permit any tree, shrub, hedge, flower or other form of vegetation to grow within 50 feet of the intersection or the curb of two intersecting streets to a height in excess of two feet above the lowest grade of the two intersecting streets, provided that trees now growing in such areas may grow above such height if the limbs are trimmed to a minimum height of ten feet.

(Code 1975, §§ 240.020, 300.150; Code 1984, § 28-18)

State law reference—Municipal authority to cause removal of weeds, RSMo 71.285.

Sec. 50-19. Interfering with driver's view or control.

It shall be unlawful for any passenger in a vehicle to ride in such position as to interfere with the operator's view ahead or to the sides, or to interfere with the operator's control over the driving mechanism of the vehicle.

(Code 1975, § 300.100; Code 1984, § 28-19)

Sec. 50-20. Placing injurious substances in street.

Any person who has purposely, accidentally or by reason of an accident, dropped from his person or any vehicle, any tacks, nails, wire, scrap metal, glass, crockery, sharp stones or other substances injurious to the feet of persons or animals or to the tires or wheels of vehicles, including motor vehicles, upon any street in the city shall immediately make all reasonable efforts to clear the street of the substances.

(Code 1975, § 300.050; Code 1984, § 28-20)

State law reference—Similar provisions, RSMo 304.160.

Sec. 50-21. All-terrain vehicles.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

All-terrain vehicles means and includes all three- and four-wheel vehicles designed primarily for use over terrain other than paved streets.

License means a state license that a vehicle receives in order to be operated on a public street or highway within a state.

(b) *On public streets and sidewalks.* In order to promote the safe movement of traffic and pedestrians upon the streets and sidewalks of the city, the operation of unlicensed all-terrain vehicles upon the public streets and sidewalks of the city is prohibited.

(c) *On public or private property.* The operation of all-terrain vehicles on private or public property, without the consent of the owner or entity controlling the same, within the city, is hereby prohibited.

(d) *Violation.* Every person convicted of a violation of this section shall be punished pursuant to section 1-13.

(Code 1984, § 28-21; Ord. No. 2849, §§ 1—5, 10-6-1987)

Sec. 50-22. Utility task vehicle (UTV); prohibited on streets, highways, rivers or streams; exceptions; operational requirements; prohibited uses; penalty.

(a) No person shall operate a UTV, as defined in section 50-1, upon the streets and highways of this city, except as follows:

- (1) UTVs owned and operated by a governmental entity for official use;

- (2) UTVs operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation;
- (3) UTVs operated by handicapped persons for short distances occasionally only on the city's streets when operated between the hours of sunrise and sunset;
- (4) UTVs whose licensed operators carry a special permit issued by the city pursuant to section 50-23.

(b) No person shall operate a UTV, as defined in section 50-1, within any stream or river in this city, except that UTVs may be operated within waterways which flow within the boundaries of land which a UTV operator owns, or for agricultural purposes within the boundaries of land which a UTV operator owns or has permission to be upon, or for the purpose of fording such stream or river of this city at such road crossings as are customary or part of the street and city highway system. All law enforcement officials or peace officers of this city shall enforce the provisions of this subsection within the geographic area of their jurisdiction.

(c) A person operating a UTV on a city street or highway pursuant to an exception covered in this section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle pursuant to subsection (a)(3) of this section, but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than 30 miles per hour. When operated on a city street or highway within the city, a UTV shall have a bicycle safety flag, which extends not less than seven feet above the ground, attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than 30 square inches and shall be dayglow in color.

(d) No person shall operate a UTV on any park lands of the city, except those operated by a governmental unit for official use.

(e) No person shall operate a UTV that is not properly equipped with headlights, tail lights, brake lights, and turn signals.

(f) No person shall operate a UTV:

- (1) In any careless way so as to endanger the person or property of another;
- (2) While under the influence of alcohol or any controlled substance;
- (3) Without a securely fastened safety helmet on the head of an individual who operates a UTV or who is being towed or otherwise propelled by an all-terrain vehicle, unless the individual is at least 18 years of age;
- (4) Without a valid city permit affixed to the rear of the UTV in a clearly visible location;
- (5) Without valid insurance on the UTV for operation on public roads;

(6) On any state or federal highway, except any state highway with a posted speed limit of 35 miles per hour or except to cross a portion of a state highway system which intersects a municipal street; or

(7) In a manner which disturbs the public peace as detailed in section 32-114.

(g) No operator of a UTV shall carry a passenger, except for agricultural purposes. The provisions of this subsection shall not apply to any UTV in which the seat of such vehicle is designed to carry more than one person.

(h) A violation of this section shall be punished by a fine not exceeding \$300.00 or by imprisonment for a period of not exceeding 15 days or by both such fine and imprisonment.

(Ord. No. 3934, § 2(28-22), 9-6-2016)

Sec. 50-23. UTV vehicle permits and registration.

(a) The city clerk shall hereby be designated as the city official with the authority to issue special use permits for UTVS on a form prescribed and approved by the city clerk and city administrator within the city and a fee, as provided in the city fee schedule, shall be collected by the official upon issuance of the permit. No permit shall be issued until the fee is paid. Within five days after the receipt of said fees, the official shall deposit the fees in the general fund of the city. The permit shall be valid for two years.

(b) No person shall operate a UTV until and unless it has been registered with the city clerk, and to register it they must also provide proof of financial responsibility, covering the UTV to be registered, for operation on public roads with no less than the minimal insurance amounts as set forth by Missouri Revised Statutes as they may be amended from time to time.

(Ord. No. 3934, § 2(28-22.1), 9-6-2016)

Sec. 50-24. Golf carts, operation on city streets.

(a) Requirements for operating golf carts on city streets, roads or alleyways within the city:

(1) Any individual operating a golf cart shall have a valid operator's or chauffeur's license, but is not required to pass an examination for the operation of a motorcycle.

(2) The golf cart shall be properly insured and such proof of insurance shall specifically list the vehicle as referenced by the serial number and year of model.

(3) Any individual under the age of 18 operating a golf cart or riding as a passenger on a golf cart shall wear a securely fastened safety helmet on his or her head.

- (4) The golf cart shall be operated at a speed of less than 20 miles per hour.
 - (5) The golf cart shall have a bicycle safety flag, which extends not less than seven feet above the ground, attached to the rear of the vehicle. The flag shall be day-glow colored and shall be triangular shaped, with an area not less than 30 square inches.
 - (b) No individual operating a golf cart on city streets, roads or alleyways shall:
 - (1) Operate the golf cart in any careless or imprudent manner so as to endanger any person or property of any person;
 - (2) Operate the golf cart while under the influence of alcohol or controlled substance;
 - (3) Operate a golf cart between the hours of official sunset and sunrise unless the golf cart is properly equipped with headlights, tail lights, brake lights and turn signals;
 - (4) Operate a golf cart on a street with a posted speed limit of 35 miles per hour; except operation for the purpose of crossing a portion of a street with a posted speed limit of 35 miles per hour which intersects a municipal street;
 - (5) Operate the golf cart at any time on any state or federal highway, except to cross a portion of the state highway system which intersects a municipal street;
 - (6) Cross any highway at an intersection where the highway being crossed has a posted speed limit of more than 45 miles per hour;
 - (7) Operate the golf cart without a valid city permit affixed to golf cart on the rear bumper;
 - (8) Without valid insurance on the golf cart for operation on public roads;
 - (9) Disturb the public peace as detailed in section 32-114; or
 - (10) Carry passengers:
 - a. In excess of the maximum number of designed seating for the golf cart; no more than two total persons per bench seat shall be allowed.
 - b. Younger than 16 years in age unless the operator is the legal guardian of the passengers.
 - (c) A violation of this section shall be punished by a fine not exceeding \$300.00 or by imprisonment for a period of not exceeding 15 days or by both such fine and imprisonment.
- (Ord. No. 3934, § 2(28-23), 9-6-2016)

Sec. 50-25. Golf cart permits and registration.

(a) The city clerk shall hereby be designated as the city official with the authority to issue special use permits for golf carts on a form prescribed and approved by the city clerk and city manager and a fee, as provided in the city fee schedule, shall be collected by the official upon issuance of the permit. No permit shall be issued until the fee is paid. Within five days after the receipt of said fees, the official shall deposit the fees in the general fund of the city. The city permit shall be valid for two years.

(b) No person shall operate a golf cart until and unless it has been registered with the city clerk and to register a person must also provide proof of financial responsibility, covering the golf cart to be registered, for operation on public roads with no less than the minimal insurance amounts as set forth by Missouri Revised Statutes as they may be amended from time to time.

(Ord. No. 3934, § 2(28-23.1), 9-6-2016)

Secs. 50-26—50-53. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

Sec. 50-54. Police administration.

There is established in the police department of this city a traffic division to be under the control of any officer of police appointed by and directly responsible to the chief of police.

(Code 1975, § 305.010; Code 1984, § 28-36)

State law reference—Similar provisions, RSMo 300.015.

Sec. 50-55. Duty of traffic division.

The traffic division with such aid as may be rendered by other members of the police department, shall enforce the street traffic regulations of the city and all of the state vehicle laws applicable to street traffic in the city, to make arrests for traffic violations, to investigate accidents and to cooperate with the director of public works and other officers of the city in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon the division by this article and the traffic regulations of the city.

(Code 1975, § 305.020; Code 1984, § 28-37)

State law reference—Similar provisions, RSMo 300.020.

Sec. 50-56. Director of public works to serve as city traffic engineer.

(a) The office of city traffic engineer is established. The director of public works or other designated city official shall serve as city traffic engineer in addition to his other functions, and shall exercise the powers and duties with respect to traffic as provided in this article.

(b) The director of public works shall determine the installation and proper timing and maintenance of traffic-control devices, conduct engineering analyses of traffic accidents, and devise remedial measures, conduct engineering investigation of traffic conditions, plan the operation of traffic on the streets and highways of the city, and cooperate with other city officials in the development of ways and means to improve traffic conditions, and carry out the additional powers and duties imposed by ordinances of the city.

(Code 1975, § 305.100; Code 1984, § 28-38)

State law reference—Similar provisions, RSMo 300.060.

Sec. 50-57. Coordination of traffic activities.

It shall be the duty of the public safety committee of the city council, in coordination with the chief of police, the director of public works and any other city official pertinent to a particular question, to coordinate traffic activities, to supervise the preparation and publication of traffic reports, to receive complaints regarding traffic matters and to recommend to the city council as a whole, methods for improving traffic conditions in the city and the administration and enforcement of the city's traffic regulations.

(Code 1984, § 28-39)

Sec. 50-58. Authority of police and fire department officials.

(a) It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce all street traffic laws of the city and all of the state vehicle laws applicable to street traffic in the city.

(b) Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws, provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

(c) Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

(Code 1975, § 310.010; Code 1984, § 28-40)

State law reference—Similar provisions, RSMo 300.075.

Sec. 50-59. Forms and records of traffic citations and arrests.

(a) All tickets shall be issued on state supreme court approved uniform ticket forms, either preprinted and issued through the municipal court, or via an electronic system authorized and overseen by the state highway patrol.

(b) Preprinted books, when used, shall be issued to the police chief or his duly authorized agent and the municipal court shall maintain a record of every book so issued and shall require a written receipt for every book.

(c) The chief of police shall be responsible for the issuance of any preprinted books to individual members of the police department. The police chief shall require a written receipt for every book so issued and each set of citations contained therein.

(d) The police chief or his designated administrative officer shall oversee all electronically issued electronic ticket numbers and shall keep records of all such issued electronic ticket numbers in compliance with state law.

(Code 1975, § 390.010; Code 1984, § 28-41)

Sec. 50-60. When tickets are to be issued.

Except when authorized or directed under state law to immediately take a person before the municipal judge for the violation of any traffic laws, a police officer who halts a person for such violation other than for the purpose of giving him a warning or warning notice and does not take such person into custody under arrest shall issue to him a uniform traffic ticket which shall be proceeded upon in accordance with state supreme court rules.

(Code 1975, § 390.020; Code 1984, § 28-42)

Sec. 50-61. Issuance of tickets for nonmoving violations.

Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the provisions of this chapter or by state law, the police officer finding the vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a uniform traffic ticket for the driver to answer to the charge against him within five days during the hours and at a place specified in the traffic ticket.

(Code 1975, § 390.030; Code 1984, § 28-43)

State law reference—Similar provisions, RSMo 300.085.

Sec. 50-62. Action on failure of violation to appear after being ticketed.

If a violator of the restrictions on stopping, standing or parking under the traffic laws or ordinances does not appear in response to a uniform traffic ticket affixed to such motor vehicle within a period of five days, the clerk of the municipal court shall

send to the owner of the motor vehicle to which the traffic ticket was affixed a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of five days a warrant of arrest will be issued.

(Code 1975, § 390.040; Code 1984, § 28-44)

State law reference—Similar provisions, RSMo 300.590.

Sec. 50-63. Payment of fines.

(a) Any person charged with an offense for which payment of a fine may be made to the clerk of the municipal court shall have the option of paying the fine prior to the initial court appearance date, upon entering a plea of guilty and upon waiving appearance in court; or may have the option of depositing the required lawful bail, and upon a plea of not guilty shall be entitled to a trial as authorized by law.

(b) The payment of a fine to the municipal court shall be deemed an acknowledgment of conviction of the alleged offense, and the court, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment thereof.
(Code 1975, § 385.010; Code 1984, § 28-45)

State law reference—Similar provisions, RSMo 300.555.

Sec. 50-64. Records of traffic violations.

(a) The police department or the traffic division thereof shall keep a record of all violations of the traffic ordinances of the city or of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all alleged offenses. This record shall be so maintained as to show all types of violations and the total of each. The record shall accumulate during at least a five-year period and from that time on the record shall be maintained complete for at least the most recent five-year period.

(b) All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms.

(c) All records and reports herein shall be public records.
(Code 1975, § 305.030; Code 1984, § 28-46)

State law reference—Similar provisions, RSMo 300.025.

Sec. 50-65. Traffic accident studies.

Whenever the accidents at any particular location become numerous, the traffic division shall cooperate with the director of public works in conducting studies of such accidents and determining remedial measures, subject to the provisions of RSMo 610.100 et seq.

(Code 1975, § 305.050; Code 1984, § 28-47)

State law reference—Similar provisions, RSMo 300.035.

Sec. 50-66. Traffic accident reports.

The traffic division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information of the director of public works.

(Code 1975, § 305.060; Code 1984, § 28-48)

State law reference—Similar provisions, RSMo 300.040.

Sec. 50-67. Driver files to be maintained.

The police department or the traffic division thereof shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions, and complaints reported for each driver, which shall be filed alphabetically under the name of the driver concerned.

(Code 1975, § 305.070; Code 1984, § 28-49)

State law reference—Similar provisions, RSMo 300.045.

Sec. 50-68. Traffic division to submit annual traffic safety report.

The traffic division shall annually prepare a traffic report which shall be filed with the mayor. Such report shall contain information on traffic matters in the city as follows:

- (1) The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data;
- (2) The number of traffic accidents investigated and other pertinent data on the safety activities of the police;
- (3) The plans and recommendations of the division for future traffic safety activities.

(Code 1975, § 305.080; Code 1984, § 28-50)

State law reference—Similar provisions, RSMo 300.050.

Sec. 50-69. Emergency and experimental regulations.

(a) The chief of police by and with the approval of the director of public works is hereby empowered to make regulations necessary to make effective the provisions of the traffic regulations of the city and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than 90 days.

(b) The director of public works may test traffic-control devices under actual conditions of traffic.

(Code 1975, § 305.110; Code 1984, § 28-51)

State law reference—Similar provisions, RSMo 300.065.

Sec. 50-70. Signs and devices on city streets for traffic-control during construction, repairs, etc.

(a) The director of public works is hereby authorized and directed to use and set in place upon the public streets in the city such signs and cones as may be necessary and appropriate to direct and control motor vehicle traffic upon such streets when the same are being constructed, repaired, maintained or marked.

(b) Any such signs and cones placed upon the public streets in the city as herein provided shall be traffic-control devices within the meaning of this chapter.

(Code 1984, § 28-52)

Sec. 50-71. Designation, maintenance of crosswalks.

The director of public works is hereby authorized:

(1) To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary;

(2) To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.

(Code 1975, § 315.140; Code 1984, § 28-53)

State law reference—Similar provisions, RSMo 300.195.

Sec. 50-72. Making of traffic lanes; observance.

(a) The director of public works is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.

(b) Where traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep his vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

(Code 1975, § 315.150; Code 1984, § 28-54)

State law reference—Similar provisions, RSMo 300.200.

Sec. 50-73. No passing zones.

(a) The director of public works is hereby authorized to locate and mark with yellow lines in or adjacent to the center of the road those sections of roads in which passing a vehicle traveling in the same direction is prohibited by city regulations, or in which such passing is found by the police department to be unsafe, considering the contour of the ground, the direction and width of the road, the presence of connecting or cross roads, and the adjacent land uses.

(b) It shall be unlawful for any person to operate a vehicle across these yellow lines when located in the traffic lane in which their vehicle is traveling.
(Code 1975, § 325.060; Code 1984, § 28-55)

Sec. 50-74. Closing of streets.

(a) The director of public works is authorized, with the approval of the mayor, to close any street, highway or public place and withdraw the same from public use temporarily and during such period as public work thereon or other public emergency or expedience shall make such action necessary. At each end of the portion withdrawn from public use, the director shall place a placard or sign having the following words printed thereon in letters three inches high: "Street Closed. This street is closed to public use."

(b) No person shall use or attempt to use any street, highway or public place withdrawn from public use in accordance with subsection (a) of this section.
(Code 1984, § 28-56)

Sec. 50-75. Impoundment of vehicles.

(a) Members of the police department are authorized to remove a vehicle from a street or highway under the provisions of RSMo 304.155, and as the same may be hereafter amended.

(b) Motor vehicles abandoned on private property may be removed pursuant to RSMo 304.157 and, as the same, may be hereafter amended.
(Code 1975, § 390.050; Code 1984, § 28-57)

State law reference—Similar provisions, RSMo 300.595.

Secs. 50-76—50-93. Reserved.

DIVISION 2. TRAFFIC VIOLATIONS BUREAU*

Sec. 50-94. Established.

The municipal court shall establish a traffic violations bureau to assist the court with the clerical work of cases arising under this division. The bureau shall be in charge of such person, and shall be open at such hours, as the municipal judge may designate. The judge of the municipal court who hears traffic cases shall designate the specified offenses under this division and under other traffic ordinances of the city and the state traffic laws in accordance with state supreme court rules in respect to which payments of fines may be accepted by the traffic violations bureau in satisfaction thereof, and shall specify by suitable schedules the amount of such

***State law references**—Traffic violations bureau generally, Supreme Court Rule No. 37.50; traffic violations bureau generally, RSMo 300.560 et seq.

finer for first, second, and subsequent offenses, provided that such fines are within the limits declared by law or this Code, and shall further specify what number of such offenses shall require appearance before the court.

(Code 1984, § 28-66)

Sec. 50-95. General duties.

The following duties are hereby imposed upon the traffic violations bureau in reference to traffic offenses:

- (1) It shall accept designated fines, issue receipts, and represent in court such violators as are permitted and desire to plead guilty, waive court appearance, and give power of attorney.
- (2) It shall receive and issue receipts for cash bail from the persons who must or wish to be heard in court, enter the time of their appearance on the court docket, and notify the arresting officer and witnesses, if any, to be present.

(Code 1975, § 385.020; Code 1984, § 28-67)

State law reference—Similar provisions, RSMo 300.560.

Sec. 50-96. Records and reports.

The traffic violations bureau shall keep records and submit summarized monthly reports to the municipal court of all notices issued and arrests made for violations of the traffic laws and ordinances in the city and of all the fines collected by the traffic violations bureau or the court, and of the final disposition or present status of every case of violation of the provisions of said laws and ordinances. These records shall be so maintained as to show all types of violations and the totals of each. The records shall be public records.

(Code 1975, § 385.030; Code 1984, § 28-68)

State law reference—Similar provisions, RSMo 300.565.

Sec. 50-97. Additional duties.

The traffic violations bureau shall follow the procedure as may be prescribed by the traffic regulations of the city or as may be required by any laws of the state.

(Code 1975, § 385.040; Code 1984, § 28-69)

State law reference—Similar provisions, RSMo 300.570.

Secs. 50-98—50-122. Reserved.

ARTICLE III. OPERATION OF VEHICLES

DIVISION 1. GENERALLY

Sec. 50-123. Operator's and chauffeur's licenses required.

(a) It shall be unlawful for any person to:

- (1) Drive, as a chauffeur, any vehicle upon any street in this city unless such person has first procured a valid license as a chauffeur from the state.
- (2) Drive, other than as a chauffeur, any motor vehicle upon any street of this city unless such person has a valid license as an operator from the state, except that any person holding a valid chauffeur's license shall not be required to procure an operator's license. The provisions of this section shall not deprive the city of the right to license, tax and regulate taxicab drivers.

(b) The following persons are exempt from the operator's or chauffeur's license requirements of this article:

- (1) Any person holding a valid operator's license shall not be required to procure a chauffeur's license while operating for official use any motor vehicle owned by the United States, the state, or by any municipality or political subdivision of this state, except that any person operating a school bus carrying more than ten pupils shall be required to procure a chauffeur's license.
- (2) Any person while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a street.
- (3) A nonresident who is at least 16 years of age and who has in his immediate possession a valid operator's license issued to him in his home state or country. Such person may operate a motor vehicle in the city only as an operator.
- (4) A nonresident who is at least 18 years of age and who has in his immediate possession a valid chauffeur's license issued to him in his home state or country. Such person may operate a motor vehicle in the city either as an operator or chauffeur, except that any person must be licensed as a chauffeur hereunder before accepting employment as a chauffeur from a resident of the state.
- (5) Any nonresident who is at least 18 years of age, whose home state or country does not require licensing of operators. Such person may operate a motor vehicle as an operator only for a period of not more than 60 days in any calendar year, if the motor vehicle so operated is duly registered in the home state or country of such nonresident.

- (6) Any person participating in a duly authorized driver education course, when accompanied by a person with a valid operator's license.
(Code 1984, § 28-85; Ord. No. 2760, § 1, 9-4-1984)

State law reference—Driver's and chauffeur's licenses, RSMo ch. 302.

Sec. 50-124. Proof of financial responsibility required—Penalty for failure to produce.

(a) No person shall operate on the streets, alleys or public ways of the city, a motor vehicle, without having available, in the motor vehicle, documentation of financial responsibility as provided by RSMo ch. 303. When lawfully stopped by a law enforcement officer, the operator of such vehicle shall present documentation of financial responsibility.

(b) An individual who is found to be operating a motor vehicle and is not able to produce documentation of financial responsibility as herein provided shall be deemed to having committed an offense and shall be punishable pursuant to section 1-13. The minimum fines or penalties, in addition to other fines or penalties for other offenses, which shall be imposed for an individual who fails to provide documentation of financial responsibility shall be:

- (1) If an individual, who is unable to present documentation of financial responsibility when requested, presents documentation of financial responsibility showing that it was in effect on the date and time of the demand, he shall be subject to a \$5.00 fine, after showing evidence of same to the municipal court clerk.
- (2) If an individual obtains documentation of financial responsibility after the date and time of the request, he shall be subject to a fine of \$25.00 after showing evidence of same to the municipal court clerk.
- (3) If an individual fails to provide documentation of financial responsibility before the assigned court date, the fine or penalty shall be a minimum of \$200.00.

(Code 1984, § 28-85.1; Ord. No. 3071, § 1, 10-19-1993)

Sec. 50-125. Proof of financial responsibility required—Violations enumerated; display upon demand.

(a) No person shall display or permit to be displayed or have in his possession any chauffeur's license or operator's license, knowing the same to be fictitious or to have been cancelled, suspended, revoked, or altered; lend to or knowingly permit the use of by another of any chauffeur's or operator's license issued to the person lending or permitting the use thereof; display or represent as one's own any chauffeur's or operator's license not issued to the person so displaying same, or fail or refuse to surrender to the clerk of the municipal court any chauffeur's or operator's license which has been suspended, cancelled, or revoked, as provided by law; use a false or

fictitious name or give a false or fictitious address on any application for a chauffeur's or operator's license, or any renewal or duplication thereof, or knowingly make a false statement, or knowingly conceal a material fact, or otherwise commit a fraud in any such application; authorize, order or consent to any motor vehicle owned by him or under his control to be driven by any person, when he has knowledge that any such person has no legal right to do so, or for any person to drive any motor vehicle in violation of any of the provisions of this article; employ as a chauffeur of a motor vehicle, with knowledge that such person has not complied with the provisions of this article, or whose license as a chauffeur has been revoked or suspended, during the period of such suspension, or who operates a vehicle in any manner in violation of the restriction imposed in a restricted license issued to him; or refuse to write his name in the presence of such person in order that identity of the licensee may be determined.

(b) The license shall be carried at all times by the holder thereof while driving a motor vehicle, and shall be displayed upon demand of any officer of the highway patrol, or any police officer or peace officer, or any other fully authorized person for inspection, when demand is made therefor. Failure to exhibit his license to any of the aforesaid officers or other duly authorized officer, shall be presumptive evidence that said person is not a duly licensed chauffeur or motor vehicle operator.

(Code 1984, § 28-86; Ord. No. 2760, § 1, 9-4-1984)

State law reference—Similar provisions, RSMo 302.250, 577.110.

Sec. 50-126. Proof of financial responsibility required—Driving while license suspended or revoked.

It shall be unlawful for any person to drive a vehicle in this city when his privilege to do so has been suspended, revoked, or cancelled in accordance with the requirements of RSMo chs. 302 and 303, as amended from time to time.

(Code 1984, § 28-87; Ord. No. 2760, § 1, 9-4-1984)

Sec. 50-127. Vehicles to be driven carefully.

Every person operating a motor vehicle on the streets and highways of this city shall drive the vehicle in a careful and prudent manner and at a rate of speed so as not to endanger the property of another or the life or limb of any person and shall exercise the highest degree of care.

(Code 1975, § 320.040; Code 1984, § 28-88)

State law reference—Similar provisions, RSMo 304.010(1).

Sec. 50-128. Emergency vehicle; use of lights and sirens; right-of-way; stationary vehicles; procedure; penalty.

(a) Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such

vehicle or a flashing blue light authorized by RSMo 307.175, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

(b) Upon approaching a stationary emergency vehicle displaying lighted red or red and blue lights, the driver of every motor vehicle shall:

- (1) Proceed with caution and yield the right-of-way, if possible, with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or
- (2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

(c) The motorman of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the emergency vehicle has passed, except as otherwise directed by a police or traffic officer.

(d) The term "emergency vehicle" means a vehicle as defined in section 50-1, and as follows:

- (1) A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;
- (2) Any vehicle qualifying as an emergency vehicle pursuant to RSMo 307.175;
- (3) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;
- (4) Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;
- (5) Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of RSMo ch. 44;
- (6) Any vehicle operated by an authorized employee of the department of corrections who, as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;
- (7) Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of RSMo 260.500 to 260.550.

(e) The driver of any vehicle referred to in subsection (d) of this section shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator, or when responding to, but not upon returning from, a fire.

(f) The driver of an emergency vehicle may:

- (1) Park or stand irrespective of the provisions of this chapter;
- (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
- (3) Exceed the prima facie speed limit so long as the driver does not endanger life or property;
- (4) Disregard regulations governing direction of movement or turning in specified directions.

(g) The exemptions granted to an emergency vehicle pursuant to subsection (f)(2) of this section shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle.

(h) No person shall purchase an emergency light as described in this section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.

(i) Violation of this section shall be punishable under section 1-13.

(Code 1975, § 310.060; Code 1984, § 28-89; Ord. No. 3637, § 1, 4-17-2007)

State law reference—Similar provisions, RSMo 300.100, 307.175.

Sec. 50-129. Vehicles to drive on right of roadway.

(a) All vehicles not in motion shall be placed with their right side as near the right-hand side of the roadway as practicable, except on streets where vehicles are obliged to move in one direction only or parking of motor vehicles is regulated by ordinance.

(b) Upon all public roads or highways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

- (1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
- (2) When placing a vehicle in position for and when such vehicle is lawfully making a lawful left turn;
- (3) When the right half of a roadway is closed to traffic while under construction or repair; and

- (4) Upon a roadway designated by ordinance as a one-way street and marked or signed for one-way traffic.

(c) It is unlawful to drive any vehicle upon any street or highway which has been divided into two or more roadways by means of a physical barrier or by means of a dividing section or delineated by curbs, lines or other markings on the roadway, except to the right of such barrier or dividing section, or to make any left turn or semicircular or U-turn on any such divided highway, except in a crossover or intersection.

(d) The police department may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the highway, and all police officers may direct traffic in conformance with such signs. When authorized signs have been erected designating off-center traffic lanes, no person shall disobey the instructions given by such signs.

(e) Whenever any roadway has been divided into three or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply:

- (1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety;
- (2) Upon a roadway which is divided into three lanes a vehicle shall not be driven in the center lane, except when overtaking and passing another vehicle where the roadway ahead is clearly visible and the center lane is clear of traffic within a safe distance, or in preparation for a left turn or where the center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is sign-posted to give notice of such allocation;
- (3) Upon all roadways, any vehicle proceeding at less than the normal speed of traffic thereon shall be driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb, except as otherwise provided;
- (4) Official signs may be erected by the director of public works, or the police department may place temporary signs directing slow moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign;
- (5) Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and except when a roadway has been divided into traffic lanes, each driver shall give to the other at least one-half of the main traveled portion of the roadway whenever possible.

(f) All vehicles in motion upon a roadway having two or more lanes of traffic proceeding in the same direction shall be driven in the right-hand lane except when overtaking and passing another vehicle or when preparing to make a proper left turn or when otherwise directed by traffic markings, signs or signals.

(Code 1975, §§ 325.010, 345.190; Code 1984, § 28-90)

State law reference—Similar provisions, RSMo 304.015.

Sec. 50-130. Hand and mechanical signals.

(a) No person shall stop or suddenly decrease the speed of or turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety and then only after the giving of an appropriate signal in the following manner:

- (1) Any driver when stopping, or when checking the speed of his vehicle, if the movement of other vehicles may reasonably be affected by such checking of speed, shall extend his arm at an angle below horizontal so that the same may be seen in the rear of his vehicle.
- (2) Any driver intending to turn his vehicle to the right shall extend his arm at an angle above horizontal so that the same may be seen in front of and in the rear of his vehicle, and shall slow down and approach the intersecting highway as near as practicable to the right side of the highway along which he is proceeding before turning.
- (3) Any driver intending to turn his vehicle to the left shall extend his arm in a horizontal position so that the same may be seen in the rear of his vehicle, and shall slow down and approach the intersecting highway so that the left side of his vehicle shall be as near as practicable to the centerline of the highway along which he is proceeding before turning.

(b) The signals required by this section shall be given either by means of the hand and arm or by a signal light or signal device in good mechanical condition of a type approved by the state highway patrol; provided, however, that when a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle, then such signals shall be given by such light or device.

(Code 1984, § 28-91)

State law reference—Similar provisions, RSMo 304.019.

Sec. 50-131. Driving while view or control is obstructed.

It shall be unlawful for the operator of any vehicle to drive the same when such vehicle is so loaded, or when there are in the front seat of such vehicle such number of persons, as to obstruct the view of the operator to the front or side, or to interfere with the operator's control over the driving mechanism of the vehicle.

(Code 1975, § 300.100; Code 1984, § 28-92)

Sec. 50-132. Vehicles obstructing intersections, crosswalks.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

(Code 1975, § 340.080; Code 1984, § 28-93)

State law reference—Similar provisions, RSMo 300.290.

Sec. 50-133. Driving through safety zone.

No vehicle shall at any time be driven through or within a safety zone.

(Code 1975, § 345.160; Code 1984, § 28-94)

State law reference—Similar provisions, RSMo 300.365.

Sec. 50-134. Driving onto, from controlled-access roadways.

No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

(Code 1975, § 345.140; Code 1984, § 28-95)

State law reference—Similar provisions, RSMo 300.355.

Sec. 50-135. Driving vehicle on sidewalk.

The driver of a vehicle shall not drive within any sidewalk area except as a permanent or temporary driveway.

(Code 1975, § 345.070; Code 1984, § 28-96)

State law reference—Similar provisions, RSMo 300.330.

Sec. 50-136. Riding motorcycles, motorized bicycles.

(a) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and shall not carry any other person nor shall any other person ride on a motorcycle unless the motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the operator.

(b) The operator of a motorized bicycle shall ride only astride the permanent and regular seat attached thereto, and shall not permit more than one person to ride thereon at the same time, unless the motorized bicycle is designed to carry more than one person. Any motorized bicycle designed to carry more than one person must be equipped with a passenger seat and footrests for the use of a passenger.

(c) No person shall operate a motorized bicycle on any highway, street, alley, or public roadway within the boundaries of the city unless that person shall have a valid license to operate a motor vehicle.

(d) No person shall operate a motorized bicycle upon the sidewalks within the central business district of the city.

(Code 1975, § 345.100; Code 1984, § 28-97; Ord. No. 3547, 9-7-2004)

State law reference—Similar provisions, RSMo 300.345.

Sec. 50-137. Limitations on backing.

The driver of a vehicle shall not back the same unless the movement can be made with reasonable safety and without interfering with other traffic.

(Code 1975, § 345.080; Code 1984, § 28-98)

State law reference—Similar provisions, RSMo 300.335.

Sec. 50-138. Following fire apparatus.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

(Code 1975, § 345.010; Code 1984, § 28-99)

State law reference—Similar provisions, RSMo 300.300.

Sec. 50-139. Crossing fire hose.

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

(Code 1975, § 345.020; Code 1984, § 28-100)

State law reference—Similar provisions, RSMo 300.305.

Sec. 50-140. Operation of motor vehicles on municipally owned property.

(a) *Prohibited.* All motor vehicle traffic on property owned by the city is hereby prohibited except upon roadways, parking areas and other areas specifically designated for motor vehicle traffic.

(b) *Applicability.* The above reference to municipally owned property includes, but is not exclusively limited to, all parks, the wastewater treatment plant and all cemeteries.

(c) *Violation; penalty.* Persons convicted of violating this section shall be punished pursuant to section 1-13.

(Code 1984, § 28-101; Ord. No. 2805, §§ 1—3, 7-1-1986)

Sec. 50-141. Clinton-Area Transportation Authority.

(a) *ATS rules.* Passengers and drivers of the Clinton-Area Transportation Service (ATS) shall abide by the following rules:

- (1) Passengers must have a pass or correct fare when entering vehicle.
- (2) Passengers shall remain seated when riding in ATS vehicles.
- (3) No smoking or chewing tobacco in ATS vehicles.
- (4) No food or drink in ATS vehicles.
- (5) Passengers who make appointments for pick-up must be on time. Drivers will wait no more than five minutes.
- (6) Passengers and drivers shall wear seat belts.
- (7) Drivers and passengers should not talk to each other when vehicle is in operation.
- (8) Passengers shall conduct themselves so as not to annoy or abuse others or disrupt operations of ATS. No obscene or abusive language.
- (9) Passengers shall be responsible for loading, securing and unloading their personal parcels and groceries. Drivers will assist when possible.
- (10) Oxygen tanks and other necessary medical equipment are allowed but passengers shall be responsible for securing equipment to prevent injury in the event of sudden stops.
- (11) Certified service animals permitted for those required to use them.
- (12) Children weighing less than 50 pounds must sit in an approved child's seat secured by a conventional seat belt.
- (13) Persons with a known infectious disease such as tuberculosis or chicken pox or with head lice will be denied service.
- (14) Passengers who violate ATS rules may be denied service.

(b) *ATS complaints and grievance procedure.* Any citizen with a complaint or grievance against the Clinton ATS should follow the following procedures:

- (1) Call the city hall (660-885-6121) and talk to the supervisor of ATS.
- (2) If complaint or grievance cannot be resolved informally, submit complaint in writing to the city administrator. Complaint should include the date, time, location, nature of complaint and names of parties involved if known. Upon receipt of a written complaint, the city administrator shall gather evidence, document findings and issue an opinion to the complainant within 30 days.

- (3) If unsatisfied, complainant may request review by the next higher level of authority. Complaints will be considered by the following authorities in this order:
 - a. Clinton City Council, 105 E. Ohio, Clinton, MO 660-885-6121.
 - b. Missouri Department of Transportation, Attn. Transit, PO Box 270, Jefferson City, MO 65102. 573-526-5505.
 - c. Federal Transit Administration, Region VII, 901 Locust Street, Kansas City, MO 64106. 816-329-3920
 - (4) If unsatisfied, complainant may contact the state attorney general or the U.S. Department of Justice.
- (Code 1984, § 28-102; Ord. No. 3536, §§ 1, 2, 7-20-2004)

Secs. 50-142—50-165. Reserved.

DIVISION 2. DRIVING WHILE INTOXICATED OR WITH EXCESSIVE BLOOD
ALCOHOL CONTENT

Sec. 50-166. Driving while intoxicated.

A person commits the offense of driving while intoxicated if he operates a motor vehicle while in an intoxicated or drugged condition. No person convicted of or pleading guilty to the offense of driving while intoxicated shall be granted a suspended imposition of sentence for such offense, unless such person shall be placed on probation for a minimum of two years, and unless the offense is a first offense for driving while intoxicated.

(Code 1975, § 275.040; Code 1984, § 28-111; Ord. No. 2713, § 2, 10-19-1982)

State law reference—Similar provisions, RSMo 577.010.

Sec. 50-167. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Drive, driving, operates or operating means physically driving or operating or being in actual physical control of a motor vehicle.

Intoxicated condition means when a person is under the influence of alcohol, a controlled substance, or drug, or any combination thereof.

Percent by weight of alcohol has the same meaning as provided in RSMo 577.012(2).

(Code 1975, §§ 275.042, 275.043; Code 1984, §§ 28-112, 28-114; Ord. No. 2713, § 2, 10-19-1982)

State law reference—Similar definitions, RSMo 577.001, 577.012(2).

Sec. 50-168. Excessive blood alcohol content.

A person commits the offense of driving with excessive blood alcohol content if such person operates a motor vehicle in this city with 0.08 percent or more by weight of alcohol in such person's blood, or a commercial motor vehicle while having 0.04 percent or more by weight of alcohol in such person's blood.

(Code 1975, § 275.041; Code 1984, § 28-113; Ord. No. 2713, § 2, 10-19-1982)

State law reference—Similar provisions, RSMo 577.012(1).

Sec. 50-170. Implied consent.

(a) Any person who operates a motor vehicle upon the public highways of this city shall be deemed to have given consent to, subject to the provisions of RSMo 577.020 to 577.041, a chemical test or tests of the person's breath, blood, saliva or urine for the purpose of determining the alcohol or drug content of the person's blood pursuant to the following circumstances:

- (1) If the person is arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was operating a motor vehicle while in an intoxicated or drugged condition;
- (2) If the person is under the age of 21, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person was operating a motor vehicle with a blood alcohol content 0.02 percent or more by weight;
- (3) If the person is under the age of 21, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person has committed a violation of the traffic laws of the state or any political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that such person has a blood alcohol content 0.02 percent or greater;
- (4) If the person is under the age of 21, has been stopped at a sobriety checkpoint or roadblock, and the law enforcement officer has reasonable grounds to believe that such person has a blood alcohol content 0.02 percent or greater;
or
- (5) If the person, while operating a motor vehicle, has been involved in a motor vehicle collision or accident which resulted in a fatality or a readily apparent serious physical injury as defined in RSMo 565.002 and has been arrested as evidenced by the issuance of a uniform traffic ticket for the violation of any state law or county or municipal ordinance with the exception of equipment violations contained in RSMo ch. 306 or 307 or similar provisions contained in county or municipal ordinances.

The test shall be administered at the direction of the law enforcement officer whenever the person has been stopped, detained or arrested for any reason.

(b) The implied consent to submit to the chemical tests listed in subsection (a) of this section shall be limited to not more than two such tests arising from the same arrest, stop, detention, incident or charge.

(c) Chemical analysis of the person's breath, blood, saliva or urine to be considered valid pursuant to the provisions of RSMo 577.020 to 577.041 shall be performed according to methods approved by the state department of health by licensed medical personnel or by a person possessing a valid permit issued by the state department of health for this purpose.

(d) The person tested may have a physician, or a qualified technician, chemist, registered nurse or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer.

(e) Upon the request of the person who is tested, full information concerning the test shall be made available to such person. Full information is limited to the following:

- (1) The type of test administered and the procedures followed;
- (2) The time of the collection of the blood or breath sample or urine analyzed;
- (3) The numerical results of the test indicating the alcohol content of the blood and breath and urine;
- (4) The type and status of any permit which was held by the person who performed the test;
- (5) If the test was administered by means of a breath testing instrument, the date of the most recent maintenance of such instrument.

Full information does not include manuals, schematics or software of the instrument used to test the person or any other material that is not in the actual possession of the city. Additionally, full information does not include information in the possession of the manufacturer of the test instrument.

(f) Any person given a chemical test of the person's breath pursuant to subsection (a) of this section or a field sobriety test may be videotaped during any such test at the direction of the law enforcement officer. Any such video recording made during

the chemical test pursuant to this subsection or a field sobriety test shall be admissible as evidence for a violation of any municipal ordinance or any license revocation or suspension proceeding pursuant to the provisions of RSMo ch. 302. (Code 1975, § 275.044; Code 1984, § 28-115; Ord. No. 2713, § 2, 10-19-1982)

State law reference—Similar provisions, RSMo 577.020(1).

Sec. 50-171. Procedure on arrest.

Any arrest for driving while intoxicated shall be handled as any other arrest for an offense of the same severity, except as follows:

- (1) As soon as practicable following the arrest, the police department shall obtain the driving record of the person arrested.
- (2) No person who has a prior conviction for driving while intoxicated or driving with excessive blood alcohol content within ten years of the date of the present alleged offense shall be prosecuted through the municipal court until after the state prosecuting attorney shall have had the opportunity to review the case and to consider filing appropriate state charges.
- (3) No person, regardless of his prior conviction record, shall be prosecuted through the municipal court where it appears possible that a charge of vehicular manslaughter (RSMo 577.005) or vehicle injury (RSMo 577.008) might be sustained, and until after the state prosecuting attorney shall have had the opportunity to review the case and to consider filing appropriate charges.
- (4) In all other cases, the city prosecuting attorney shall have the discretion to file the appropriate charge with the municipal court or he may refer the case to the state prosecuting official.
- (5) The procedures described herein shall be directory and not mandatory. The failure to follow the procedures provided for in this section shall not invalidate any prosecution or be cause to overturn any conviction for violations of section 50-166 or 50-168, but may be reason for discipline of the city official violating this section.

(Code 1975, § 275.045; Code 1984, § 28-116; Ord. No. 2713, § 2, 10-19-1982)

Sec. 50-172. Procedure in municipal court.

No person charged with driving while intoxicated or driving with excessive blood alcohol content shall have his case heard in the municipal court except in accordance with the following procedure:

- (1) The defendant must either be represented by an attorney, or must voluntarily waive his right to representation by execution of a written waiver. If the defendant chooses to do neither (or if because he is indigent is unable to employ an attorney), the prosecution of the case shall be suspended and the

case referred to the state prosecuting official. Only if the state prosecuting official declines to proceed with a state criminal prosecution shall the municipal prosecution be resumed.

- (2) Neither the municipal judge nor any other municipal official shall have the power to revoke any operator's or chauffeur's license.
(Code 1975, § 275.046(1, 2); Code 1984, § 28-117; Ord. No. 2713, § 2, 10-19-1982)

Sec. 50-173. Driving school.

The municipal court may, in connection with the disposition of any offense which is a point offense resulting in the assessment of one, two, three or four points by the state director of revenue under the provisions of RSMo 302.302(1), (2), or (4), order the staying of the assessment of points upon satisfactory completion of a driver improvement program approved by the state director of the department of public safety, as provided by RSMo 302.302(4).

(Code 1975, § 275.047; Code 1984, § 28-118; Ord. No. 2713, § 2, 10-19-1982)

Sec. 50-174. Reports to highway patrol.

A record of the final disposition in any court proceeding involving a violation of section 50-166 or section 50-168 shall be forwarded to the state highway patrol within 15 days by the clerk of the court.

(Code 1975, § 275.048; Code 1984, § 28-119; Ord. No. 2713, § 2, 10-19-1982)

Sec. 50-175. Alcohol and drug education.

Upon a plea of guilty or a finding of guilty for an offense of driving while intoxicated or driving with excessive blood alcohol content, the court shall order the person to participate in and complete a substance abuse traffic offender program as set forth in RSMo 302.580.

(Code 1975, § 275.046(3); Code 1984, § 28-120; Ord. No. 2713, § 2, 10-19-1982)

State law reference—Similar provisions, RSMo 577.049.

Sec. 50-176. Reimbursement of costs for alcohol and drug related offenses.

(a) Upon a plea of guilty, finding of guilt or conviction for violation of the provisions of sections 50-166 through 50-170 (alcohol or drug related traffic offenses), the court may, in addition to imposition of any penalties provided by law, order the person to reimburse law enforcement authorities for the costs associated with such arrest.

(b) Such costs shall include the reasonable cost of making the arrest, including the cost of any chemical tests to determine the alcohol or drug content of the person's blood, and the cost of processing, charging, booking and holding such person in custody.

(c) Law enforcement authorities may establish a schedule of such costs for submission to the court; however, the court may order the costs reduced if it determines that the schedule of costs is excessive given the circumstances of the case or for good cause shown.

(d) These fees shall be calculated as additional costs by the municipal court and shall be collected by the court in the same manner as other costs and fees are collected and remitted to the city clerk.

(e) The city clerk shall retain these fees in a separate fund known as the DWI/Drug Enforcement Fund. Moneys within the DWI/Drug Enforcement Fund shall be appropriated by the city council to law enforcement authorities from such fund in amounts equal to those costs so incurred and shall be specifically used to enhance and support the enforcement and prosecution of alcohol and drug related traffic laws within the city.

(Code 1984, § 28-122; Ord. No. 3072, § 1, 11-2-1993)

State law reference—Authority of city to recoup costs connected with alcohol and drug related offenses, RSMo 577.048.

Secs. 50-177—50-205. Reserved.

DIVISION 3. SPEED*

Sec. 50-206. State speed laws applicable.

The state traffic laws regulating the speed of vehicles shall be applicable upon all streets within the city, except that the city may by ordinance declare and determine upon the basis of engineering and traffic investigation that certain speed regulations shall be applicable upon specified streets or in certain areas. In this event, it shall be unlawful for any person to drive a vehicle at a speed in excess of the speed declared when signs are in place giving notice thereof. No city ordinance shall regulate the speed of vehicles upon controlled access highways of the state.

(Code 1975, § 320.010; Code 1984, § 28-131)

State law reference—Similar provisions, RSMo 300.205.

Sec. 50-207. Maximum limit generally.

No person shall operate any vehicle on any street within the city at a greater speed than 25 miles per hour, unless signs are erected designating another speed.

(Code 1975, § 320.020; Code 1984, § 28-132)

***State law reference**—Municipal authority to establish reasonable speed regulations, RSMo 304.120(1).

Sec. 50-208. Placement of signs.

The director of public works is hereby authorized and directed to place appropriate signs making the maximum speed limits established in this division unless such appropriate signs have been provided by the state highway department.

(Code 1984, § 28-133)

Sec. 50-209. Drag racing.

(a) No person shall operate a motor vehicle in the city so as to engage in the act of drag racing.

(b) For the purpose of this section, the term "drag racing" means the act of two or more individuals competing or racing on any street, highway or other place open to the public in the city in a situation in which one of the motor vehicles is beside or to the rear of a motor vehicle operated by a competing driver and the one driver attempts to prevent the competing driver from passing or overtaking him.

(Code 1984, § 28-134)

Sec. 50-210. Excessive acceleration.

No person shall operate a motor vehicle in the city at a rate of acceleration greater than is reasonably necessary to safely enter the existing flow of traffic or obtain the maximum speed limit. Tire friction marks or squealing of tires shall be evidence of such excessive acceleration.

(Code 1984, § 28-135)

Sec. 50-211. Radar and other speed determining mechanisms.

The use of, and results determined by, any radar, speed meter, machine or mechanism which seeks to reduce the error of manual operation to a minimum, shall be acceptable as evidence where driving in excess of posted speed limits is the cause of action. The acceptance of these methods of detection does not exclude the use of other lawfully recognized speed detection methods, including, but not limited to, officer observations.

(Code 1975, § 320.060; Code 1984, § 28-136)

Sec. 50-212. Regulation of speed by traffic signals.

The director of public works is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof.

(Code 1975, § 320.070; Code 1984, § 28-137)

State law reference—Similar provisions, RSMo 300.210.

Sec. 50-213. Regulation of slow speed.

No person shall drive a motor vehicle at such a slow rate of speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law. Police officers may enforce the provisions of this section by directions to drivers, and in the event of apparent willful disobedience to this section and refusal to comply with the direction of an officer in accordance herewith, the continued slow operation of a vehicle by a driver shall be an offense.

(Code 1975, § 320.050; Code 1984, § 28-138)

State law reference—Similar provisions, RSMo 304.011.

Secs. 50-214—50-234. Reserved.

DIVISION 4. RIGHT-OF-WAY

Sec. 50-235. Right-of-way at intersections—Generally.

The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different street; provided, however, there is no form of traffic-control at such intersection.

(Code 1975, § 325.080; Code 1984, § 28-146)

State law reference—Similar provisions, RSMo 304.351(1).

Sec. 50-236. Right-of-way at intersections—Two vehicles at same time.

When two vehicles enter an intersection from different streets at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the vehicle on the right. This section shall not apply to vehicles approaching each other from opposite directions when the driver of one of such vehicles is attempting to or is making a left turn.

(Code 1975, § 325.100; Code 1984, § 28-147)

State law reference—Similar provisions, RSMo 304.351(2).

Sec. 50-237. Right-of-way at intersections—Left turns.

The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

(Code 1975, § 325.110; Code 1984, § 28-148)

State law reference—Similar provisions, RSMo 304.351(3).

Sec. 50-238. Right-of-way at intersections—When stop required.

Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection, indicated by a stop sign, shall

stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic in the intersecting roadway before entering the intersection. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on the highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

(Code 1975, § 325.130; Code 1984, § 28-149)

State law reference—Similar provisions, RSMo 304.351(4)(1)(a).

Sec. 50-239. Through streets designated.

Those streets and parts of streets described by city ordinance are declared to be through streets for the purposes of sections 50-240 to 50-247.

(Code 1975, § 340.010; Code 1984, § 28-150)

State law reference—Similar provisions, RSMo 300.255.

Sec. 50-240. Placement and maintenance of stop signs.

(a) To protect the public safety and welfare, stop signs shall be placed at the intersection of public streets within the city except where traffic is controlled at all times by traffic-control signals, and except at locations where stop signs are deemed unnecessary or unsafe by the chief of police.

(b) Stop signs or yield signs may also be placed on public rights-of-way at the intersection of private streets with public streets if deemed necessary by the chief of police.

(c) Stop signs or yield signs may also be placed on public rights-of-way at crosswalks and other locations within the city if deemed necessary by the chief of police to safely control vehicle and pedestrian traffic.

(d) In the event a stop sign or yield sign placed by the chief of police is found to be inappropriate, causes an unnecessary delay in the flow of traffic or creates a safety hazard, the city council shall have the authority to order the relocation or removal of said sign if it is deemed to be in the best interest of public safety.

(Code 1975, § 340.020; Code 1984, § 28-151; Ord. No. 3609, § 1, 8-1-2006)

State law reference—Similar provisions, RSMo 300.260.

Sec. 50-241. Position for stopping at certain intersections.

(a) The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

(b) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. (Code 1975, § 340.040; Code 1984, § 28-153)

State law reference—Similar provisions, RSMo 300.270.

Sec. 50-242. Vehicle entering yield intersection.

The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection; provided, however, that if the driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, the collision shall be deemed prima facie evidence of his failure to yield right-of-way.

(Code 1975, § 340.060; Code 1984, § 28-155)

State law reference—Similar provisions, RSMo 300.280.

Sec. 50-243. Duty of driver upon approach of emergency vehicle.

(a) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the roadway.

(Code 1975, § 310.070; Code 1984, § 28-156)

State law reference—Similar provisions, RSMo 300.105.

Sec. 50-244. Vehicles emerging from alley, building, private road or driveway.

The driver of a vehicle with a business or residence district emerging from an alley, driveway or building shall stop his vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and

shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

(Code 1975, § 340.070; Code 1984, § 28-157)

State law reference—Similar provisions, RSMo 300.285.

Sec. 50-245. Driver entering alley, etc., to yield right-of-way.

The driver of a vehicle intending to make a left turn into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction when the making of such a left turn would create a traffic hazard.

(Code 1975, § 325.110; Code 1984, § 28-158)

State law reference—Similar provisions, RSMo 304.351(6).

Sec. 50-246. Certain buses and trucks to stop at railroad crossing; when.

Every motor vehicle transporting passengers, for hire, every school bus, and every motor vehicle transporting high explosives, or poisonous or compressed inflammable gases, and every motor vehicle used for the transportation of inflammable or corrosive liquids in bulk, whether loaded or empty, shall, upon approaching any railroad grade crossing, be brought to a full stop within 50 feet, but not less than ten feet, from the nearest rail of such railroad grade crossing, and shall not proceed until due caution has been taken to ascertain that the course is clear; provided, that such full stop shall not be required at a railroad grade crossing protected by a watchman or traffic officer on duty or by a traffic-control "stop and go" signal (not railroad flashing signal) giving positive indication to approaching vehicles to proceed.

(Code 1984, § 28-159)

State law reference—Similar provisions, RSMo 304.030.

Sec. 50-247. Obedience to signal indicating approach of train.

(a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of the vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of the railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

- (1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
- (2) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train; or
- (3) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

(Code 1975, § 340.090; Code 1984, § 28-160)

State law reference—Similar provisions, RSMo 300.295.

Secs. 50-248—50-272. Reserved.

DIVISION 5. OVERTAKING AND PASSING

Sec. 50-273. Drivers to sound signaling device before passing.

Any operator or driver overtaking and desiring to pass a vehicle shall sound his horn before starting to pass.

(Code 1984, § 28-171)

State law reference—Similar provisions, RSMo 304.016.

Sec. 50-274. Position of vehicle when passing.

Except where overtaking and passing on the right is permitted, the driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(Code 1984, § 28-172)

State law reference—Similar provisions, RSMo 304.016.

Sec. 50-275. Duty of driver of overtaken vehicle.

Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

(Code 1984, § 28-173)

State law reference—Similar provisions, RSMo 304.016.

Sec. 50-276. Limitations on passing on the left.

No vehicle shall, in overtaking and passing another vehicle proceeding in the same direction, be driven to the left side of the roadway under the following conditions:

- (1) When approaching the crest of a grade or upon a curve of the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.

- (2) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel or when approaching within 100 feet of or at any intersection.

(Code 1984, § 28-174)

State law reference—Similar provisions, RSMo 304.016.

Sec. 50-277. When passing on the right is permitted.

(a) The driver of a motor vehicle may overtake and pass to the right of another vehicle only under the following conditions:

- (1) When the vehicle overtaken is making or about to make a left turn;
- (2) Upon a city street with unobstructed pavement of sufficient width for two or more lines of vehicles in each direction; or
- (3) Upon a one-way street.

(b) The driver of a motor vehicle may overtake and pass another vehicle upon the right only under the foregoing conditions when such movement may be made in safety. In no event shall such movement be made by driving off the paved or main-traveled portion of the roadway.

(c) The provisions of this section shall not relieve the driver of a slow-moving vehicle from the duty to drive as closely as practicable to the right-hand edge of the roadway.

(Code 1984, § 28-175)

State law reference—Similar provisions, RSMo 304.016.

Sec. 50-278. Passing vehicle at crosswalk.

Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit pedestrians to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(Code 1975, § 350.020; Code 1984, § 28-176)

State law reference—Similar provisions, RSMo 300.375(4).

Sec. 50-279. Following too closely.

The driver of a vehicle shall not follow another vehicle more closely than is reasonably safe and prudent, having due regard for the speed of the vehicle and the traffic upon and the condition of the roadway. Vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated, except in a funeral

procession or in a duly authorized parade, so as to allow sufficient space between each vehicle or combination of vehicles as to enable any other vehicle to overtake or pass such vehicles in safety.

(Code 1975, § 325.140; Code 1984, § 28-177)

State law reference—Similar provisions, RSMo 304.017.

Sec. 50-280. School buses.

(a) The driver of a vehicle upon a street, highway or thoroughfare upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children and whose driver has in the manner prescribed by law given the signal to stop, shall stop his vehicle before reaching the school bus and shall not proceed until the school bus resumes motion or until signaled by its driver to proceed.

(b) The driver of a vehicle upon a street, highway or thoroughfare with separate roadways need not stop upon meeting or overtaking a school bus which is on a different roadway, which is proceeding in the opposite direction on a highway containing four or more lanes of traffic, or which is stopped in a loading zone constituting a part of, or adjacent to, a limited or controlled access highway at a point where pedestrians are not permitted to cross the roadway.

(Code 1975, § 345.170; Code 1984, § 28-178)

State law reference—Similar provisions, RSMo 304.050(1), (4).

Secs. 50-281—50-308. Reserved.

DIVISION 6. TURNING MOVEMENTS

Sec. 50-309. Procedure for turning at intersections.

The driver of a vehicle intending to turn at an intersection shall do so as follows:

- (1) For right turns, both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
- (2) At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the centerline of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.
- (3) At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane

lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

(Code 1975, § 330.010; Code 1984, § 28-186)

State law reference—Similar provisions, RSMo 300.215, 304.341(1)1, 2.

Sec. 50-310. Turning on curve or crest of grade.

The driver of a vehicle shall not turn such vehicle around so as to proceed in the opposite direction upon any curve or upon the approach to or near the crest of a grade, or at any place upon a roadway where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction along the roadway within a distance of 300 feet, or where the same may create a traffic hazard.

(Code 1984, § 28-187)

State law reference—Similar provisions, RSMo 304.341(2).

Sec. 50-311. U-turns generally.

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction at any intersection controlled by a traffic signal or a police officer or upon any street in a business district; nor shall any such turn be made at any place unless such movement can be made in safety and without interfering with other traffic.

(Code 1975, § 330.030; Code 1984, § 28-188)

State law reference—Similar provisions, RSMo 300.235, 304.341(2).

Sec. 50-312. Placement of signs prohibiting or restricting turns.

The director of public works is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn and shall place proper signs at those intersections. The making of these turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when those turns are permitted.

(Code 1975, § 330.030; Code 1984, § 28-189)

State law reference—Similar provisions, RSMo 300.225.

Sec. 50-313. Obedience to turning markers.

(a) The director of public works is authorized to place markers, buttons, or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at those intersections, and the course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.

(b) When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of the indications.

(Code 1975, § 330.020; Code 1984, § 28-190)

State law reference—Similar provisions, RSMo 300.220.

Sec. 50-314. Obedience to no-turn signs.

Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

(Code 1975, § 330.040; Code 1984, § 28-191)

State law reference—Similar provisions, RSMo 300.230.

Secs. 50-315—50-331. Reserved.

DIVISION 7. ONE-WAY STREETS AND ALLEYS

Sec. 50-332. Placement, maintenance of signs.

Whenever this Code or any other city ordinance designates any one-way street or alley, the director of public works shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless the signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

(Code 1975, § 335.010; Code 1984, § 28-201)

State law reference—Similar provisions, RSMo 300.240.

Sec. 50-333. Movement of vehicular traffic generally.

Upon those streets and parts of streets and in those alleys described and designated by city ordinance, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

(Code 1975, § 335.020; Code 1984, § 28-202)

State law reference—Similar provisions, RSMo 300.245.

Sec. 50-334. Restriction of direction of vehicular traffic during certain periods.

(a) The director of public works is hereby authorized to determine and designate streets, parts of streets or specific lanes thereon upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The director of public works may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the roadway.

(b) It shall be unlawful for any person to operate any vehicle in violation of the markings, signs, barriers or other devices so placed in accordance with this section. (Code 1975, § 335.030; Code 1984, § 28-203)

State law reference—Similar provisions, RSMo 300.250.

Secs. 50-335—50-356. Reserved.

ARTICLE IV. TRAFFIC-CONTROL DEVICES*

Sec. 50-357. Standards and specifications generally.

(a) All traffic-control signs, signals and devices shall conform to the manual and specifications approved by the state highway commission or resolution adopted by the city council.

(b) All signs or signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the city.

(c) All traffic-control devices so erected and not inconsistent with the provisions of this article shall be official traffic-control devices. (Code 1975, § 315.020; Code 1984, § 28-211)

State law reference—Similar provisions, RSMo 300.135.

Sec. 50-358. Placement, maintenance.

The director of public works shall place and maintain traffic-control signs, signals and devices when and as required under the provisions of this article to make effective such provisions, and may place and maintain any additional traffic-control devices he may deem necessary to regulate traffic under the provisions of this article or under state law or to guide or warn traffic.

(Code 1975, § 315.010; Code 1984, § 28-212)

State law reference—Similar provisions, RSMo 300.130.

Sec. 50-359. Obedience by drivers.

The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this article, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this article.

(Code 1975, § 315.030; Code 1984, § 28-213)

State law reference—Similar provisions, RSMo 300.140.

***State law reference**—Traffic-control devices, RSMo 300.130 et seq.

Sec. 50-360. When required for enforcement of article.

No provision of this article for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, that section shall be effective even though no devices are erected or in place.

(Code 1975, § 315.040; Code 1984, § 28-214)

State law reference—Similar provisions, RSMo 300.145.

Sec. 50-361. Presumption of validity.

(a) Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this article, the devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(b) Any official traffic-control device placed pursuant to the provisions of this article and purporting to conform to the lawful requirements pertaining thereto, shall be presumed to comply with the requirements of this article, unless the contrary shall be established by competent evidence.

(Code 1975, § 315.050; Code 1984, § 28-215)

State law reference—Similar provisions, RSMo 300.150.

Sec. 50-362. Traffic-control signal legend.

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication.

- a. Vehicular traffic facing a circular signal may proceed straight through or turn right or left unless a sign at that place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.
- b. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by the arrow, or such other movement as is permitted by other indications shown at the same time.

Vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

- c. Unless otherwise directed by a pedestrian-control signal, as provided in section 50-363, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow indication.

- a. Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited thereafter when vehicular traffic shall not enter the intersection.
- b. Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian-control signal as provided in section 50-363, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(3) Steady red indication:

- a. Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown.
- b. The driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red signal, may cautiously enter the intersection to make a right turn but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection, except that the state highway commission with reference to an intersection involving a state highway, and local authorities with reference to an intersection involving other highways under their jurisdiction, may prohibit any such right turn against a red signal at any intersection where safety conditions so require, and this prohibition shall be effective when a sign is erected at such intersection giving notice thereof.
- c. Unless otherwise directed by a pedestrian-control signal as provided in section 50-363, pedestrians facing a steady red signal alone shall not enter the roadway.

- (4) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to provisions which by their nature can have no

application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any sign or marking, the stop shall be made at the signal.

(Code 1975, § 315.060; Code 1984, § 28-216)

State law reference—Similar provisions, RSMo 300.155, 304.281.

Sec. 50-363. Pedestrian-control signals.

Whenever special pedestrian-control signals exhibiting the words "Walk" or "Don't Walk" are in place, these signals shall indicate as follows:

- (1) *Walk*. Pedestrians facing this signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles;
- (2) *Wait or don't walk*. No pedestrian shall start to cross the roadway in the direction of this signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety zone while the wait signal is showing.

(Code 1975, § 315.070; Code 1984, § 28-217)

State law reference—Similar provisions, RSMo 300.160, 304.291.

Sec. 50-364. Flashing signals.

(a) *Generally*. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal, it shall require obedience by vehicular traffic as follows:

- (1) *Flashing red (stop signal)*. When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
- (2) *Flashing yellow (caution signal)*. When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(b) *Railroad grade crossings; conduct of drivers*. This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in this article.

(Code 1975, § 315.080; Code 1984, § 28-218)

State law reference—Similar provisions, RSMo 300.165, 304.301.

Sec. 50-365. Lane direction-control signals.

When lane direction-control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown. (Code 1975, § 315.090; Code 1984, § 28-219)

State law reference—Similar provisions, RSMo 300.170, 304.311.

Sec. 50-366. Display of unauthorized traffic-control devices.

No person shall place, maintain or display upon or in view of any street or highway an unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.

(Code 1975, § 315.100; Code 1984, § 28-220)

State law reference—Similar provisions, RSMo 300.175, 304.321(1).

Sec. 50-367. Interference with traffic-control devices.

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

(Code 1975, § 315.110; Code 1984, § 28-221)

State law reference—Similar provisions, RSMo 300.180, 304.331.

Secs. 50-368—50-392. Reserved.

ARTICLE V. STOPPING, STANDING AND PARKING

DIVISION 1. GENERALLY

Sec. 50-393. Scope of article.

The provisions of this article prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.

(Code 1975, § 370.010; Code 1984, § 28-236)

State law reference—Similar provisions, RSMo 300.520.

Sec. 50-394. Provisions of article not exclusive.

The provisions of this article imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

(Code 1975, § 370.020; Code 1984, § 28-237)

State law reference—Similar provisions, RSMo 300.525.

Sec. 50-395. Parking signs required generally.

Whenever by this article or any ordinance of the city any parking time limit is imposed or parking is prohibited on designated streets, it shall be the duty of the director of public works to erect appropriate signs giving notice thereof and no such regulations shall be effective unless the signs are erected and in place at the time of any alleged offense.

(Code 1975, § 370.060; Code 1984, § 28-238)

State law reference—Similar provisions, RSMo 300.545.

Sec. 50-396. Prohibited parking zones generally.

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described by this Code or by other ordinance.

(Code 1975, § 370.030; Code 1984, § 28-239)

State law reference—Similar provisions, RSMo 300.530.

Sec. 50-397. Restrictive stopping, standing and parking zones generally.

When signs are erected giving notice thereof, no person shall stop, stand or park a vehicle between the hours specified by ordinance on any day except Sunday and public holidays, within the districts or upon any of the streets described by ordinance.

(Code 1975, § 370.040; Code 1984, § 28-240)

State law reference—Similar provisions, RSMo 300.535, 300.540.

Sec. 50-398. All night parking prohibited.

It shall be unlawful for the operator of any vehicle to park his vehicle on any street in the central business district between the hours of 2:00 a.m. and 6:00 a.m. of any day, except physicians on emergency calls.

(Code 1975, § 360.100; Code 1984, § 28-241)

Sec. 50-399. Manner of parking generally.

Except as otherwise provided in this article, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within 18 inches of the right-hand curb.

(Code 1975, § 355.010; Code 1984, § 28-242)

State law reference—Similar provisions, RSMo 300.415.

Sec. 50-400. Parking not to obstruct traffic.

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.

(Code 1975, § 360.020; Code 1984, § 28-243)

State law reference—Similar provisions, RSMo 300.445.

Sec. 50-401. Obstructing freeway prohibited.

Parking, unparking, stopping, standing, manner of driving or otherwise obstructing shall be so regulated and controlled in such a manner as to permit a clear, free and unimpeded freeway, travelway or throughway of certain widths for certain streets, alleys and state and federal marked highways or portions thereof, and any person so parking, unparking, stopping, standing, manner of driving or otherwise obstructing as herein forbidden shall be guilty of an offense and have the obstruction removed as provided herein. It is further provided, within the meaning of this section, that not less than 22 feet in width shall constitute an unobstructed freeway, travelway or throughway on all state and federal marked highways in this city.

(Code 1975, § 370.080; Code 1984, § 28-244)

Sec. 50-402. Parking of certain vehicles.

No person operating a vehicle, whose rated manufacturers capacity is greater than three-fourths tons or whose length is greater than 20 feet and whose width, including a load, is greater than 96 inches, shall stop, stand or park the same in such places and for such a period of time as designated by properly posted signs.

(Code 1975, § 370.100; Code 1984, § 28-245)

Sec. 50-403. Parking of heavy vehicles, trailers, vehicles carrying hazardous materials.

(a) Motor vehicles with registered 48,001 pounds or more gross weight. No person shall park for more than four hours any motor vehicle with a registered gross weight of 48,001 pounds or more, on any street or street right-of-way within the city limits.

(b) Trailers on city streets. No person shall park or "dolly down" on any city street or street right-of-way, any tractor, or semi-trailers which is designed to be coupled with a towing vehicle fifth wheel which when combined with the towing vehicle or trailer converter dolly, would have a total combined gross registered weight for both truck and trailer of 48,001 pounds or more.

(c) Trucks, trailers or other vehicles which are placarded as carrying hazardous materials in accordance with DOT regulations. No person shall park any vehicle or trailer which is required to be placarded as carrying hazardous materials in any residential or commercial zoned area.

(Code 1984, § 28-245.1; Ord. No. 3026, §§ 1—3, 10-20-1992)

State law reference—Authority of city to establish regulations for operation and parking of motor vehicles, RSMo 304.120.

Sec. 50-404. Prohibited stopping, standing or parking areas enumerated.

(a) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer, or official traffic-control device, no person shall stop, stand or park a vehicle:

- (1) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (2) On a sidewalk;
- (3) Within an intersection;
- (4) On a crosswalk;
- (5) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the director of public works indicates a different length by signs or markings;
- (6) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (7) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (8) On any railroad tracks; or
- (9) At any place where official signs prohibit stopping.

(b) No person shall stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

- (1) In front of a public or private driveway;
- (2) Within 15 feet of a fire hydrant;
- (3) Within 20 feet of a crosswalk at an intersection;

- (4) Within 30 feet upon the approach to any flashing signal, stop sign or traffic-control signal located at the side of a roadway;
- (5) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance (when properly signposted); or
- (6) At any place where official signs prohibit standing.

(c) No person shall park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:

- (1) Within 50 feet of the nearest rail of a railroad crossing; or
- (2) At any place where official signs prohibit parking.

(d) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.

(Code 1975, § 360.010; Code 1984, § 28-246)

State law reference—Similar provisions, RSMo 300.340.

Sec. 50-405. Driving in school zones.

(a) Every person operating a motor vehicle upon the streets of the city shall stop at all school stop signs when they are in place near the public schools of the city.

(b) Every person operating a motor vehicle upon the streets of the city shall drive in a careful and prudent manner and shall drive slower near the school zones at such times when the school stop signs are not in place at or near the school zones.

(Code 1975, § 370.090; Code 1984, § 28-247)

Sec. 50-406. Parking adjacent to schools.

(a) The director of public works is hereby authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.

(b) When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

(Code 1975, § 360.050; Code 1984, § 28-248)

State law reference—Similar provisions, RSMo 300.460.

Sec. 50-407. Manner of parking within alleyways.

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the

free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

(Code 1975, § 360.030; Code 1984, § 28-249)

State law reference—Similar provisions, RSMo 300.450.

Sec. 50-408. Standing or parking along divided highways.

In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such a one-way roadway unless signs are erected to permit such standing or parking. The director of public works is authorized to determine when standing or parking may be permitted upon the left-hand side of any one-way roadway and to erect signs giving notice thereof.

(Code 1975, § 360.080; Code 1984, § 28-250)

State law reference—Similar provisions, RSMo 300.475.

Sec. 50-409. Standing or parking on one-way streets.

The director of public works is authorized to erect signs upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles, and when these signs are in place, no person shall stand or park a vehicle upon the left-hand side in violation of any such sign.

(Code 1975, § 360.070; Code 1984, § 28-251)

State law reference—Similar provisions, RSMo 300.470.

Sec. 50-410. Parking on narrow streets.

(a) The director of public works is authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed 20 feet, or upon one side of a street as indicated by these signs, when the width of the roadway does not exceed 30 feet.

(b) When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of the sign thereon.

(Code 1975, § 360.060; Code 1984, § 28-252)

State law reference—Similar provisions, RSMo 300.465.

Sec. 50-411. Stopping, standing or parking near hazardous or congested places.

(a) The director of public works is hereby authorized to determine and designate, by proper signs, places not exceeding 100 feet in length in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

(b) When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand or park a vehicle in any such designated place. (Code 1975, § 360.090; Code 1984, § 28-253)

State law reference—Similar provisions, RSMo 300.480.

Sec. 50-412. Parking for certain purposes prohibited.

No person shall park a vehicle upon any roadway for the principal purpose of:

- (1) Displaying his vehicle for sale; or
- (2) Repairing his vehicle, except when repairs are necessitated by an emergency. (Code 1975, § 360.040; Code 1984, § 28-254)

State law reference—Similar provisions, RSMo 300.455.

Sec. 50-413. Offensive odor cargos.

It shall be unlawful for any person driving a motor vehicle carrying livestock, garbage, carrion, fecal matter or any odoriferous cargo, which may be declared a public nuisance detrimental to public health and welfare, to park within 200 feet of any residence or business establishment (except for loading or unloading purposes and then not exceeding 30 minutes at any area or place in this city. It shall further be unlawful to park a motor vehicle, empty, which has been hauling or contains odoriferous matter which may likewise be classed as a nuisance within 200 feet of any residence or business establishment in this city, until the same has been thoroughly cleaned and disinfected according to the orders of health officials. (Code 1975, § 345.240; Code 1984, § 28-255)

State law references—Municipal authority to regulate disposal of garbage, RSMo 71.680—71.690; disposal of dead animals, RSMo ch. 269.

Sec. 50-414. Designation, marking of angle parking.

(a) The director of public works shall determine upon what streets angle parking shall be permitted and shall mark or sign these streets. Angle parking shall not be indicated upon any federal-aid or state highway within the city unless the state highway commission has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(b) Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street. (Code 1975, § 355.020; Code 1984, § 28-256)

State law reference—Similar provisions, RSMo 300.420.

Sec. 50-415. Obedience to angle parking signs.

On those streets which have been signed or marked by the director of public works for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by these signs or markings.

(Code 1975, § 355.030; Code 1984, § 28-257)

State law reference—Similar provisions, RSMo 300.425.

Sec. 50-416. Permits for loading or unloading vehicles with rear to curb.

(a) The director of public works is authorized to issue special permits to allow the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of the permit. These permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant the permittee the privilege as therein stated and authorized herein.

(b) It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

(Code 1975, § 355.040; Code 1984, § 28-258)

State law reference—Similar provisions, RSMo 300.430.

Sec. 50-417. Designation of curb loading zones.

The director of public works is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable.

(Code 1975, § 365.010; Code 1984, § 28-259)

State law reference—Similar provisions, RSMo 300.485.

Sec. 50-418. Permits for curb loading zones.

The director of public works shall not designate or sign any curb loading zone upon special request of any person unless the person makes an application for a permit and for two signs to indicate the ends of each zone. The director of public works, upon granting a permit and issuing such signs, shall collect from the applicant a service fee of as provided in the city fee schedule and may by general regulations impose conditions upon the use of these signs and for the reimbursement of the city for the value thereof in the event of their loss or damage and their return in the event of misuse or upon expiration of permit. Every permit herein shall expire at the end of one year.

(Code 1975, § 365.020; Code 1984, § 28-260)

State law reference—Similar provisions, RSMo 300.490.

Sec. 50-419. Use of curb loading zones.

(a) *Passenger.* No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during the hours when the regulations applicable to the curb loading zone are effective, and then only for a period not to exceed three minutes.

(b) *Freight.* No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick-up and loading of materials in any place marked as a freight curb loading zone during the hours when the provisions applicable to such zones are in effect.

(Code 1975, §§ 365.030, 365.040; Code 1984, § 28-261)

State law reference—Similar provisions, RSMo 300.495, 300.500.

Sec. 50-420. Establishment, designation of public carrier stops and stands.

The director of public works is hereby authorized and required to establish bus stops, bus stands, taxicab stands and stands for other passenger common carrier motor vehicles on the public streets in the places and in such numbers as he shall determine to be of the greatest benefit and convenience to the public. Every such bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs.

(Code 1975, § 365.050; Code 1984, § 28-262)

State law reference—Similar provisions, RSMo 300.505.

Sec. 50-421. Stopping, standing and parking of buses and taxicabs.

(a) The operator of a bus shall not stand or park upon any street at any place other than a bus stand so designated as provided herein.

(b) The operator of a bus shall not stop upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated as provided herein, except in case of an emergency.

(c) The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position with its right front wheel not further than 18 inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(d) The operator of a taxicab shall not stand or park upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

(Code 1975, § 365.060; Code 1984, § 28-263)

State law reference—Similar provisions, RSMo 300.510.

Sec. 50-422. Use of bus and taxicab stands.

No person shall stop, stand or park a vehicle, other than a bus in a bus stop or other than a taxicab in a taxicab stand, when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers, when his stopping does not interfere with any bus or taxicab waiting to enter or about to enter the zone.

(Code 1975, § 365.070; Code 1984, § 28-264)

State law reference—Similar provisions, RSMo 300.515.

Sec. 50-423. Unattended motor vehicle.

No person shall leave a motor vehicle unattended on a street or highway without first stopping the motor and cutting off the electric current.

(Code 1975, § 300.130; Code 1984, § 28-265)

State law reference—Similar provisions, RSMo 304.150.

Sec. 50-424. Presumption in reference to illegal parking.

(a) In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking either the registered owner or lessee of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner or lessee of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

(b) The foregoing stated presumption shall apply only when the procedure as prescribed in section 50-61 has been followed.

(Code 1984, § 28-266)

Sec. 50-425. Parking area reserved for farmers' market.

(a) The parking area located to the south of eastbound lane of traffic in the 100 block of West Franklin shall be reserved between the hours of 3:00 p.m. and 7:00 p.m. on Tuesdays beginning on April 1 of each year and ending on October 31 of each year, for the farmers' market to conduct the selling of fresh produce.

(b) The city street department shall install a sign denoting no parking between the hours of 3:00 p.m. and 7:00 p.m. on Tuesdays, which shall be mobile, and placed on said block reserving the proper amount of space needed for the month of use.

(c) The sign shall further be removed after the last Tuesday of October each year, and shall be re-installed on April 1 each year as needed.
(Code 1984, § 28-267; Ord. No. 3506, (28-249), 3-18-2003)

Secs. 50-426—50-448. Reserved.

DIVISION 2. PARKING FOR THE HANDICAPPED*

Sec. 50-449. Definition.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Physically handicapped person means a physically disabled person who is required to use a wheelchair or who is required to use the assistance of another person, a cane or other device while walking.
(Code 1984, § 28-276)

Sec. 50-450. Authority of director of public works to designate spaces.

(a) The director of public works is hereby authorized to reserve parking spaces upon public roadways as close as possible to physically disabled accessible curb ramps. Such spaces, designated "Accessible Parking" under RSMo 301.143, shall be as close as possible to an accessible sidewalk entrance.

(b) The reserved parking spaces shall be indicated with blue paint on the curb or edge of the paved portion of the street adjacent to the parking space. In addition to blue paint, the space shall be indicated by a sign upon which shall be inscribed the international symbol of accessibility and the words "accessible parking" in white on blue background.

(c) The director of public works is hereby authorized to reserve parking spaces in all public off-street parking facilities. Such spaces, designated accessible parking under RSMo 301.143, shall conform to the requirements and specifications hereunder. All facilities shall have at least one such space, unless otherwise required under state law or the Americans with Disabilities Act (ADA).

***State law references**—Regulation of wheelchair and handicap access by cities, RSMo 71.365; handicapped parking may be established by political subdivisions, RSMo 301.143.

(d) All spaces reserved for accessible parking shall conform to the standards as set forth in the most current version of the ADA as of the date most recent of either construction, or restriping, of a parking facility, pursuant to RSMo 301.143.

(e) All spaces reserved for accessible parking pursuant to RSMo 301.071 or 301.142 shall be at least 12 feet wide, with one of the sides of the space designated as an access aisle, such aisle being at least 60 inches wide to allow a person using a wheelchair to enter or exit the vehicle. Such aisles shall be marked and may be shared, but by no more than two such spaces.

(f) All public off-street parking facilities, upon construction or restriping, shall have one in every four accessible spaces, but not less than one, served by an access aisle a minimum of 96 inches wide, and shall be designated "Lift Van Access Only" with adjacent sign indicating such.

(Code 1984, § 28-277)

Sec. 50-451. Space to be marked.

Each handicapped parking place shall be clearly designated by a sign bearing the legend "Handicapped Parking Only."

(Code 1984, § 28-278)

Sec. 50-452. Unlawful parking.

When parking places have been designated and established as provided in this division, it shall be unlawful for any person to park a motor vehicle in any such parking place unless one or more occupants of such motor vehicle shall be a physically handicapped person. Every violation of any provision of this division, shall, upon conviction, be punishable by a fine of not less than \$50.00 and not more than \$300.00 plus court costs.

(Code 1984, § 28-279)

Secs. 50-453—50-472. Reserved.

DIVISION 3. SNOW EMERGENCY ROUTES

Sec. 50-473. Parking prohibition made effective.

The city administrator or, in the absence of the city administrator, street superintendent or police chief, may declare a snow emergency and prohibit parking on all or parts of snow emergency routes. Such declaration shall be made only when weather conditions make it necessary to expedite traffic and snow removal, and shall be made on the basis of falling snow, sleet or freezing rain, or on the basis of a forecast by a forecasting service of snow, sleet or freezing rain.

(Code 1984, § 28-291; Ord. No. 3168, § 1, 2-21-1995; Ord. No. 3865, § 1, 11-5-2013)

Sec. 50-474. Automatic parking prohibition due to snow fall.

(a) Notwithstanding the provisions of section 50-473, a parking prohibition shall automatically go into effect on all parts of all Phase I snow emergency routes on which there have been an accumulation of snow and ice of two inches or more during the period from 6:00 a.m. until 11:00 p.m. of any day.

(b) When there has been an accumulation of snow and ice of two inches or more during the period from 6:00 a.m. until 11:00 p.m. of any day, a parking prohibition shall automatically go into effect during the period of 11:00 p.m. until 6:00 a.m. on all parts of all Phase II emergency routes.

(Code 1984, § 28-292; Ord. No. 3865, § 1, 11-5-2013)

Sec. 50-475. Length of parking prohibition; duties while in effect.

When a parking prohibition is in effect under provisions of sections 50-473 or 50-474, the same shall remain in effect until terminated by announcement of the city administrator, street superintendent or police chief; except, any street that has been substantially cleared of snow and ice from curb to curb for the length of the entire block shall automatically be excluded there from. While the parking prohibition is in effect, no person shall park or allow to remain parked any motor vehicle on any portion of a snow emergency route to which the same applies.

(Code 1984, § 28-293; Ord. No. 3168, § 2, 2-21-1995; Ord. No. 3865, § 1, 11-5-2013)

Sec. 50-476. Public announcement of parking prohibition.

The official who finds that a snow emergency exists pursuant to section 50-473 shall cause such finding to be announced by means of broadcasts from radio stations with a normal operating range covering the city, and may cause such finding to be further announced in a newspaper of general circulation in the city or other accepted means of communication, if feasible. Each announcement shall describe the action taken, including the time it became or will become effective, and shall specify the streets or areas affected.

(Code 1984, § 28-294; Ord. No. 3168, § 3, 2-21-1995; Ord. No. 3865, § 1, 11-5-2013)

Sec. 50-477. Termination of snow emergency.

When the conditions which give rise to parking prohibitions pursuant to this division no longer exist, the city administrator, street superintendent or police chief may terminate the snow emergency, in whole or in part, in a manner prescribed by this division, effective immediately upon such announcement.

(Code 1984, § 28-295; Ord. No. 3168, § 4, 2-21-1995; Ord. No. 3865, § 1, 11-5-2013)

Sec. 50-478. Posting of signs.

On each street designated by this division as a snow emergency route, the street superintendent shall post special signs at reasonable intervals with the wording

"Snow Emergency Route. No Parking During Emergency." Such signs shall be distinctive and uniform in appearance, and shall be plainly readable to persons traveling on the city streets.

(Code 1984, § 28-296; Ord. No. 3865, § 1, 11-5-2013)

Sec. 50-479. Removal of illegally parked vehicles; owner to bear cost.

(a) Members of the police department are hereby authorized to remove or have removed a vehicle from a street when the vehicle is parked on part of a snow emergency route on which a parking prohibition is in effect or when the vehicle is parked in violation of any parking ordinance or provision of law and is interfering or about to interfere with snow removal operations.

(b) The removal, impounding and return of obstructing vehicles on the snow emergency routes shall be at the owner's expense.

(Ord. No. 3865, § 2, 11-5-2013)

Sec. 50-480. Routes designated.

(a) *Phase I.*

- (1) MO Business 13/2nd Street (north junction to MO Hwy. 13 and Calvird Drive).
- (2) Ohio Street, Montgomery to Vansant.
- (3) Gaines Drive, MO Hwy. 13 to MO Hwys. 7/13.

(b) *Phase II.*

- (1) Franklin Street, 2nd to Water.
 - (2) Jefferson, 2nd to Water.
 - (3) Main Street, Green to Ohio.
 - (4) Washington, Green to Ohio.
 - (5) 8th Street, Ohio to Bodine.
 - (6) Clinton Street, 2nd to 8th.
 - (7) Bodine Street, 2nd to 8th.
 - (8) 6th Street, Ohio to Clinton.
- (Ord. No. 3865, § 2, 11-5-2013)

Secs. 50-481—50-498. Reserved.

DIVISION 4. PRIVATE PROPERTY

Sec. 50-499. Unlawful to park on property of another.

It shall be unlawful for any person to park or leave unattended any motor vehicle on the property of another, except as provided in this division.
(Code 1984, § 28-306)

Sec. 50-500. Permission to park on business parking lot.

Any person engaging in a business or occupation, and owning, leasing or having charge of a parking lot or area used in connection with any such business or occupation, shall be deemed to have given permission and consented to the parking of any motor vehicle on any such parking lot or area to any person having business to conduct with any such person and any such implied permission and consent shall continue for a reasonable time.
(Code 1984, § 28-307)

Sec. 50-501. Restricting parking on business lot.

No permission or consent to park any motor vehicle upon a business parking lot or area shall be implied if the owner, lessee or person in charge of such parking lot or area shall conspicuously display one or more signs at the entrance or entrances to any such parking lot or area restricting or limiting the parking of motor vehicles thereon.
(Code 1984, § 28-308)

Sec. 50-502. Removal of violating vehicles; reclamation by owner.

The owner of real property or lessee in lawful possession of the real property or the property or security manager of the real property may authorize a towing company to remove abandoned property or property parked in a restricted or assigned area without authorization by a law enforcement officer only when the owner, lessee or property or security manager of the real property is present. A property or security manager must be a full-time employee of a business entity. An authorization to tow pursuant to this subsection may be made only under any of the following circumstances:

- (1) There is displayed, in plain view at all entrances to the property, a sign not less than 17 by 22 inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that unauthorized abandoned property or property parked in a restricted or assigned area will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained or a 24-hour

staffed emergency information telephone number by which the owner of the abandoned property or property parked in a restricted or assigned area may call to receive information regarding the location of such owner's property;

- (2) The abandoned property is left unattended on owner-occupied residential property with four residential units or less, and the owner, lessee or agent of the real property in lawful possession has notified the appropriate law enforcement agency, and ten hours have elapsed since that notification; or
- (3) The abandoned property is left unattended on private property, and the owner, lessee or agent of the real property in lawful possession of real property has notified the appropriate law enforcement agency, and 96 hours have elapsed since that notification.

(Code 1984, § 28-309)

Secs. 50-503—50-527. Reserved.

ARTICLE VI. PARADES AND PROCESSIONS

Sec. 50-528. Permit required.

(a) No funeral procession or parade containing 200 or more persons or 50 or more vehicles except the forces of the United States armed forces, the military forces of this state and the forces of the police and fire departments, shall occupy, march or proceed along any street except in accordance with a permit issued by the chief of police and such other regulations as are set forth herein which may apply.

(b) An application for a permit to conduct a parade or procession shall be made to the chief of police of the city at least 72 hours prior to the conducting of the same. The application shall contain the name and address of the applicant, the time, date and route of the proposed parade or procession and a description of any special equipment or vehicle to be used. If the information set forth on the application shall meet the requirements of this section, the chief of police shall issue a permit for the parade or procession; provided, no such permit shall be issued if the nature or conduct of any parade or procession might tend to be dangerous or harmful to the public health, safety and welfare of the residents of the city.

(Code 1975, § 345.060; Code 1984, § 28-326)

State law reference—Similar provisions, RSMo 300.325.

Sec. 50-529. Route.

Any parade or procession authorized by section 50-528 shall be conducted on a route either approved or designated by the chief of police, and the route shall be such that any parade or procession shall not unreasonably interfere with the movement of traffic or cause congestion in any commercial or business area of the city.

(Code 1984, § 28-328)

Sec. 50-530. Funeral procession to be identifiable.

A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other methods as may be determined and designated by the traffic division. (Code 1975, § 345.050; Code 1984, § 28-329)

State law reference—Similar provisions, RSMo 300.320.

Sec. 50-531. Designation of method of identifying funeral processions.

The traffic division shall designate a type of pennant or other identifying insignia, to be displayed upon, or other method to be employed to identify, the vehicles in funeral processions.

(Code 1975, § 305.090; Code 1984, § 28-330)

State law reference—Similar provisions, RSMo 300.055.

Sec. 50-532. Operation of vehicles in procession.

Each driver in a funeral or other procession shall drive as near to the right hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe.

(Code 1975, § 345.040; Code 1984, § 28-331)

State law reference—Similar provisions, RSMo 300.315.

Sec. 50-533. Driving through processions.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this division. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.

(Code 1975, § 345.030; Code 1984, § 28-332)

State law reference—Similar provisions, RSMo 300.310.

Secs. 50-534—50-559. Reserved.

ARTICLE VII. PEDESTRIANS

Sec. 50-560. Obedience to traffic-control devices.

Pedestrians shall be subject to traffic-control signals as heretofore declared in sections 50-362 and 50-363, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this article.

(Code 1975, § 350.010; Code 1984, § 28-346)

State law reference—Similar provisions, RSMo 300.370.

Sec. 50-561. Right-of-way at crosswalks.

(a) When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(c) The provisions of subsection (a) of this section shall not apply under the conditions stated in section 50-564(b).

(Code 1975, § 350.020; Code 1984, § 28-347)

State law reference—Similar provisions, RSMo 300.375(1)—(3).

Sec. 50-562. Use of right half of crosswalks.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.
(Code 1975, § 350.030; Code 1984, § 28-348)

State law reference—Similar provisions, RSMo 300.380.

Sec. 50-563. Crossing at right angles.

No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk.
(Code 1975, § 350.040; Code 1984, § 28-349)

State law reference—Similar provisions, RSMo 300.385.

Sec. 50-564. When pedestrian shall yield right-of-way.

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(c) The foregoing rules in this section have no application under the conditions stated in section 50-565 when pedestrians are prohibited from crossing at certain designated places.

(Code 1975, § 350.050; Code 1984, § 28-350)

State law reference—Similar provisions, RSMo 300.390.

Sec. 50-565. Prohibited crossing places.

(a) Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.

(b) No pedestrian shall cross a roadway other than in a crosswalk in any business district.

(c) No pedestrian shall cross a roadway other than in a crosswalk upon any street designated by this Code or by ordinance.

(d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices, and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

(Code 1975, § 350.060; Code 1984, § 28-351)

State law reference—Similar provisions, RSMo 300.395.

Sec. 50-566. Manner of walking along roadways.

(a) Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Where sidewalks are not provided, any pedestrian walking along and upon a street or highway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

(Code 1975, § 350.080; Code 1984, § 28-352)

State law reference—Similar provisions, RSMo 300.405.

Sec. 50-567. Obedience to bridge and railroad signals.

(a) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.

(b) No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

(Code 1975, § 350.070; Code 1984, § 28-353)

State law reference—Similar provisions, RSMo 300.400.

Sec. 50-568. Disabled pedestrians.

The driver of a vehicle approaching a totally or partially disabled pedestrian with a visual, aural or physical disability who is carrying a cane predominantly white or metallic in color, with or without a red tip, or using a guide dog shall take all necessary precautions to avoid injury to such disabled pedestrian, and any driver who fails to take such precautions shall be liable in damages for any injury caused

such pedestrian, provided that a totally or partially disabled pedestrian not carrying such a cane or using a guide dog in any of the places, accommodations or conveyances listed in RSMo 209.150 shall have all of the rights and privileges conferred by law upon other persons.

(Code 1984, § 28-354)

State law reference—Similar provisions, RSMo 304.080.

Sec. 50-569. Duty of drivers.

Notwithstanding the foregoing provisions of this article, every driver of a vehicle shall exercise the highest degree of care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

(Code 1975, § 350.090; Code 1984, § 28-355)

State law reference—Similar provisions, RSMo 300.410.

Secs. 50-570—50-586. Reserved.

ARTICLE VIII. BICYCLES

Sec. 50-587. Traffic laws apply to persons riding bicycles; exceptions.

Every person riding a bicycle or motorized bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the provisions of this chapter applicable to the driver of a vehicle, except as to special regulations in this article and except as to those provisions of laws and this chapter which by their nature can have no application to bicycles.

(Code 1984, § 28-371)

State law reference—Similar provisions, RSMo 307.188.

Sec. 50-588. Obedience to official traffic-control devices.

Any person operating a bicycle shall obey the instructions of official traffic-control signals, signs and devices applicable to vehicles, unless otherwise directed by a police officer.

(Code 1984, § 28-372)

Sec. 50-589. Manner of riding on bicycle; number of riders.

(a) A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.

(b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(Code 1975, § 300.090; Code 1984, § 28-373)

Sec. 50-590. Riding on roadways and bicycle paths.

(a) Every person operating a bicycle or motorized bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) Persons riding bicycles or motorized bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(c) Whenever a usable path for bicycles practical for sustained riding for transportation purposes has been officially designated adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

(Code 1984, § 28-374)

State law reference—Similar provisions, RSMo 307.190.

Sec. 50-591. Speed.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

(Code 1984, § 28-375)

Sec. 50-592. Emerging from alley, driveway or building.

The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on such sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on such roadway.

(Code 1984, § 28-376)

Sec. 50-593. Limitation on carrying bundles, etc.

No person operating a bicycle shall carry any package, bundle or other article which prevents the rider from keeping at least one hand upon the handle bars.

(Code 1984, § 28-377)

Sec. 50-594. Manner of parking.

No person shall park a bicycle upon a street other than the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at a curb, in such manner as to afford the least obstruction to pedestrian traffic.

(Code 1984, § 28-378)

Sec. 50-595. Riding bicycle on sidewalk.

(a) No person shall ride a bicycle upon a sidewalk within a business district.

(b) Whenever any person is riding a bicycle upon a sidewalk, he shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing the pedestrian.

(c) No person shall ride a motorized bicycle upon a sidewalk.

(d) The director of public works is hereby authorized to erect signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, and when such signs are in place it shall be unlawful to ride a bicycle upon such sidewalk or roadway.

(Code 1975, § 345.120; Code 1984, § 28-379)

State law reference—Similar provisions, RSMo 300.347.

Sec. 50-596. Brakes required.

Every bicycle and motorized bicycle shall be equipped with a brake or brakes which will enable its driver to stop the bicycle or motorized bicycle within 25 feet from a speed of ten miles per hour on dry, level, clean pavement.

(Code 1984, § 28-380)

State law reference—Similar provisions, RSMo 307.183.

Sec. 50-597. Lights and reflectors.

Every bicycle and motorized bicycle when in use on a street or highway during the period from one-half hour after sunset to one-half hour before sunrise shall be equipped with the following:

- (1) A front-facing lamp on the front or carried by the rider which shall emit a white light visible at night under normal atmospheric conditions on a straight, level, unlighted roadway at 500 feet;
- (2) A rear-facing red reflector, at least two square inches in reflective surface area, on the rear which shall be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lower beams of vehicle headlights at 600 feet;
- (3) Essentially colorless or amber reflectors on both the front and rear surfaces of all pedals. Each pedal reflector shall be recessed below the plane of the pedal or reflector housing. Each reflector shall be at least ninety one-hundredths square inches in projected effective reflex area, and must be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at 200 feet; and

- (4) A side-facing essentially colorless or amber reflector visible on each side of the wheel mounted on the wheel spokes of the front wheel within three inches of the inside of the wheel rim and a side-facing essentially colorless or red reflector mounted on the wheel spokes of the rear wheel within three inches of the inside of the wheel rim, or continuous retroreflective material on each side of both tires which shall be at least three-sixteenths of an inch wide. All such reflectors or retroreflective tire sidewalls shall be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at 300 feet. The provisions of this subsection shall not apply to motorized bicycles which comply with National Highway Traffic and Safety Administration regulations relating to reflectors or motorized bicycle.

(Code 1984, § 28-381)

State law reference—Similar provisions, RSMo 307.185.

Sec. 50-598. Signal device.

No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet, except that a bicycle shall not be equipped with nor shall cause upon a bicycle any siren or whistle.

(Code 1984, § 28-382)

Secs. 50-599—50-629. Reserved.

ARTICLE IX. EQUIPMENT*

DIVISION 1. GENERALLY

Sec. 50-630. License plates.

It shall be unlawful for any person to operate a motor vehicle or trailer on the streets of the city unless it shall have displayed thereon, a valid license plate, set of plates or temporary registration issued by the state director of revenue if the owner of the vehicle is a resident of the state; or the plate, set of plates or temporary registration issued by the vehicle licensing authority of the owner's state of residency. Such plate, set of plates or temporary registration shall be issued to the current owner of the vehicle for use on the vehicle on which the registration is displayed. Each motor vehicle and trailer plate, as required herein, shall be securely fastened so as not to swing, be entirely unobscured, the right-side up and not less than eight inches nor more than 48 inches above the ground.

(Code 1975, § 300.040; Code 1984, § 28-396; Ord. No. 2831, § 1, 7-21-1987)

State law reference—Similar provisions, RSMo 301.260.

***State law reference**—Vehicle equipped regulations, RSMo ch. 307.

Sec. 50-631. Brakes.

All motor vehicles, except motorcycles and motorized bicycles, shall be provided at all times with two sets of adequate brakes, kept in good working order, and motorcycles shall be provided with one set of adequate brakes kept in good working order.

(Code 1975, § 375.020; Code 1984, § 28-397)

State law reference—Similar provisions, RSMo 307.170(3).

Sec. 50-632. Mufflers required.

The motors of all motor vehicles shall be fitted with properly attached mufflers of such capacity or construction as to quiet the maximum possible exhaust noise as completely as is done in modern gas engine passenger motor vehicles.

(Code 1975, § 375.010; Code 1984, § 28-398)

State law reference—Similar provisions, RSMo 307.170(2).

Sec. 50-633. Muffler cutouts prohibited.

Muffler cutouts shall not be used and no vehicle shall be driven in such a manner or condition that excessive and unnecessary noises shall be made by its machinery, motor, signaling device or other parts, or by any improperly loaded cargo. Any cutout or opening in the exhaust pipe between the motor and the muffler of any motor vehicle shall be completely closed and disconnected from its operating lever, and shall be so arranged that it cannot automatically open, or be opened or operated while such vehicle is in motion.

(Code 1975, § 375.010; Code 1984, § 28-399)

State law reference—Similar provisions, RSMo 307.170(2).

Sec. 50-634. Noise restrictions.

(a) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A weighted sound pressure level means the sound pressure level as measured with a sound level meter using the A weighing network, and the abbreviation for such measurement is dB(A).

dB means the abbreviation for the decibel.

Sound level meter means an apparatus or instrument including a microphone, amplifier, attenuator, output meter and frequency weighing networks for the measurement of sound levels.

Sound pressure level means 20 times the logarithm to the base ten of the ratio of the pressure of the sound to the reference pressure of 20 micronewtons per square meter, and is expressed in decibels.

(b) It shall be unlawful for any person to operate a motor vehicle, including a motorcycle or motorized bicycle or any other vehicle propelled by motor power, on the public streets of the city in such a manner as to produce loud, unusual or excessive noise.

(c) It shall be unlawful for any person to operate a motor vehicle, including any motorcycle, motorized bicycle or any other vehicle propelled by motor power, on the public streets of the city with an exhaust system or any other noise abatement device not in good working condition or which has been modified or changed from the original manufactured equipment, and which results in noise above the level produced by original manufactured equipment in such vehicle.

(d) The noise from a motor vehicle shall be deemed too loud, unusual and excessive if such noise exceeds 88 dB(A) when measured with a sound level meter at a linear distance of 25 feet from the noise source at an elevation of three feet above the ground, and at least three feet from any walls, barriers or obstructions, and all noise emitted from a motor vehicle shall be measured under any condition of acceleration, deceleration, idle, grade or load and whether or not in motion. This standard creates a presumption of violation, but shall not be considered the exclusive means of proving a violation.

(e) Emergency vehicles, construction and agricultural equipment, and street maintenance equipment are exempt from the provisions of this section.

(Code 1984, § 28-400)

State law reference—Municipal authority to retain and prohibit noises, RSMo 77.570.

Sec. 50-635. Signaling devices.

Every motor vehicle shall be equipped with a horn, directed forward, or a whistle in good working order, capable of emitting a sound adequate in quantity and volume to give warning of the approach of the vehicle to other users of the street and to pedestrians. The signaling device shall be used for warning purposes only and shall not be used for making any unnecessary noise and no other sound-producing signaling device shall be used at any time; provided, however, that emergency vehicles of the fire department and underwriters salvage corps and vehicles being used by police officers in the discharge of their duty may use either a siren or bell; or other authorized emergency vehicles may use a bell or a horn only.

(Code 1984, § 28-401)

State law reference—Similar provisions, RSMo 307.170(1).

Sec. 50-636. Mirrors.

All motor vehicles which are so constructed or loaded that the operator cannot see the road behind such vehicle by looking back or around the side of such vehicle shall be equipped with a mirror so adjusted as to reveal the road behind and be visible from the operator's seat.

(Code 1984, § 28-402)

State law reference—Similar provisions, RSMo 307.170(4).

Sec. 50-637. Projections on vehicles.

All vehicles carrying poles or other objects, which project more than five feet from the rear or front of such vehicle shall, at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on any street or highway at a distance of 500 feet ahead, carry a red light at or near the rear end of the pole or other object so projecting. At other times a red flag or cloth, not less than 16 inches square, shall be displayed at the end of such projection.

(Code 1984, § 28-403)

State law reference—Similar provisions, RSMo 307.170(5).

Sec. 50-638. Towlines.

When one vehicle is being towed by another they shall be coupled by a line so that the two vehicles will be separated by not more than 15 feet and there shall be displayed on the towline a white cloth or paper so that the same will be clearly visible to other users of the street. In addition, both vehicles shall, at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on any street or highway at a distance of 500 feet ahead, display lighted head lamps and rear lamps in accordance with the provisions of this article.

(Code 1984, § 28-404)

State law reference—Similar provisions, RSMo 307.170(6).

Sec. 50-639. Mud flaps.

(a) It shall be unlawful for any person to operate upon any street in the city a truck or truck-tractor trailer, without rear fenders, which is not equipped with mud flaps for the rear wheels. If mud flaps are used, they shall:

- (1) Be wide enough to cover the full tread width of the tire or tires being protected;
- (2) Be so installed that they extend from the underside of the vehicle body in a vertical plane behind the rear wheels to within eight inches of the ground;

- (3) Be constructed of a rigid material or a flexible material which is of a sufficiently rigid character to provide adequate protection when the vehicle is in motion.

(b) No provisions of this section shall apply to a motor vehicle in transit and in process of delivery equipped with temporary mud flaps.

(Code 1984, § 28-405)

State law reference—Similar provisions, RSMo 307.015.

Sec. 50-640. Wheels; tires.

(a) It shall be unlawful to drive or convey upon any street in the city any vehicle having on its wheels any clamps, ridges, extensions, projections, bars, bolts, rods, curves, gutters or other contrivances that will injure or damage such street or any part thereof. Any person who violates the provisions of this subsection shall be liable for the amount of damage such vehicle causes to any street, bridge, culvert, sewer or other public property and any such vehicle shall be subject to a lien for the full amount of such damage.

(b) No person shall operate or move within the city any vehicle having wheels or tires which carry onto or deposit in any street or other public place any mud, direct, sticky substance, refuse or foreign matter.

(Code 1984, § 28-406)

State law references—Similar provisions, RSMo 304.250; municipal authority to prohibit use of metal tires on certain streets, RSMo 304.120(2)5.

Sec. 50-641. Width, height, length and weight restrictions.

(a) *Width.* No vehicle operated upon any street in the city shall have a width, including load, in excess of 96 inches, except clearance lights, rearview mirrors or other accessories required or permitted by federal or state law.

(b) *Height.* No vehicle operated upon any street in the city shall have a height, including load, in excess of 13½ feet.

(c) *Length.* No single motor vehicle operated upon any street in the city shall have a length, including load, in excess of 40 feet; nor shall any combination of truck-tractor and semitrailer operated upon any street in the city have a length, including load, in excess of 55 feet, except that such a combination specially designed to transport motor vehicles may itself have a length, including load, of 60 feet; provided, however, that the restrictions in this subsection shall not apply to vehicles temporarily towing for repair purposes automobiles that have become disabled upon any street provided that not more than one automobile is being towed.

(d) *Weight.* Except where otherwise provided in this article, it shall be unlawful for any person to drive or convey upon any street in the city any engine, tractor, truck, wagon or vehicle of any kind, except a tractor and semitrailer, operated by

means of steam, gasoline, electricity or horsepower which, together with its load, weighs more than 24,000 pounds, or a tractor and semitrailer which, together with its load, weighs more than 38,000 pounds, or any vehicle so equipped or loaded that the weight on any one axle shall exceed 16,000 pounds, or any vehicle so equipped or loaded that the weight on any one wheel exceeds 600 pounds per inch width of tire upon any wheel concentrated upon the surface of the street (said width, in the case of rubber tires, both solid and pneumatic, to be measured between the flanges of the rim); provided, however, that the provisions of this subsection shall not apply to state or federal highways within the city or to trucks making local deliveries within the city limits.

(Code 1975, § 300.070; Code 1984, § 28-407)

State law reference—Regulations as to width, height, length and weight of motor vehicles, RSMo 304.170, 304.180.

Sec. 50-642. Protective headgear for operators and passengers on motorcycles.

(a) Every person operating or riding as a passenger on any motor vehicle operated on two wheels, hereinafter referred to as a motorcycle, upon any public street in the city, shall wear protective headgear at all times while the motorcycle is in motion.

(b) Protective headgear mentioned in this section shall meet the standards and specifications that may now or hereafter be established by the director of revenue of the state relating to the same for operators and passengers on motorcycles.

(Code 1975, § 345.110; Code 1984, § 28-408)

State law reference—Similar provisions, RSMo 302.020.

Sec. 50-643. School buses to be marked.

Every bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign containing the words "school bus" in letters not less than eight inches in height. Each bus shall have lettered on the rear in plain and distinct type the following: "State law: Stop while bus is loading and unloading." Each school bus subject to the provisions of this section shall be equipped with a mechanical and electrical signaling device, which will display a signal plainly visible from the front and rear and indicating intention to stop.

(Code 1975, § 300.080; Code 1984, § 28-409)

State law reference—Similar provisions, RSMo 304.050(2).

Sec. 50-644. Seat belts and child restraint devices; passengers in truck beds.

(a) Seat belts and child restraint devices.

(1) Except as otherwise provided in this section, each driver and front seat passenger of a passenger car manufactured after January 1, 1968, operated

on a street or highway in this city shall wear a properly adjusted and fastened safety belt that meets federal national highway, transportation act requirements, except that a child less than 16 years of age shall be protected as required in subsection (a)(2)e of this section.

(2) With respect to subsection (a)(1) of this section:

- a. No person shall be stopped, inspected or detained solely to determine compliance with subsection (a)(1) of this section.
- b. The provisions of subsection (a)(1) of this section shall not be applicable to persons who have a medical reason for failing to have a seat belt fastened about his body or to any person employed by the United States Postal Service while performing duties for that federal agency which requires the operator to service postal boxes from their vehicles, or which require frequent entry into and exit from their vehicles.
- c. As used in subsection (a)(1) of this section, the term "passenger car" means every motor vehicle designed for carrying ten persons or less and used for the transportation of persons; except that, the term "passenger car" shall not include motorcycles, motorized bicycles, motor tricycles and trucks with a gross weight of 12,000 pounds or more.
- d. Each driver who violates the provisions of subsection (a)(1) of this section shall upon conviction, be subject to a fine not to exceed \$10.00 in amount. All other provisions of law and court rules to the contrary notwithstanding, no court costs may be imposed if court costs have been assessed on any other charge arising out of the same occurrence.
- e. Every person transporting a child under the age of 16 years on the streets or highways of this city shall be responsible for transporting such child as follows:
 1. Children less than four years of age, regardless of weight, shall be secured in a child passenger restraint system appropriate for that child;
 2. Children weighing less than 40 pounds, regardless of age, shall be secured in a child passenger restraint system appropriate for that child;
 3. Children at least four years of age but less than eight years of age, who also weigh at least 40 pounds but less than 80 pounds, and who are also less than four feet, nine inches tall, shall be secured in a child passenger restraint system or booster seat appropriate for that child;
 4. Children at least 80 pounds or children more than four feet, nine inches in height shall be secured by a vehicle safety belt or booster seat appropriate for that child;

5. Children eight years of age, but less than 16 years of age, regardless of weight or height, shall be secured by a vehicle safety belt or restraint system appropriate for that child;
6. A child who otherwise would be required to be secured in a booster seat may be transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat of the motor vehicle is not equipped with a combination lap and shoulder belt for booster seat installation;
7. When transporting children in the immediate family when there are more children than there are seating positions in the enclosed area of a motor vehicle, the children who are not able to be restrained by a child safety restraint device appropriate for the child shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front seat area. The driver transporting children referred to in this subsection is not in violation of this section. Any person who violates this subsection shall, upon conviction, be punished by a fine of not more than \$50.00 and court costs.

(b) Passengers in truck beds. No person shall operate any truck, as defined in RSMo 301.010, with a license gross weight of less than 12,000 pounds when such truck is operated within the corporate limits of this city when any person under 18 years of age is riding in the unenclosed bed of such truck. No person under 18 years of age shall ride in the unenclosed bed of such truck when the truck is in operation. Any person who operates a truck with a licensed gross weight of less than 12,000 pounds in violation of this section shall, upon conviction, be punished by a fine of not more than \$25.00, plus court costs. The provisions of section shall not apply to:

- (1) Any employee engaged in the necessary discharge of the employee's duties where it is necessary to ride in the unenclosed bed of the truck;
- (2) Any person while engaged in agricultural activities where it is necessary to ride in the unenclosed bed of the truck;
- (3) Any person riding in the unenclosed bed of a truck while such truck is being operated in a parade, caravan, or exhibition which is authorized by law;
- (4) Any person riding in the unenclosed bed of a truck if such truck has installed a means of preventing such person from being discharged or such person is secured to the truck in a manner which will prevent the person from being thrown, falling, or jumping from the truck;
- (5) Any person riding in the unenclosed bed of a truck if such truck is being operated solely for the purposes of participating in a special event and it is necessary that the person ride in such unenclosed bed due to the lack of

available seating. The term "special event," for the purposes of this section, means a specific social activity of a definable duration which is participated in by the person riding in the unenclosed bed;

- (6) Any person riding in the unenclosed bed of a truck if such truck is being operated solely for the purposes of providing assistance to, or ensuring the safety of, other persons engaged in a recreational activity; or
- (7) Any person riding in the unenclosed bed of a truck if such truck is the only legally titled, licensed, and insured vehicle owned by the family of the person riding in the unenclosed bed and there is insufficient room in the passenger cab of the truck to accommodate all passengers in such truck. For the purposes of this subsection, the term "family" means any persons related within the first degree of consanguinity.

(Code 1984, § 28-410; Ord. No. 2814, § 2, 11-4-1986; Ord. No. 3128, §§ 1—3, 10-4-1994; Ord. No. 3289, § 1, 10-7-1997; Ord. No. 3625, § 1, 11-21-2006)

State law reference—Required use of safety belts and other protective devices, RSMo 210.104, 307.178.

Sec. 50-645. Vision-reducing materials.

(a) *Prohibited; exceptions.* No person shall operate, without a permit granted because of physical disorder, any motor vehicle on any public highway or street of this city with any manufactured vision-reducing material applied to any portion of the motor vehicle's windshield, sidewings or windows located immediately to the left and right of the driver, which reduces visibility from within or without the motor vehicle. This section shall not prohibit labels, stickers, decalcomania or informational signs on motor vehicles or the application of tinted or solar-screening material to recreational vehicles as defined in RSMo 700.010, provided that such material does not interfere with the driver's normal view of the road. This section shall not prohibit factory installed tinted glass, the equivalent replacement thereof or tinting material applied to the upper portion of the motor vehicle's windshield which is normally tinted by the manufacturer of motor vehicle safety glass.

(b) *Violation; penalty.* Any person found in violation of subsection (a) of this section shall be deemed guilty of an offense, and punished pursuant to section 1-13. (Code 1984, § 28-411; Ord. No. 2813, § 2, 10-21-1986)

State law reference—Use of vision-reducing material on motor vehicles prohibited, RSMo 307.173.

Secs. 50-646—50-663. Reserved.

DIVISION 2. LIGHTS*

Sec. 50-664. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved means approved by the state director of revenue and, when applied to lamps and other illuminating devices, means that such lamps and devices must be in good working order.

Auxiliary lamp means an additional lighting device on a motor vehicle used primarily to supplement the head lamps in providing general illumination ahead of a vehicle.

Head lamp means a major lighting device capable of providing general illumination ahead of a vehicle.

Mounting height means the distance from the center of the lamp to the surface on which the vehicle stands.

Multiple-beam head lamps mean head lamps or similar devices arranged so as to permit the driver of the vehicle to use one of two or more distributions of light on the road.

Reflector means an approved device designed and used to give an indication by reflected light.

When lighted lamps are required means at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet ahead.

(Code 1984, § 28-421)

State law reference—Similar definitions, RSMo 307.020.

Sec. 50-665. Head lamps required.

(a) Except as otherwise provided in this division, every motor vehicle other than a motor-drawn vehicle and other than a motorcycle or motorized bicycle shall be equipped with at least two approved head lamps mounted at the same level with at least one on each side of the front of the vehicle.

***State law reference**—Light regulations, RSMo 307.020 et seq.

(b) Every motorcycle or motorized bicycle shall be equipped with at least one and not more than two approved head lamps. Every motorcycle equipped with a sidecar or other attachment shall be equipped with a lamp on the outside limit of such attachment capable of displaying a white light to the front.

(Code 1984, § 28-422)

State law reference—Similar provisions, RSMo 307.045.

Sec. 50-666. When required.

No person shall drive, move, park or be in custody of any vehicle or combination of vehicles on any street during the times when lighted lamps are required unless the vehicle or combination of vehicles displays lighted lamps and illuminating devices as required by this division.

(Code 1984, § 28-423)

State law reference—Similar provisions, RSMo 307.040.

Sec. 50-667. Focus, candlepower.

No person shall use on any vehicle any approved electric lamp or similar device unless the light source of such lamp or device complies with the conditions of approval as to focus and rated candlepower.

(Code 1984, § 28-424)

State law reference—Similar provisions, RSMo 307.040.

Sec. 50-668. Permissible substitutes for head lamps.

Any motor vehicle need not be equipped with approved head lamps provided that every such vehicle during the times when lighted lamps are required is equipped with two lighted lamps on the front thereof displaying white or yellow lights without glare capable of revealing persons and objects 75 feet ahead; provided, however, that no such motor vehicle shall be operated at a speed in excess of 20 miles per hour during the times when lighted lamps are required.

(Code 1984, § 28-425)

State law reference—Similar provisions, RSMo 307.050.

Sec. 50-669. Arrangement of single-beam head lamps.

Approved single-beam head lamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of 25 feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than 42 inches above the level on which the vehicle stands at a distance of 75 feet ahead. The intensity shall be sufficient to reveal persons and vehicles at a distance of at least 200 feet.

(Code 1984, § 28-426)

State law reference—Similar provisions, RSMo 307.055.

Sec. 50-670. Arrangement of multibeam head lamps.

Except as otherwise provided in this division, the head lamps or the auxiliary lamps or combination thereof on motor vehicles other than motorcycles or motor-driven cycles shall be so arranged that the driver may select at will between distributions of light protected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

- (1) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 350 feet ahead for all conditions of loading.
- (2) There shall be a lowermost distribution of light, or composite beam so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead; and on a straight level road under any condition of loading, none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

(Code 1975, § 375.030; Code 1984, § 28-427)

State law reference—Similar provisions, RSMo 307.060.

Sec. 50-671. New vehicles shall have beam indicator.

Every new motor vehicle registered in this state after January 1, 1942, which has multiple-beam road lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of lights from the headlamps is in use, and shall not otherwise be lighted. Such indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

(Code 1984, § 28-428)

Sec. 50-672. Dimming of lights.

Every person driving a motor vehicle equipped with multiple-beam road lighting equipment, during the time when lighted lamps are required, shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations: Whenever the driver of a vehicle approaches an oncoming vehicle within 500 feet, or is within 300 feet to the rear of another vehicle traveling in the same direction, the driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the other driver, and in no case shall the high-intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be

aimed higher than the center of the lamp from which it comes at a distance of 25 feet ahead, and in no case higher than a level of 42 inches above the level upon which the vehicle stands at a distance of 75 feet ahead.

(Code 1984, § 28-429)

State law reference—Similar provisions, RSMo 307.070.

Sec. 50-673. Tail lamps, reflectors.

(a) Every motor vehicle and every motor-drawn vehicle shall be equipped with at least two rear lamps, not less than 15 inches or more than 48 inches above the ground upon which the vehicle stands, which when lighted will exhibit a red light plainly visible from a distance of 500 feet to the rear; provided, however, that the rear lamps may be mounted higher than 48 inches on any vehicle carrying inflammable liquids as cargo. Either these rear lamps or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration marker and render it clearly legible from a distance of 50 feet to the rear. When the rear registration marker is illuminated by an electric lamp other than the required rear lamps, all such lamps shall be turned on or off only by the same control switch at all times.

(b) Every motorcycle or motorized bicycle registered in this state, when operated on a street, shall also carry at the rear, either as part of the rear lamp or separately, at least one approved red reflector, which shall be of such size and characteristics and so maintained as to be visible during the times when lighted lamps are required from all distances within 300 feet to 50 feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed head lamps.

(c) Every new passenger car, new commercial motor vehicle, motor-drawn vehicle and omnibus with a capacity of more than six passengers registered in this state, when operated on a street, shall also carry at the rear at least two approved red reflectors, at least one at each side, so designed, mounted on the vehicle and maintained as to be visible during the times when lighted lamps are required from all distances within 500 to 50 feet from the vehicle when directly in front of a motor vehicle displaying lawful undimmed head lamps. Every such reflector shall meet the requirements of this division and shall be mounted upon the vehicle at a height not to exceed 60 inches nor less than 24 inches above the surface upon which the vehicle stands.

(Code 1984, § 28-430)

State law reference—Similar provisions, RSMo 307.075.

Sec. 50-674. Auxiliary lamps.

Any motor vehicle may be equipped with not to exceed three auxiliary lamps mounted on the front at a height not less than 12 inches nor more than 42 inches above the level surface upon which the vehicle stands.

(Code 1984, § 28-431)

State law reference—Similar provisions, RSMo 307.080.

Sec. 50-675. Cowl, fender lamps.

Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit a white or yellow light without glare.

(Code 1984, § 28-432)

State law reference—Similar provisions, RSMo 307.085.

Sec. 50-676. Running board lamps.

Any motor vehicle may be equipped with not more than one running board courtesy lamp on each side thereof which shall emit a white or yellow light without glare.

(Code 1984, § 28-433)

State law reference—Similar provisions, RSMo 307.085.

Sec. 50-677. Backup lamps.

Any motor vehicle may be equipped with a backup lamp, either separately or in combination with another lamp, but no backup lamp shall be continuously lighted when the motor vehicle is in forward motion.

(Code 1984, § 28-434)

State law reference—Similar provisions, RSMo 307.085.

Sec. 50-678. Spot lamps.

Any motor vehicle may be equipped with not to exceed one spot lamp but every lighted spot lamp shall be so aimed and used as not to be dazzling or glaring to any person.

(Code 1984, § 28-435)

State law reference—Similar provisions, RSMo 307.090.

Sec. 50-679. Arrangement of lamps, other than head lamps.

Any lighted lamp or illuminating device upon a motor vehicle other than head lamps, spot lamps, front direction signals or auxiliary lamps, which projects a beam

of light of an intensity greater than 300 candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

(Code 1984, § 28-436)

State law reference—Similar provisions, RSMo 307.100.

Sec. 50-680. Colors of various lamps.

Head lamps, when lighted, shall exhibit lights substantially white in color; auxiliary lamps, cowl lamps and spot lamps, when lighted, shall exhibit lights substantially white, yellow or amber in color.

(Code 1984, § 28-437)

State law reference—Similar provisions, RSMo 307.095.

Sec. 50-681. Limitation on number of lamps lighted at one time.

At the times when lighted lamps are required, at least two lighted lamps shall be displayed, one on each side of the front of every motor vehicle except a motorcycle and except a motor-drawn vehicle except when such vehicle is parked subject to the provisions governing lights on parked vehicles. Whenever a motor vehicle equipped with head lamps as in this division required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of an intensity greater than 300 candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

(Code 1984, § 28-438)

State law reference—Similar provisions, RSMo 307.105.

Sec. 50-682. Restriction on use of red lights.

No person shall drive or move any vehicle or equipment, except a school bus when used for school purposes or an emergency vehicle upon any street or highway, with any lamp or device thereon displaying a red light visible from directly in front thereof.

(Code 1984, § 28-439)

State law reference—Similar provisions, RSMo 307.095.

Sec. 50-683. Flashing signals.

Alternately flashing warning signals may be used on school buses when used for school purposes and on motor vehicles when used to transport United States mail from post offices to boxes of addressees thereof and on authorized emergency vehicles, but are prohibited on other motor vehicles, motorcycles, and motor-drawn vehicles except as a means for indicating a right or left turn.

(Code 1984, § 28-440)

State law reference—Similar provisions, RSMo 307.100, 307.175.

Sec. 50-684. Horse-drawn vehicles.

Any person who shall place or drive, or cause to be placed or driven, upon or along any street of the city any horse-driven vehicle whatsoever, whether in motion or at rest, shall after sunset to one-half hour before sunrise have attached to every such vehicle at the rear thereof a red taillight or a red reflecting device of not less than three inches in diameter of effective area or its equivalent in area. When the device shall consist of reflecting buttons there shall be no less than seven of these buttons covering an area equal to a circle with a three inch diameter. The total subtended effective angle of reflection of every such device shall be no less than 60 degrees and the spread and efficiency of the reflected light shall be sufficient for the reflected light to be visible to the driver of any motor vehicle approaching a horse-drawn vehicle from the rear of a distance of not less than 500 feet.

(Code 1984, § 28-441)

State law reference—Similar provisions, RSMo 307.125.

Sec. 50-685. Parked vehicles.

(a) Whenever a vehicle is lawfully parked upon a street or highway during the hours between one-half hour after sunset and one-half hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of 500 feet upon such street or highway no lights need be displayed upon such parked vehicle.

(b) Whenever a vehicle is parked or stopped upon a highway or shoulder adjacent thereto, whether attended or unattended, during the hours between one-half hour after sunset and one-half hour before sunrise and there is not sufficient light to reveal any person or object within a distance of 500 feet upon the highway, a vehicle so parked or stopped shall be equipped with one or more lamps meeting the following requirements: At least one lamp shall display a white or amber light visible from a distance of 500 feet to the front of the vehicle, and the same lamp or at least one other lamp shall display a red light visible from a distance of 500 feet to the rear of the vehicle, and the location of the lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic.

(c) Any lighted head lamp upon a parked vehicle shall be depressed or dimmed.

(d) The provisions of this section shall not apply to a motor-driven cycle.

(Code 1984, § 28-442)

State law reference—Similar provisions, RSMo 300.435, 307.110.

Sec. 50-686. Other vehicles; how lighted.

All vehicles, including agricultural machinery or implements, road machinery, road rollers, traction engines and farm tractors not in this division specifically

required to be equipped with lamps, shall be equipped during the times when lighted lamps are required with at least one lighted lamp or lantern exhibiting a white light visible from a distance of 500 feet to the front of the vehicle and with a lamp or lantern exhibiting a red light visible from a distance of 500 feet to the rear, and these lamps and lanterns shall exhibit lights to the sides of the vehicle.

(Code 1984, § 28-443)

State law reference—Similar provisions, RSMo 307.115.

Secs. 50-687—50-715. Reserved.

ARTICLE X. ACCIDENTS

Sec. 50-716. Leaving the scene of a motor vehicle accident.

(a) A person commits the offense of leaving the scene of a motor vehicle accident when, being the operator or driver of a vehicle such person leaves the place of the injury, damage or accident without stopping and giving his name, residence, including city and street number, motor vehicle number and chauffeur's or registered operator's number, if any, to the injured party or to a police officer, or if no police officer is in the vicinity, then to the nearest police station or judicial officer.

(b) For the purposes of this section, all peace officers shall have jurisdiction, when invited by an injured person, to enter the premises of any privately owned parking lot or parking facility for the purpose of investigating an accident and performing all necessary duties regarding such accident.

(Code 1975, § 310.120; Code 1984, § 28-456; Ord. No. 2767, § 2, 12-18-1984)

State law reference—Similar provisions, RSMo 577.060.

Sec. 50-717. Notice to police.

(a) The driver of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to an apparent extent of \$500.00 or more to one person shall immediately by the quickest means of communication give notice of the accident to the police department if such accident occurs within the city.

(b) Whenever the driver of a vehicle is physically incapable of giving immediate notice of an accident as required in subsection (a) of this section and there was another occupant in the vehicle at the time of the accident capable of doing so, that occupant shall give, or cause to be given, the notice not given by the driver.

(Code 1975, §§ 310.080, 310.100A; Code 1984, § 28-457)

State law reference—Similar provisions, RSMo 300.110, 300.120(1).

Sec. 50-718. Report to police.

(a) The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or total property damage to an apparent extent of \$500.00 or more to one person shall, within five days after the accident, forward a written report of the accident to the police department. The provisions of this section shall not be applicable when the accident has been investigated at the scene by a police officer while the driver was present thereat.

(b) Whenever the driver is physically incapable of making a written report of an accident as required in subsection (a) of this section and the driver is not the owner of the vehicle, then the owner of the vehicle involved in the accident shall within five days after the accident make the report not made by the driver.

(Code 1975, §§ 310.090, 310.100B; Code 1984, § 28-458)

State law reference—Similar provisions, RSMo 300.115, 300.120(2).

Sec. 50-719. Garage keeper to report damaged vehicles.

The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in a serious accident or struck by any bullets shall report to police headquarters of the city within 24 hours after the motor vehicle is received, giving the engine number and the name and address of the owner or operator of the vehicle.

(Code 1975, § 305.140; Code 1984, § 28-459)

Sec. 50-720. Confidential nature of reports.

(a) All written reports made by persons involved in accidents or by garages shall be without prejudice to the individual so reporting and shall be for the confidential use of the police department or other governmental agencies having use for the records for accident prevention purposes, except that the police department or other governmental agency may disclose the identity of a person involved in an accident when his identity is not otherwise known or when the person denies his presence at the accident.

(b) No written reports forwarded under the provisions of this section shall be used as evidence in any trial, civil or criminal arising out of an accident except that the police department shall furnish upon demand of any party to such a trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department in compliance with law, and, if the report has been made, the date, time and location of the accident, the names and addresses of the drivers, the owners of the vehicles involved and the investigating officers.

(Code 1975, § 310.110; Code 1984, § 28-460)

State law reference—Similar provisions, RSMo 300.125.

Sec. 50-721. Investigations.

It shall be the duty of the traffic division, assisted by other police officers of the department, to investigate traffic accidents, to arrest and to assist in the prosecution of those persons charged with violations of law causing or contributing to these accidents.

(Code 1975, § 305.040; Code 1984, § 28-461)

State law reference—Similar provisions, RSMo 300.030.

Sec. 50-722. Presence of authorized emergency vehicles at scene of accident restricted.

It shall be unlawful for any ambulance or wrecker to go to the scene of any motor vehicle accident within the city unless the ambulance or wrecker has been called by the owner or operator of a motor vehicle involved in an accident or by the police department.

(Code 1975, § 305.150A; Code 1984, § 28-462)

Secs. 50-723—50-742. Reserved.

ARTICLE XI. RAILROADS*

Sec. 50-743. Trains not to block streets.

It shall be unlawful for the directing officer or the operator of any railroad train to direct the operation of or to operate the train in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five minutes. This section shall not apply to a moving train or to one stopped because of an emergency or for repairs necessary before it can proceed safely.

(Code 1975, § 345.150; Code 1984, § 28-476)

State law reference—Similar provisions, RSMo 300.360.

***State law reference**—Municipal authority to regulate speed, etc., of railroads passage through city, RSMo 77.540.

Chapter 51

RESERVED

Chapter 52

UTILITIES

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ARTICLE I. IN GENERAL

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ARTICLE II. SEWER USE***DIVISION 1. GENERALLY****Sec. 52-19. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BOD (biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

Building sewer means the extension from the building drain to the public sewer or other place of disposal.

Combined sewer means a sewer receiving both surface run-off and sewage.

Garbage means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Industrial wastes means the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Properly shredded garbage means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

***State law references**—Municipal authority to establish sewerage system, RSMo 88.832 et seq., 250.010; city sewerage systems and waterworks, RSMo ch. 250.

Public sewer means a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

Sanitary sewer means a sewer which carries sewage and to which storm, surface waters and groundwaters are not intentionally admitted.

Sewage means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwaters, surface waters and stormwaters as may be present.

Sewer means a pipe or conduit for carrying sewage.

Slug means any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

Storm drain (storm sewer) means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Superintendent means the superintendent of wastewater department or water pollution control of the city, or his authorized deputy, agent or representative.

Suspended solids means solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

Wastewater treatment plant means any arrangement of devices and structures used for treating sewage.

Wastewater treatment works means all facilities for collecting, pumping, treating and disposing of sewage.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

(Code 1975, § 565.010; Code 1984, § 29-16)

Sec. 52-20. Use of public sewers required.

(a) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.

(b) It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

(c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(d) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within 90 days after the date of official notice to do so, provided that the public sewer is within 100 feet (30.5 meters) of the property line.

(e) In the interest of public health and welfare, it shall be unlawful to utilize a connection to the city's sanitary sewer system without maintaining a connection to a public water supply.

(Code 1975, § 565.020; Code 1984, § 29-17)

Sec. 52-21. Security deposits; sewer accounts.

(a) Residential customers who are the owners of the property which will be connected to the sewer system will not be required to pay a security deposit.

(b) Tenants of residential and commercial properties which will be connected to the sewer system shall be required to pay a security deposit in the amount provided in the city fee schedule.

(c) All sewer security deposits shall be collected by Henry County Water Company at the time water service accounts are established.

(d) Sewer security deposits collected by Henry County Water Company shall be paid to the city on a monthly basis.

(e) Sewer security deposits received by the city shall be placed in a separate account and shall be used to pay delinquent sewer service charges.

(f) Security deposits shall be refunded to customers upon closing of their water service account and payment of final bill.

(g) Security deposits shall be refunded to customers who have paid sewer service charges by due dates for at least 20 months, with no service disconnections, during a 24-month period.

(Code 1984, § 29-17; Ord. No. 2755, §§ 1-7, 8-21-1984; Ord. No. 2994, 2-4-1992; Ord. No. 3042, § 1, 3-16-1993; Ord. No. 3446, § 1, 5-15-2001; Ord. No. 3823, § 1, 5-15-2012; Ord. No. 3826, § 1, 6-19-2012)

Sec. 52-22. Private sewage disposal.

(a) *Generally.* Where a public sanitary sewer is not available under the provisions of section 52-20(d), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(b) *Permit.* Before the commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the superintendent. The application for the permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the superintendent. A permit and inspection fee shall be paid to the city at the time the application is filed, according to section 52-23(b).

(c) *Inspection.* A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the superintendent.

(d) *Compliance with state standards.* The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the state division of health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of absorption facility is greater than 20 percent of the area of the lot. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) *Connection of private sewage disposal system.* At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(f) *Sanitation.* The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

(g) *Additional health requirements.* No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by health officials.

(h) *Connection of building sewer.* When a public sewer becomes available, the building sewer shall be connected to the public sewer within 60 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

(Code 1975, § 565.030; Code 1984, § 29-18)

Sec. 52-23. Building sewers and connections.

(a) *Permit.* No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

(b) *Fees.*

- (1) Sewer connection fees, in the amount provided in the city fee schedule, shall be paid prior to the issuance of a permit.
- (2) In the case of replacement of an active existing sewer connection, credit shall be given for the existing connection based on the fee schedule and the connection fee shall be adjusted accordingly.
- (3) The sewer connection fees shall include right-of-way excavation permit fees and inspection fees.
- (4) In any case where connection fees are not applicable, i.e., replacement of an active connection of the same size, an inspection fee in the amount provided in the city fee schedule shall be charged and regular right-of-way excavation permit fees shall apply. In no case shall a connection to a city sewer line be covered prior to inspection by a city employee.
- (5) The connection fees established by the council may be amended from time to time by resolution of the city council without requirement to amend this chapter and recodify the same.

(c) *Costs borne by owner.* All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(d) *Each building served by separate sewer.* A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(e) *Use of old building sewers.* Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this article.

(f) *Construction standards.* The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city.

In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Civil Engineers (A.S.C.E.) Manual of Practice No. 37 shall apply.

(g) *Elevation of building sewers.* Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the building drain shall be lifted by an approved means and discharged to the building sewer.

(h) *Illegal connections.* No person shall make connections of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. The building inspector of the city is hereby authorized by the city council to make a survey of all buildings within the city to determine if any downspouts or rain leaders are connected with any sanitary sewers, and if any are found to be connected, the property owners are to be notified to remove same within ten days from written notice. Should any sewer customer fail to correct an illegal connection after notice as provided herein, the city may physically disconnect that customer's sewer service, after notifying the customer of the disconnection at least five days in advance by personal service or posting on the served premises, until the illegal connections are corrected.

(i) *Building sewer connections.* The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the American Society of Civil Engineers (A.S.C.E.) Manual of Practice No. 37. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

(j) *Notice for inspection.* The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative.

(k) *Safeguarding excavation.* All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(Code 1975, §§ 565.040, 585.020, 585.030; Code 1984, § 29-19; Ord. No. 3249, § 1, 12-17-1996; Ord. No. 3468, § 1, 11-20-2001; Ord. No. 3579, § 1, 7-19-2005; Ord. No. 4019, § 1, 10-15-2019)

Editor's note—See Ordinance No. 3579 for special connection fees for the Braun property on South Vasant Road.

Sec. 52-24. Discharge restrictions in use of public sewers.

(a) *Stormwater and other unpolluted water.* No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the superintendent, to a storm sewer, combined sewer or natural outlet.

(b) *Materials permanently prohibited.* No person shall discharge or cause to discharge any of the following described waters or wastes to any public sewers:

- (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
- (2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including, but not limited to, cyanides in excess of two mg/l as CN in the wastes as discharged to the public sewer;
- (3) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders; and
- (5) Any waters or wastes having a five-day BOD greater than 300 parts per million by weight containing more than 350 parts per million by weight of suspended solids or having an average daily flow greater than two percent of the average sewage flow of the city, shall be subject to the review of the superintendent. Where necessary in the opinion of the superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to reduce the BOD to 300 parts per million by weight, reduce the suspended solids to 350 parts per million by weight or control the quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment

facilities shall be submitted for the approval of the superintendent and no construction of such facilities shall be commenced until these approvals are obtained in writing.

(c) *Materials prohibited in opinion of superintendent.* No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely, in the opinion of the superintendent, that the wastes can harm either the sewers, sewage treatment process or equipment, having an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, the materials of construction of the sewers, the nature of this sewage treatment process, the capacity of the sewage treatment plant, the degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

- (1) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit or 65 degrees Celsius;
- (2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (zero and 65 degrees Celsius);
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent;
- (4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not;
- (5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such a degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent for such materials;
- (6) Any waters or wastes containing phenols or other taste or odor-producing substances, in concentrations exceeding limits which may be established by the superintendent as necessary, after the treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for the discharge to the receiving waters;
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations;
- (8) Any waters or wastes having a pH in excess of 9.5;

- (9) Materials which exert or cause:
- a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
 - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
 - c. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; or
 - d. Unusual volume of flow or concentration of wastes constituting slugs as defined herein;
- (10) Waters or wastes containing substance which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such a degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(d) *Options of superintendent.* If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers which contain the substances or possess the characteristics enumerated in subsection (c) of this section, and which in the judgment of the superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection (i) of this section.

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent, and subject to the requirements of all applicable codes, ordinances and laws.

(e) *Grease, oil and sand interceptors.* Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that these interceptors

shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located at to be readily and easily accessible for cleaning and inspection.

(f) *Preliminary treatment requirements.* Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(g) *Control manholes.* When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. The manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(h) *Measurement standards.* All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH is determined from periodic grab samples.

(i) *Special agreements.* No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor, by the industrial concern.

(Code 1975, § 565.050; Code 1984, § 29-20)

Sec. 52-25. Damages, etc., to facilities.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of property damage.

(Code 1975, § 565.060; Code 1984, § 29-21)

Sec. 52-26. Inspector's powers and authorities.

(a) The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article. The superintendent or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(b) While performing the necessary work on private properties referred to in subsection (a) of this section, the superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees, and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in section 52-24(g).

(c) The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewer works lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Code 1975, § 565.070; Code 1984, § 29-22)

Sec. 52-27. Violations; penalty.

(a) Any person found to be violating any provision of this article, except section 52-25, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(b) Any person who shall continue any violation beyond the time limit provided for in subsection (a) of this section shall be guilty of an offense.

(c) Any person violating any of the provisions of this article shall become liable to the city for any expense, loss or damage occasioned the city by reason of the violation.

(Code 1975, § 565.080; Code 1984, § 29-23)

Secs. 52-28—52-57. Reserved.

DIVISION 2. CHARGES

Sec. 52-58. Purpose; amount.

It being necessary for the city to levy a charge on the use of the sanitary sewerage system of the city in order to defray the expense of maintaining and operating the system, as well as to provide for renewals, improvements and repairs thereof, rates and charges for all users of the system shall be charged to all persons who discharge sewage into the common sewers of the city, in the amounts as follows:

(1) Rates.

- a. Effective November 1, 2019, the fixed service charge shall be an amount established by the city council and the volume charge shall be an amount established by the city council.
- b. On October 1 of each subsequent year, the fixed service charge and volume charge shall increase by the same percentage as that which is approved by the city council for the city employee cost of living adjustment.
- c. Bills for sewerage charges shall be prepared based upon water consumption figures made available to the city by the water utility company pursuant to RSMo 71.760.

(2) Calculation of volume charge.

- a. Residential customers shall be billed for sewer service based upon the average water usage at each service location during the months of November through March. This average monthly water usage shall be used to calculate the volume charge for each service location from May 1 through April 30 of the following year. The average monthly usage shall be calculated and applied after May 1, 2011. It shall be recalculated annually thereafter. In any month where there is zero water usage, that month shall be excluded in calculating the average. A minimum of two months of usage shall be required for calculating the average. Sewer usage fees for residential service locations with less than two months usage during the period of November to March shall be billed in accordance with subsection (2)(b) of this section.
- b. New residential customers who have not established average monthly water usage shall be billed on the basis of 4,000 gallons per month until a monthly average has been established. Within 90 days of their monthly average being known, any sewer customer, upon written request, may request a review of their account to determine if the

monthly average is less or more than the 4,000 gallon usage figure that was used. The difference will be applied to the sewer account as a credit or additional charge, whichever the case may be.

- c. The city reserves the right to review individual residential accounts for significant discrepancies between the monthly average and actual water usage amounts from the previous year. The city may direct that the water usage basis for calculation of the volume charge be 4,000 gallons. Within 90 days of the next monthly average being known, the customer, upon written request, may request review of their account to determine if the monthly average is less or more than the 4,000 gallon usage figure from the previous year. The difference will be applied to the sewer account as a credit or an additional charge, whichever the case may be.

(Code 1984, § 29-31; Ord. No. 2465, §§ 2, 5, 2-25-1975; Ord. No. 2700, § 3, 6-15-1982; Ord. No. 2841, § 1, 9-29-1987; Ord. No. 3019, § 1, 10-20-1992; Ord. No. 3065, § 1, 9-7-1993; Ord. No. 3384, § 1, 10-5-1999; Ord. No. 3755, § 1, 10-19-2010; Ord. No. 3770, § 1, 1-18-2011; Ord. No. 3782, § 1, 4-19-2011; Ord. No. 3849, § 1, 6-4-2013; Ord. No. 3900, § 1, 5-19-2015; Ord. No. 4019, § 1, 10-15-2019)

Sec. 52-59. Adjustment, deposit of charges.

(a) The charges in section 52-58 shall be subject to adjustment by increasing or decreasing the charges so as to provide just and equitable charges or rents for the use of the sewers, based on the amount of water used by the consumer within the city. The table of charges shall ensure that each recipient of waste treatment services will pay its proportionate share of the costs of operation and maintenance (including replacement) of the sewerage system of the city.

(b) Adjustments shall be made by city council action and be based on the estimated need for improving, extending and maintaining municipal sewers and sewerage treatment plants, with all appurtenances necessary, useful and convenient for the collection, treatment, purification and disposal, in the sanitary manner, of the liquid and solid waste, sewage and domestic and industrial waste of the city.

(c) The rentals and charges shall be deposited by the city into a special fund and shall be used only for the purpose of acquiring, constructing, improving, extending and maintaining municipal sewers and sewerage treatment plants with all necessary appurtenances thereto. The rentals and charges in the special fund may be permitted to accumulate until amounts necessary for any sewer or sewerage treatment plant project planned by the city are available.

(Code 1984, § 29-32; Ord. No. 2465, § 3, 2-25-1975)

State law reference—Services deemed furnished to both occupant and owner of premises, RSMo 250.140.

Sec. 52-60. Responsibility for billing.

Sewerage services shall be deemed to be furnished to both the occupant and owner of the premises receiving such sewerage service and shall be deemed an obligation of both the occupant and owner of any premises. The occupant shall have primary obligation to pay these charges, and the owner shall have the secondary obligation to pay same. Billing and responsibility of the owner of non-owner-occupied property shall be conducted in compliance with RSMo 250.140.

(Code 1984, § 29-33; Ord. No. 2465, § 6, 2-25-1975)

Sec. 52-61. Extra charge for polluting discharge.

Any user who discharges any toxic pollutants which cause an increase in the cost of managing effluent or sludge from the treatment plant, or any user who discharges any substance which singly or by interaction with other substances causes identifiable increase in the cost of operation, maintenance or replacement of the treatment works, shall pay for such increased costs. The charge to each such user will be as determined by the responsible plant operating personnel and approved by the city council.

(Code 1984, § 29-34; Ord. No. 2700, § 6, 6-15-1982)

Sec. 52-62. Cut-off of services to delinquent users.

If any charge for sewerage services shall not be paid by the 30th day of the month in which it shall become due and payable, the city clerk may have the power to immediately notify the water utility company to cut off the delinquent user from the water supply and it shall not furnish the user with water service while the indebtedness remains unpaid.

(Code 1984, § 29-36; Ord. No. 2465, § 7, 2-25-1975)

Sec. 52-63. Amount of late charge.

A late payment penalty of 1½ percent of the user charge will be added to each delinquent bill for each 30 days of delinquency.

(Code 1984, § 29-37; Ord. No. 2700, § 8, 6-15-1982)

Sec. 52-64. Review of user charges.

The city will review the user charges system on an annual basis and revise the rates as necessary to ensure that the system generates adequate annual revenues to pay the cost of operation and maintenance of the sewerage system.

(Code 1984, § 29-38; Ord. No. 2700, § 9, 6-15-1982)

Sec. 52-65. Notification of rate change.

The city will notify each user at least annually, in conjunction with a regular billing, of the rate being charged for operation, maintenance, and improvements of the sewerage system.

(Code 1984, § 29-39; Ord. No. 2700, § 9, 6-15-1982)

Sec. 52-66. State fee for sewer service connections.

(a) All service locations with a direct or indirect connection to the sewer system owned and operated by the city shall pay a monthly state sewer fee per water service connection as established by the state department of natural resources.

(b) Ninety-five percent of the fees collected pursuant to subsection (a) of this section shall be remitted to the state annually in the month of September.

(c) The state sewer fee imposed in subsection (a) of this section shall be in addition to the city sewer service and connection fees.

(Code 1984, § 29-40; Ord. No. 3419, §§ 1—3, 8-15-2000)

Secs. 52-67—52-90. Reserved.**ARTICLE III. UTILITY FRANCHISES*****Sec. 52-91. Franchise required to do business in city.**

All telegraph, telephone, electric railway, electric light, water, gas, heating, power and other public utility corporations, duly incorporated according to law, desiring to do business in the city or to continue business after the expiration of any franchise or permit heretofore granted by the city, must first procure a franchise for that purpose from the city by an ordinance duly passed and approved.

(Code 1975, § 645.010A; Code 1984, § 29-56)

Sec. 52-92. Franchise shall contain all terms of agreement.

The franchise to any utility company shall fully express the terms, limitations, conditions and powers under which the corporation shall be authorized to do business in the city. All the rights, privileges and powers not granted in any utility franchise shall be reserved to the city.

(Code 1975, § 645.010B; Code 1984, § 29-57)

***State law references—**Municipal authority to tax certain utility franchise rates, RSMo 77.490; municipal authority to grant franchises for water supply, RSMo 88.633(1).

Sec. 52-93. Permit required to change territory or business.

Any corporation having secured a franchise as required by this article, and desiring to enlarge, increase or extend its business in the city, beyond the limits, territory or purview of the franchise, shall first obtain a permit or additional franchise from the city to so do.

(Code 1975, § 645.010D; Code 1984, § 29-59)

Chapter 53

RESERVED

Chapter 54

VEGETATION*

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- Sec. 54-71. Appeals.
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***State law reference**—Missouri plant law, RSMo 263.010 et seq.

ARTICLE I. IN GENERAL

Secs. 54-1—54-18. Reserved.

**ARTICLE II. GRASS, WEEDS AND POISONOUS OR NOXIOUS
VEGETATION***

Sec. 54-19. Nuisance declared.

Any growth of grass, weeds, bushes or other rank, poisonous or noxious vegetation to a height greater than 12 inches, excluding planted and cultivated flowers, shrubbery or other landscaping, is hereby declared, defined and deemed to be a nuisance for the purposes of this article.

(Code 1984, § 30-21; Ord. No. 2701, § 2A, 6-15-1982)

Sec. 54-20. Permitting nuisance to exist unlawful.

(a) It is unlawful for any owner, lessee or occupant or any agent, servant, representative or employee thereof having control of any occupied or unoccupied lot or land or any part thereof in the city to permit or maintain on any such lot or land, or on or along the sidewalk, street or alley adjacent to the same between the property line and the curb or middle of the alley or for ten feet outside the property line if there be no curb, any growth of weed, grass, bushes, or other rank poisonous or noxious vegetation to a height greater than 12 inches on the average or any accumulation of dead weeds, grass or brush.

(b) It is also unlawful for any such person to cause, suffer or allow poison ivy, ragweed, or other poisonous plants, or those plants detrimental to health to grow on any such lot or land in such manner that any part of such poisonous or harmful plants shall extend upon, overhang or border any public place or to allow seed, pollen or poisonous particles or emanations therefrom to be carried through the air into any public place.

(Code 1975, § 285.030A; Code 1984, § 30-22; Ord. No. 2701, § 2B, 6-15-1982)

Sec. 54-21. Duty of property owners.

It shall be the duty of any owner, lessee or occupant of any lot or land to cut and remove or cause to be cut or removed all weeds, grass, or other rank, poisonous or harmful vegetation as often as may be necessary to comply with the provisions of section 54-20.

(Code 1975, § 285.030B; Code 1984, § 30-23; Ord. No. 2701, § 2C, 6-15-1982)

***State law reference**—Destruction of weeds, RSMo 263.190 et seq.

Sec. 54-22. Nuisance abatement procedure.

(a) Whenever it has been ascertained by the city administrator or his duly authorized representative (i.e., director of public works, building inspector, chief of police, fire chief) that a nuisance exists as enumerated in section 54-19, he shall notify in writing, by certified mail or by posting on the property, the owner or person occupying or having possession and control of such property to attend a hearing to be held to declare the weeds a nuisance, unless the nuisance shall be abated within ten days. Should the owner, occupant or person having possession refuse to accept such mail, action will be taken as provided for in section 54-24.

(b) Following a hearing to be conducted by the city administrator, the city administrator may declare the situation a nuisance and order the same corrected within a period not to exceed five days. Should the owner or occupant fail to comply with this order within five days, the city may cause the same to be removed and assess the cost thereof against the property as a special tax bill as provided in RSMo 71.285.

(Code 1975, § 285.030C; Code 1984, § 30-24; Ord. No. 2701, § 2D, 6-15-1982)

Sec. 54-23. Abatement where owner is a nonresident.

When the owner of the property containing the nuisance is a nonresident, no person occupies, possesses or controls the property and after an attempt has been made to contact the person as provided in section 54-22 without positive results, no further notice need be served on the owner if the city council shall first find and declare that the abatement of such nuisance is required for the protection and preservation of the public health, safety and welfare and that an emergency exists for the abatement of the nuisance. In non-emergency cases, notice shall be provided by posting the same on the premises, and by mailing, postage prepaid, a copy of the notice to the address listed for payment of property taxes with the county on the premises.

(Code 1984, § 30-25; Ord. No. 2701, § 2E, 6-15-1982)

Sec. 54-24. Abatement by city.

If the owner or person occupying or having possession of the property upon which a nuisance exists in violation of this article does not abate same within the time set forth in any order issued after the hearing, the city, or an individual contractor authorized by the city, may enter upon the premises and abate the nuisance. The costs and expenses of the abatement shall be assessed against the property in a special tax bill and become a first lien on the property affected thereby and bear interest per annum at the same rate as other property taxes if not paid when due,

and shall be collected and enforced by the same officer and in the same manner as taxes. Such costs will include all expenses incurred in carrying out the intent of this article.

(Code 1975, § 285.030C; Code 1984, § 30-26; Ord. No. 2701, § 2G, 6-15-1982)

State law reference—Procedure for abatement of weed nuisance and assessment of costs thereof, RSMo 71.285.

Sec. 54-25. Penalty.

Any person who shall be notified to abate a nuisance, as enumerated above, and who shall fail, neglect or refuse to obey and comply with the provisions of the notice as provided for in section 54-22, shall be guilty of an offense.

(Code 1975, § 285.030D; Code 1984, § 30-27; Ord. No. 2701, § 2F, 6-15-1982)

Sec. 54-26. Code enforcement officer.

The code enforcement officer shall have all of the authority as set forth in this article. In addition, the code enforcement officer is hereby authorized to issue summonses, directing the individual to appear in municipal court, for violations actually observed and occurring in the presence of the code enforcement officer, of the sections set forth herein. The code enforcement officer is not authorized to make arrests or given any authority not specifically designated herein or designated in this chapter.

(Code 1984, § 30-28; Ord. No. 3189, §§ 1, 3, 4, 8-15-1995)

Secs. 54-27—54-55. Reserved.

ARTICLE III. TREE PLANTING AND MAINTENANCE

Sec. 54-56. Purpose and intent.

It is the purpose of this article to promote and protect the public health, safety, and general welfare by providing for the development and implementation of a community forestry plan to address the planting, maintenance, and removal of trees, shrubs and other plants in order to promote, maintain, and improve the urban forest resource of the city. This article provides full power and authority over all trees, shrubs and other plants located within street rights-of-way, parks and public places of the city; and to trees, shrubs and other plants located on private property that constitute a hazard or threat as described herein.

(Ord. No. 3767, § 2, 12-21-2010)

Sec. 54-57. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Park trees mean trees, shrubs, bushes and all other woody vegetation in public parks and all areas owned by the city, or to which the public has free access as a park.

Street trees mean trees, shrubs, bushes, and all other woody vegetation on public land and rights-of-way on either side of all streets avenues, or ways within the city.

Tree topping means severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

(Ord. No. 3767, § 2, 12-21-2010)

Sec. 54-58. Tree board; management plan.

(a) The tree board shall consist of five members, citizens and residents of the city, at least 18 years of age, who shall be appointed by the mayor with the approval of the city council, to serve at the pleasure of the city council. The term of the five persons to be appointed by the mayor shall be three years each, except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be two years.

(b) The mayor may, by and with the consent of the city council, remove any member of the board at any time when, in their judgment, such removal shall be in the best interests of the city.

(c) In the event a vacancy shall occur during the term of any board member due to death, resignation or removal, the successor shall be appointed for the unexpired portion of the term.

(d) Members of the tree board shall serve without compensation; however, the city council may reimburse such members for reasonable, authorized and necessary expenses incurred in the performance of their duties.

(e) The tree board shall choose its own officers, make its own rules and regulations, keep minutes of its meetings, and act by a vote of a majority of its five members at meetings at which a quorum shall be present. A majority of the board shall constitute a quorum.

(f) The board shall have the power to hear appeals where it is alleged there is error in an order, requirement, decision or a determination made by an administrative official in the enforcement of this article. The board shall also have the power to hear and decide all matters referred to it or upon which it is required to pass under

the provision of this article. In the case of an appeal, the board shall determine the matter de novo on the basis of the information and materials presented to it by the party appealing the decision and the city pursuant to section 54-71.

(g) The tree board shall develop a management plan for the planting, care, cultivation, pruning and removal of trees, shrubs and plants located on city-owned property. The plan may include provisions designating the species of trees, shrubs, and plants to be planted, preserved and removed or replaced. Such plan shall be presented to the public works committee who will make recommendation to the city council for approval. Upon acceptance and approval by the council, such plan shall constitute the official comprehensive tree, shrubs and plants plan for the city. (Ord. No. 3767, § 2, 12-21-2010; Ord. No. 3868, § 1, 1-7-2014)

Sec. 54-59. Street tree species to be planted.

Only desirable, long-lived trees of good appearance, beauty, adaptability, and generally free from injurious insects or disease shall be planted in public sites. The tree board shall establish a list of official tree species acceptable for planting, divided into three categories of trees based on average height of each tree at maturity, those categories being small, medium and large trees. No species other than those included in this list may be planted as street trees without written permission of the tree board.

(Ord. No. 3767, § 2, 12-21-2010)

Sec. 54-60. Spacing.

The spacing of street trees will be in accordance with the three species size classes as referred to in section 54-59, and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet; except in special plantings designed by a landscape architect and approved on a case-by-case basis by the tree board.

(Ord. No. 3767, § 2, 12-21-2010)

Sec. 54-61. Distance from curb and sidewalk.

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes as referred to in section 54-59 and no trees may be planted closer to any curb or sidewalk than the following; small trees, two feet; medium trees, three feet; and large trees, four feet.

(Ord. No. 3767, § 2, 12-21-2010)

Sec. 54-62. Distance from street corners and fire hydrants.

No street tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersection curbs or curblines. No street tree shall be planted within ten feet of any fire hydrant.

(Ord. No. 3767, § 2, 12-21-2010)

Sec. 54-63. Utilities.

No street trees other than those species listed as small trees in the adopted list of street trees may be planted under or within ten lateral feet of any overhead utility wire.

(Ord. No. 3767, § 2, 12-21-2010)

Sec. 54-64. Public tree care.

(a) The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the public rights-of-way or boundaries of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(b) The city may remove, or cause or order to be removed, any tree or part thereof in the public right-of-way which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of the trees are in accordance with sections 54-60 through 54-63.

(c) Tree management standards will follow the American National Standards Institute A300 standards, which are the standards for tree care operations.

(Ord. No. 3767, § 2, 12-21-2010)

Sec. 54-65. Abutting property owners, duty to maintain.

(a) Property owners abutting rights-of-way shall be responsible for maintaining shrubs and other woody vegetation within such rights-of-way in a manner which promotes safe and healthy plants and which protects the health, safety, and welfare of the public. The property owners shall not allow such plants to hinder or obstruct the rights-of-way, to interfere with traffic on adjacent streets or alleys, or to create a nuisance.

(b) Property owners abutting rights-of-way shall be responsible for maintaining trees within such rights-of-way in a manner which promotes safe and healthy trees and which protects the health, safety, and welfare of the public. The property owners shall not allow such trees to hinder or obstruct the rights-of-way, to interfere with traffic on adjacent streets or alleys, or to create a nuisance, and shall prune the branches and remove all dead, diseased or dangerous trees, or broken or decayed limbs. Branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection. The owners shall maintain a minimum height clearance over sidewalks of ten feet. Minimum height clearance over streets shall be 13 feet, except for improved thoroughfares and designated truck routes which shall be 14 feet.

(Ord. No. 3767, § 2, 12-21-2010)

Sec. 54-66. Tree topping.

It is unlawful as a normal practice for property owners to top any trees on abutting rights-of-way. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this article at the determination of the tree board. Public utility companies and governmental entities may top or remove any street tree, park tree, or other tree on public property for the purpose of public safety or public welfare.

(Ord. No. 3767, § 2, 12-21-2010)

Sec. 54-67. Dead or diseased tree removal on private property.

The city shall have the right to cause the removal of any dead or diseased trees, or trees otherwise determined to be hazardous, on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The code enforcement officer shall notify in writing the owners of such trees and a hearing process as provided in chapter 30 regarding nuisances. Upon a finding of nuisance, removal shall be required by the owners at their own expense not earlier than 14 calendar days nor longer than 60 days after the date of service of the order. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal and administrative fees to the property owner as provided in chapter 30.

(Ord. No. 3767, § 2, 12-21-2010)

Sec. 54-68. Removal of stumps.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(Ord. No. 3767, § 2, 12-21-2010)

Sec. 54-69. Interference with city.

It shall be unlawful for any person to prevent, delay or interfere with the city, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this article.

(Ord. No. 3767, § 2, 12-21-2010)

Sec. 54-70. Enforcement by city code enforcement officer.

(a) The city code enforcement officer designated by the city administrator shall have the duty to investigate complaints or information received concerning conditions that may require the removal of trees, shrubs, or other plants, and to

determine whether removal is warranted under the provisions of this article and the policies established by the tree board, to order the removal of a tree, shrub or other plant on behalf of the city.

(b) A removal order issued by the code enforcement officer shall be served upon the owner of the property where the tree, shrub or other plant to be removed is located, or to the owner of the property adjacent to the road right-of-way if the tree, shrub or other plant is to be removed from the right-of-way, together with notification that the removal shall take place on a date not earlier than 14 calendar days nor longer than 60 days after the mailing of the notice and order, and further notifying the recipient of the right to appeal under section 54-71. An appeal filed with the tree board shall delay the removal of the subject tree, shrub or other plant until the tree board can conduct its hearing and refer their recommendation to the city council through the public works committee.

(c) The code enforcement officer may shorten the time period for notification and appeal of a removal order if, in the opinion of the code enforcement officer, the tree, shrub or other plant proposed to be removed poses an immediate threat of harm to any person or property. If a determination is made that such an immediate threat is posed, then the code enforcement officer shall also cause the subject tree, shrub or other plant to be barricaded and otherwise marked in order to direct members of the public away from the dangerous condition.

(d) Any person who shall be issued a removal order, as enumerated in this section, and who shall fail, neglect or refuse to obey and comply with the provision of the notice, shall be guilty of an offense.

(Ord. No. 3767, § 2, 12-21-2010)

Sec. 54-71. Appeals.

Unless otherwise specified in this article, whenever it is claimed that the provisions of this article do not apply or that the true intent and meaning of this article has been misconstrued or wrongly interpreted, the respondent may appeal from the decision of the code enforcement officer to the tree board prior to the date of removal stated in the notice and order of removal issued by the code enforcement officer. Such appeal shall be made in writing and filed with the city clerk. An appeal hearing shall be held not more than 30 days after the date on which the appeal is filed with the city clerk. The board shall determine the matter de novo based on the information provided by the city and the appellant.

(Ord. No. 3767, § 2, 12-21-2010)

Sec. 54-72. Penalties.

Any person violating any provision of this article shall, upon conviction or a plea of guilty before the city municipal court, be subject to the misdemeanor penalties set forth in section 1-13.

(Ord. No. 3767, § 2, 12-21-2010)

Chapter 55

RESERVED

Chapter 56

VEHICLES FOR HIRE

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Secs. 56-1—56-18. Reserved.

Article II. Taxicabs

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- Sec. 56-20. Applicability; exclusions.
- Sec. 56-21. Licensing of taxicab operators.
- Sec. 56-22. Insurance.
- Sec. 56-23. Serial numbers.
- Sec. 56-24. Equipment required.
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ARTICLE I. IN GENERAL

Secs. 56-1—56-18. Reserved.

ARTICLE II. TAXICABS***DIVISION 1. GENERALLY****Sec. 56-19. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Driver means every person in actual charge of the operation of a taxicab, whether as owner or agent, servant or employee of an owner.

Owner means any person who is engaged in the business of operating as owner or lessee one or more taxicabs in the city.

Taxicab means all motor vehicles operated as public carriers of passengers for hire, except vehicles having a seating capacity of six or more passengers, exclusive of the driver, and operating over fixed routes.
(Code 1975, § 630.010; Code 1984, § 31-16)

Sec. 56-20. Applicability; exclusions.

Pursuant to RSMo ch. 387, nothing herein shall be construed to apply to any driver of a transportation network company as such companies are defined in state law.

Sec. 56-21. Licensing of taxicab operators.

No person shall engage in the business of operating any taxicab within the city without first obtaining a license therefor, as provided in chapter 48. Operators' licenses shall be issued by the city collector only after the applicant therefor has obtained a permit to operate taxicabs, as provided in this article.
(Code 1975, §§ 630.020, 630.030; Code 1984, § 31-17)

Sec. 56-22. Insurance.

(a) Before a permit is issued for the operation of a taxi cab, the owner shall file a policy of insurance in an insurance company duly licensed to transact business in the state, separately or in a schedule attached to the policy; each taxi cab licensed

***State law reference**—Municipal authority to license and regulate taxicabs, RSMo 94.110.

shall be operated under the direction and control of the owner. The policy shall cover legal liability, with a minimum as required pursuant to RSMo ch. 303 et seq., and as same may be amended from time to time hereafter. All policies shall provide that they cannot be cancelled unless notice of proposed cancellation is delivered to the office of the city clerk at least 30 days prior to the date of the proposed cancellation.

(b) If the owner fails within the period specified within the notice of the cancellation to provide a policy covering all taxicabs operated by him, the license of the owner shall be suspended as of the date the insurance ceases to be in force and in effect. Thereafter it shall be unlawful for the owner to operate the taxicabs in the city.

(Code 1975, § 630.070; Code 1984, § 31-18; Ord. No. 2864, § 1, 4-5-1988)

Sec. 56-23. Serial numbers.

Every taxicab shall have a serial number which shall be painted on the sides and back thereof in figures at least three inches in height. The name of the company shall be painted thereon in a conspicuous manner.

(Code 1975, § 630.110; Code 1984, § 31-19)

Sec. 56-24. Equipment required.

Every taxicab operating in the city shall at all times be equipped with:

- (1) All appliances required by all ordinances of the city, and the laws of the state for motor vehicles;
- (2) Two doors affording direct entrance and exit to and from both the front and rear seats;
- (3) Safety glass in all doors, windows and windshields (if manufactured after January 1, 1936);
- (4) An adequate light in the passenger compartment, operated by a switch control in the passenger compartment;
- (5) A speedometer in good working order;
- (6) A card located in the passenger compartment, not less than two inches by four inches in size, which shall have plainly printed thereon the name of the operating company, its business address and telephone number, and the schedule of fares to be charged for conveyance in such taxicab; and
- (7) The driver's permit issued by the chief of police.

(Code 1975, § 630.090; Code 1984, § 31-20)

Sec. 56-25. Appearance and condition of taxicabs.

Every taxicab shall be kept in a clean and sanitary condition and shall be swept and dusted at least once a day. Every taxicab shall be kept in such condition of repair as may be reasonably necessary to provide for the safety of the public and for continuous and satisfactory operation.

(Code 1975, § 630.100; Code 1984, § 31-21)

Sec. 56-26. Limit of passengers.

No driver of a taxicab shall permit more than seven passengers, including the driver, to be carried in a taxicab at one time. The front seat of a taxicab shall only be occupied by two passengers.

(Code 1975, § 630.120; Code 1984, § 31-22)

Sec. 56-27. Intoxicating beverages while on duty prohibited.

No taxicab owner, driver or employee, while on duty, shall have in his possession intoxicating beverages or drink any intoxicating beverages. No taxicab driver shall knowingly carry or transport intoxicating beverages. No taxicab driver, owner or any employee of any owner shall have in his possession at or near his office, place of business or garage, any intoxicating beverages of any kind. No taxicab driver, owner or any employee shall drink any intoxicating beverages of any kind while on duty.

(Code 1975, § 630.140; Code 1984, § 31-23)

Sec. 56-28. Use of taxicab for unlawful purpose.

No person shall use a taxicab for any unlawful purpose, nor shall any owner or driver knowingly permit such unlawful or immoral use. When such unlawful or immoral use has occurred with the knowledge of the owner or driver of such taxicab, and he shall be duly convicted thereof, the chief of police shall revoke the permit to operate such taxicab and shall also revoke the license of such driver.

(Code 1975, § 630.210; Code 1984, § 31-24)

Sec. 56-29. Report of violation.

The owner of a taxicab shall report to the police department the violation by a driver of any of the operating company's rules and any violation of any municipal, state or federal law committed by a driver.

(Code 1975, § 630.130; Code 1984, § 31-25)

Sec. 56-30. Display of sections of this article.

A copy of sections 56-23, 56-25, 56-26, 56-80 and 56-83 shall be furnished by the operating company to each driver before he shall drive a cab, and a copy of these sections shall be posted in the office of each operating company.

(Code 1975, § 630.220; Code 1984, § 31-26)

Secs. 56-31—56-48. Reserved.

DIVISION 2. OPERATOR'S PERMITS

Sec. 56-49. Application.

Application for an operator's permit under this division shall be made to the city clerk. The application shall be verified under oath and shall set forth:

- (1) A full identification of the applicant and all persons to be directly or indirectly interested in the permit, if granted;
 - (2) The residence and business address and the citizenship of the applicant and of all members of any firm or partnership, and of all officers and directors of any corporation applying;
 - (3) Whether or not the applicant or any of the persons to be interested in the permit, if granted, has been convicted of the violation of any federal, state or municipal law;
 - (4) Whether or not the applicant or any person with whom he has been associated or employed, has unpaid claims or unsatisfied judgments against him for damages resulting from the negligent operation of a vehicle;
 - (5) The past experience, if any, that the applicant has had in rendering taxicab service in any municipality;
 - (6) Whether or not any permit issued to him has been revoked, and if so, the circumstances of such revocation;
 - (7) The number of taxicabs proposed to be operated;
 - (8) Any further information as the chief of police may require.
- (Code 1975, § 630.040; Code 1984, § 31-36)

Sec. 56-50. Transfer.

No operator's permit issued under this division or any interest therein shall be transferred from one owner to another, except by approval of the city council in the same manner as in the case of an original application. The applicant for the transfer of a permit shall file with his application the consent, in writing, of the former owner of such permit and shall comply with all the terms and provisions of this division. (Code 1975, § 630.050; Code 1984, § 31-37)

Sec. 56-51. Revocation.

(a) Any operator's permit granted under this division may be revoked upon recommendation of the chief of police, after five days' notice to the person holding it and after a hearing before the city council if a hearing is requested by the permittee, for any of the following reasons:

- (1) Violation by permittee of any provisions of this division;

- (2) Proof, to the satisfaction of the chief of police, that the permittee has discontinued cab operation;
- (3) Willful violation by permittees of any law, ordinance or regulation pertaining to the use and regulation of taxicabs;
- (4) The permittee has knowingly permitted drivers of taxicabs employed by him to remain in his employ after they have violated this division, any section thereof, any ordinance of the city or any law of the state or of the United States, while the taxicab driver is operating a taxicab or on duty; or
- (5) Whenever it shall appear that a permit or license issued under this division has been obtained by misrepresentation or fraud.

(b) A permittee whose permit has been revoked shall immediately cease to operate the taxicabs for which the permits have been revoked.

(c) The permit of any person shall be immediately revoked by the city council whenever the permittee receives a certificate from any court or the clerk thereof showing that a final judgment upon which execution has been lawfully made, has been issued against him for damages on account of bodily injury, including death or damage to property resulting from the ownership, maintenance, use or operation of a taxicab.

(Code 1975, § 630.060; Code 1984, § 31-38)

Sec. 56-52. Issuance of permit after revocation.

Whenever a permit to operate taxicabs has been revoked by the city council for any reason set forth in section 56-51, no permit shall be issued to such person unless the city council by resolution so orders.

(Code 1975, § 630.070; Code 1984, § 31-39)

Secs. 56-53—56-77. Reserved.

DIVISION 3. DRIVER'S PERMITS

Sec. 56-78. Required; application.

(a) It shall be unlawful for any person to act as driver of a taxicab without having a driver's permit therefor, issued by the chief of police. A driver's permit shall be applied for in writing and verified under oath on such forms as the chief of police may provide with the approval of the city council, and the applicant shall give such information as the chief of police may require, including, but without limitation, the following:

- (1) The applicant's name, age, residence, race, height, color of eyes and hair, nationality, place of birth, citizenship, length of time he has resided in the city and marital status;

- (2) Whether or not the applicant has heretofore been licensed as a taxicab driver and, if so, when and by what municipalities or states, and whether any license was ever revoked or suspended and the date of revocation or suspension;
- (3) Whether the applicant has ever been convicted of a felony or misdemeanor, giving the particulars of each conviction;

(b) The application shall be accompanied by at least three recent photographs of the applicant, of such size as may be required by the chief of police.

(Code 1975, § 630.150; Code 1984, § 31-51)

Sec. 56-79. Qualifications.

Persons who make application for a permit to drive a taxicab shall meet the following qualifications:

- (1) They shall be at least 18 years of age;
- (2) They shall be clean and neat in dress and person and not addicted to the use of intoxicating liquors or drugs; and
- (3) They shall be a registered chauffeur under the laws of the state and submit to the chief of police the certificate of registration furnished him under the state vehicle registration law. The number thereon shall be noted on the application for the license.

(Code 1975, § 630.160; Code 1984, § 31-52)

Sec. 56-80. Fee to be paid.

Before any person shall receive a permit to drive a taxicab, he shall exhibit to the chief of police a receipt from the city collector, showing the payment, as provided in the city fee schedule, as a fee for such permit for a period of one year from the date of such permit.

(Code 1975, § 630.170; Code 1984, § 31-53)

Sec. 56-81. Investigation of applicant; contents and display of permit; damage to permit.

(a) Before issuing a permit to drive a taxicab, the chief of police shall investigate the facts set out in the application and shall not grant a permit to drive a taxicab to any person who is not of good moral character or who, in the opinion of the chief of police, is not qualified to operate a taxicab in the city. The permit shall be valid for a period of one year.

(b) On the issuance of any permit by the chief of police, he shall issue a card to be of such size and design as he may prescribe and which shall bear on its face a photograph of the permittee, the number of his permit, the expiration date thereof and such other information as the chief of police may direct. The original permit

containing the photograph and other data of the permittee shall be at all times kept on display in the taxicab operated by the permittee, easily accessible to the passenger while the taxicab is under the direction and control of the permittee.

(c) Any permittee who willfully removes, obliterates or defaces any official entry made upon his permit shall have, in addition to any other punishment, his license revoked.

(Code 1975, § 630.180; Code 1984, § 31-54)

Sec. 56-82. Renewal.

A taxicab driver's permit may be renewed from year-to-year by the chief of police if the permittee makes application and the chief of police has approved the application by appropriate indorsement. The fee for such renewal shall be as provided in the city fee schedule. The application form shall be furnished by the chief of police and shall show thereon the date of which the original permit was granted and the number thereof, together with such other facts deemed necessary by the chief of police.

(Code 1975, § 630.190; Code 1984, § 31-55)

Sec. 56-83. Revocation.

Any driver's permit granted under this division may be revoked by the chief of police, after five days' notice to the person holding it and after a hearing before the city council if a hearing is requested in writing within the five-day period by the permittee, on a showing that the permittee has violated any of the provisions of this division or that his chauffeur's license has been revoked by the state commissioner of motor vehicles or the provisions of this division or the ordinances of the city, or that he is not fit to operate a taxicab in the city.

(Code 1975, § 630.200; Code 1984, § 31-56)

CODE COMPARATIVE TABLE

1975 CODE

This table gives the location within this Code of those sections of the 1975 Code that are included herein. Sections of the 1975 Code that are not listed have been omitted as repealed, superseded, obsolete or not of a general and permanent nature.

1975 Code Section	Section this Code	1975 Code Section	Section this Code
100.040	2-25	255.040	32-90
100.060	2-56	255.070A	32-81
100.070	1-13	255.070B	32-81
200.010	2-62	255.070C	32-81
200.040	2-138	255.070D	32-82
205.010	22-1	255.080	32-86
205.020	22-2	255.100	32-91
205.030	22-3	260.020	32-24
205.060	22-4	—	32-27
205.070	22-2	260.050	32-116
235.020	40-1	260.060	16-56
235.050	40-2	260.060A	16-52
240.020	50-18	260.060B	16-52
245.010	6-2	260.060C	16-53
245.020	6-9	260.060D	16-55
245.030	6-9	260.070	32-117
245.040	6-3	265.040	32-115
245.060	6-9	265.120	32-225
245.070B	6-1	265.160	32-119
—	6-37	270.010	32-163
245.070C	6-38	270.020	32-163
245.070E	6-39	270.050	32-139
245.070F	6-40	275.010A	32-190
245.070G	6-41	275.010B	32-191
245.070H	6-41	275.010D	32-191
245.070I	6-38	275.010D	4-43
245.070J	6-39	275.030	32-192
245.070L	6-1	275.040	50-166
245.070M	6-1	275.041	50-168
245.070N	6-42	275.042	50-167
245.070P	6-7	275.043	50-167
245.070Q	6-1	275.044	50-170
245.070T	6-1	275.045	50-171
245.070U	6-1	275.046(1)	50-172
245.0705	6-3	275.046(2)	50-172
250.010	32-1	275.046(3)	50-175
250.020	32-26	275.047	50-173
250.030	32-58	275.048	50-174
250.040	32-23	276.010	32-302
255.010	32-92	276.020A	32-303

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1975 Code Section	Section this Code	1975 Code Section	Section this Code
276.020C	32-304	305.080	50-68
276.020D	32-305	305.090	50-531
276.020E	32-306	305.100	50-56
276.020G	32-307	305.110	50-69
276.030A	32-308	305.130	50-11
276.030B	32-309	305.140	50-719
276.030C	32-310	305.150A	50-722
276.040	32-302	310.010	50-58
276.050	32-348	310.020	50-7
276.050B	32-344	310.030	50-6
276.050C	32-345	310.040	50-10
276.050D	32-345	310.050	50-5
276.050D(1)	32-346	310.060	50-128
276.050D(2)	32-346	310.070	50-243
276.050E	32-347	310.080	50-717
280.080	10-22	310.090	50-718
—	32-2	310.100A	50-717
285.020A	26-1	310.100B	50-718
285.020B	26-1	310.110	50-720
285.030A	54-20	310.120	50-716
285.030B	54-21	315.010	50-358
285.030C	54-22	315.020	50-357
—	54-24	315.030	50-359
285.030D	54-25	315.040	50-360
285.040A	26-2	315.050	50-361
285.050A	26-24	315.060	50-362
285.050B	26-24	315.070	50-363
285.050C	26-25	315.080	50-364
285.050D	26-26	315.090	50-365
285.050E	26-23	315.100	50-366
300.010	50-1	315.110	50-367
300.040	50-630	315.120	50-12
300.050	50-20	315.130	50-12
300.060	32-87	315.140	50-71
300.070	50-641	315.150	50-72
300.080	50-643	320.010	50-206
300.090	50-589	320.020	50-207
300.100	50-19	320.040	50-127
—	50-131	320.050	50-213
300.110	50-16	320.060	50-211
300.120	50-14	320.070	50-212
300.130	50-423	325.010	50-129
300.150	50-18	325.060	50-73
305.010	50-54	325.080	50-235
305.020	50-55	325.100	50-236
305.030	50-64	325.110	50-237
305.040	50-721	—	50-245
305.050	50-65	325.130	50-238
305.060	50-66	325.140	50-279
305.070	50-67	330.010	50-309

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1975 Code Section	Section this Code	1975 Code Section	Section this Code
330.020	50-313	355.040	50-416
330.030	50-311	360.010	50-404
—	50-312	360.020	50-400
330.040	50-314	360.030	50-407
335.010	50-332	360.040	50-412
335.020	50-333	360.050	50-406
335.030	50-334	360.060	50-410
340.010	50-239	360.070	50-409
340.020	50-240	360.080	50-408
340.040	50-241	360.090	50-411
340.060	50-242	360.100	50-398
340.070	50-244	365.010	50-417
340.080	50-132	365.020	50-418
340.090	50-247	365.030	50-419
345.010	50-138	365.040	50-419
345.020	50-139	365.050	50-420
345.030	50-533	365.060	50-421
345.040	50-532	365.070	50-422
345.050	50-530	370.010	50-393
345.060	50-528	370.020	50-394
345.070	50-135	370.030	50-396
345.080	50-137	370.040	50-397
345.090	50-15	370.060	50-395
345.100	50-136	370.070	50-8
345.110	50-642	370.080	50-401
345.120	50-595	370.090	50-405
345.130	50-13	370.100	50-402
345.140	50-134	375.010	50-632
345.150	50-743	375.010	50-633
345.160	50-133	375.020	50-631
345.170	50-280	375.030	50-670
345.180	50-17	380.010	30-48
345.190	50-129	380.040	30-72
345.220	50-9	380.050	30-72
345.240	50-413	380.060	30-74
345.250A	6-5	380.080	30-75
345.250B	6-4	380.090	30-76
350.010	50-560	385.010	50-63
350.020	50-278	385.020	50-95
—	50-561	385.030	50-96
350.030	50-562	385.040	50-97
350.040	50-563	390.010	50-59
350.050	50-564	390.020	50-60
350.060	50-565	390.030	50-61
350.070	50-567	390.040	50-62
350.080	50-566	390.050	50-75
350.090	50-569	400.010	36-19
355.010	50-399	400.030	36-20
355.020	50-414	400.040	36-21
355.030	50-415	400.050	36-22

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1975 Code Section	Section this Code	1975 Code Section	Section this Code
400.070	36-27	600.070	4-41
400.080	36-24	600.080	4-42
535.010	22-88	600.090	4-39
535.030	22-89	600.100	4-3
535.100	22-90	600.120	4-64
535.110	22-91	600.130	4-65
535.120	22-92	600.140	4-6
535.150	22-93	600.160	4-4
555.030	22-144	600.170	4-2
555.040	22-145	600.180	4-5
560.020	22-1	600.185	4-7
565.010	52-19	600.200	4-8
565.020	52-20	600.240	4-43
565.030	52-22	600.250	4-44
565.040	52-23	605.010	48-20
585.020	52-23	605.020	48-19
585.030	52-23	605.040	48-27
565.050	52-24	605.050	48-33
565.060	52-25	605.060	48-24
565.070	52-26	605.070	48-28
565.080	52-27	605.080	48-26
570.010	44-19	605.090	48-21
570.020A	44-20	605.100	48-23
570.020B	44-20	605.110	48-29
570.020C	44-21	605.120	48-25
570.030	44-22	605.140	48-30
570.040	44-23	605.170	48-61
570.050	44-24	605.180	48-32
570.060	44-25	605.190	48-31
570.070	44-26	610.020	10-21
570.080	44-27	610.050A	42-80
570.100	44-28	610.050B	42-80
570.110	44-29	610.060	10-1
575.070	30-21	620.020	8-227
580.010	44-48	620.030	8-228
580.030	44-49	620.040	8-229
580.040	44-50	620.050	8-230
580.050	44-51	620.060	8-231
580.060	44-57	620.070	8-232
580.070	44-47	620.080	8-233
580.110	44-54	620.090	8-234
580.120	44-59	620.100	8-235
580.130	44-60	620.110	8-236
580.140	44-61	620.120	8-237
600.010	4-1	620.130	8-238
600.020	4-37	630.010	56-19
600.030	4-38	630.020	56-21
600.040	4-40	630.030	56-21
600.050	4-40	630.040	56-49
600.060	4-40	630.050	56-50

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1975 Code Section	Section this Code	1975 Code Section	Section this Code
630.060	56-51	645.020E	48-84
630.070	56-22	700.010	1-2
—	56-52	700.030	1-3
630.090	56-24	700.040	1-1
630.100	56-25	705.010	1-6
630.110	56-23	710.010	1-12
630.120	56-26		
630.130	56-29		
630.140	56-27		
630.150	56-78		
630.160	56-79		
630.170	56-80		
630.180	56-81		
630.190	56-82		
630.200	56-83		
630.210	56-28		
630.220	56-30		
635.010	38-2		
635.020	38-1		
635.030	38-3		
635.040	38-25		
635.050	38-26		
635.060	38-27		
635.070	38-28		
635.080	38-29		
635.090	38-30		
635.100	38-49		
635.110	38-50		
635.120	38-51		
635.130	38-52		
635.140	38-53		
640.010	48-172		
640.020	48-200		
640.030	48-202		
640.050	48-209		
640.060	48-211		
640.070	48-201		
640.080	48-207		
640.090	48-203		
640.100	48-204		
640.100	48-205		
640.110	48-206		
640.120	48-212		
640.130	48-173		
645.010A	52-91		
645.010B	52-92		
645.010D	52-93		
645.020B	48-82		
645.020C	48-81		
645.020D	48-83		

CODE COMPARATIVE TABLE

1984 CODE

This table gives the location within this Code of those sections of the 1984 Code, as supplemented through May 18, 2010, that are included herein. Sections of the 1984 Code, as supplemented, that are not listed have been omitted as repealed, superseded, obsolete or not of a general and permanent nature. For the location of ordinances subsequently adopted, see the table immediately following this table.

1984 Code Section	Section this Code	1984 Code Section	Section this Code
1-1	1-1	2-370	2-275
1-2	1-2	2-371	2-276
1-3	1-3	2-372	2-277
1-4	1-4	2-373	2-278
1-5	1-5	2-386	2-305
1-6	1-6	2-387	2-306
1-6.1	1-7	2-388	2-307
1-7	1-8	2-389	2-308
1-8	1-9	3-1	4-1
1-9	1-10	3-2	4-2
1-10	1-11	3-3	4-3
1-11	1-12	3-4	4-4
1-13	1-13	3-5	4-5
2-1	2-55	3-6	4-6
2-3	28-1	3-7	4-7
2-16	2-25	3-9	4-8
2-17(1)	2-3	3-26	4-37
2-31	2-56	3-27	4-38
2-41	2-83	3-28	4-39
2-42	2-84	3-29	4-40
2-43	2-85	3-30	4-41
2-44	2-86	3-31	4-42
2-45	2-87	3-32	4-43
2-46	2-88	3-33	4-44
2-47	2-89	3-34	4-45
2-48	2-90	3-41	4-64
2-49	2-91	3-42	4-65
2-50	2-92	3-62	4-66
2-91	2-62	4-1	10-1
2-176	2-138	4-16	10-21
2-177	2-139	4-17	10-22
2-241	2-193	5-1	6-1
2-351	2-246	5-2	6-2
2-366	2-271	5-3	6-3
2-367	2-272	5-4	6-4
2-368	2-273	5-5	6-5
2-369	2-274	5-6	6-6

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1984 Code Section	Section this Code	1984 Code Section	Section this Code
5-7	6-7	6-181	8-280
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5-22	6-9	6-190	46-13
5-23	6-9	6-191	46-13
5-36	6-37	6-192	46-13
5-37	6-38	8-1	14-1
5-38	6-39	8-3	14-2
5-39	6-40	9-16	16-19
5-40	6-41	9-17	16-20
5-41	6-42	9-18	16-21
5-66	6-8	9-19	16-22
6-1	8-1	9-21	16-24
6-2	8-2	9-36	16-52
6-3	8-3	9-37	16-53
6-16	8-25	9-38	16-54
6-17	8-26	9-39	16-55
6-36	8-88	9-40	16-56
6-56	8-120	9-41	16-57
6-57	8-121	10-1	18-1
6-76	8-143	10-2	18-2
6-77	8-144	10-3	18-3
6-91	8-172	11-1	20-1
6-92	8-173	11-2	20-2
6-111	8-200	11-3	20-3
6-112	8-201	11-4	20-4
6-131	8-226	11-5	20-5
6-132	8-227	11-6	20-6
6-133	8-228	11-21	20-31
6-134	8-229	12-1	22-1
6-135	8-230	12-2	22-2
6-136	8-231	12-3	22-3
6-137	8-232	12-4	22-4
6-138	8-233	12-5	22-5
6-139	8-234	12-21	22-29
6-140	8-235	12-31	22-47
6-141	8-236	12-32	22-48
6-142	8-237	12-33	22-49
6-143	8-238	12-34	22-50
6-161	46-14	12-35	22-51
6-162	46-14	12-36	22-52
6-171	8-270	12-37	22-53
6-172	8-271	12-38	22-54
6-173	8-272	12-39	22-55
6-174	8-273	12-40	22-56
6-175	8-274	12-41	22-57
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6-177	8-276	12-52	22-89
6-178	8-277	12-53	22-90
6-179	8-278	12-54	22-91
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1984 Code Section	Section this Code	1984 Code Section	Section this Code
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12-77	22-145	17-87	32-114
14-16	26-1	17-89	32-115
14-17	26-1	17-90	32-116
14-31	26-2	17-91	32-117
14-46	26-23	17-92	32-118
14-47	26-24	17-93	32-119
14-48	26-25	17-94	32-120
14-49	26-26	17-111	32-139
15-17	28-21	17-121	32-162
15-18	28-22	17-123	32-163
15-19	28-23	17-125	32-165
15-20	28-24	17-126	32-166
15-21	28-25	17-136	32-190
16-1	30-21	17-137	32-191
16-16	30-48	17-138	32-192
16-17	30-49	17-156	32-223
16-19	30-72	17-157	32-224
16-20	30-72	17-159	32-225
16-21	30-74	17-171	32-250
16-23	30-75	17-172	32-251
16-24	30-76	17-173	32-252
16-25	30-77	17-174	32-253
16-36	30-22	17-206	32-302
16-37	30-22	17-207	32-303
16-38	30-22	17-208	32-304
17-1	32-1	17-209	32-305
17-2	32-2	17-210	32-306
17-21	32-23	17-212	32-307
17-22	32-24	17-214	32-308
17-23	32-25	17-215	32-309
17-24	32-26	17-216	32-310
17-25	32-27	17-227	32-344
17-41	32-58	17-228	32-345
17-42	32-59	17-229	32-346
17-43	32-60	17-230	32-347
17-56	32-79	17-232	32-348
17-57	32-80	18-1	34-19
17-58	32-81	18-2	34-20
17-59	32-82	18-20	34-44
17-60	32-83	18-21	34-45
17-61	32-84	18-22	34-46
17-62	32-85	18-30	34-66
17-63	32-86	18-31	34-67
17-64	32-87	18-32	34-68
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17-66	32-89	18-41	34-97
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1984 Code Section	Section this Code	1984 Code Section	Section this Code
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20-17	36-20	20-161	36-222
20-18	36-21	20-162	36-223
20-19	36-22	20-163	36-224
20-20	36-23	20-164	36-225
20-21	36-24	20-165	36-226
20-22	36-25	20-166	36-227
20-23	36-26	20-167	36-228
20-24	36-27	20-168	36-229
20-25	36-28	20-169	36-230
20-26	36-29	20-170	36-231
20-28	36-30	20-171	36-232
20-29	36-31	20-181	36-258
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20-31	36-33	20-191	36-282
20-32	36-34	20-192	36-283
20-33	36-35	20-193	36-284
20-34	36-36	20-194	36-285
20-71	36-61	20-195	36-286
20-101	36-81	20-196	36-287
20-102	36-82	20-197	36-288
20-103	36-83	20-198	36-289
20-104	36-84	20-211	36-312
20-105	36-85	20-212	36-313
20-106	36-86	20-213	36-314
20-107	36-87	20-214	36-315
20-121	36-118	20-215	36-316
20-122	36-119	20-216	36-317
20-122.1	36-120	20-225	36-338
20-123	36-122	20-226	36-339
20-123.1	36-123	20-227	36-340
20-124	36-124	22-1	38-1
20-125	36-125	22-16	38-2
20-126	36-126	22-17	38-3
20-127	36-127	22-18	38-25
20-128	36-128	22-19	38-26
20-129	36-129	22-20	38-27
20-130	36-130	22-21	38-28
20-131	36-131	22-22	38-29
20-132	36-132	22-23	38-30
20-133	36-133	22-36	38-49
20-141	36-165	22-37	38-50
20-142	36-166	22-38	38-51
20-143	36-167	22-39	38-52
20-144	36-168	22-40	38-53
20-145	36-169	23-1	40-1
20-146	36-170	23-3	40-2
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1984 Code Section	Section this Code	1984 Code Section	Section this Code
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***Note**—The adoption, amendment, repeal, omissions, effective date, explanation of numbering system and other matters pertaining to the use, construction and interpretation of this Code are contained in the adopting ordinance and preface which are to be found in the preliminary pages of this volume.

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