G E N E R A L C O D E

INSTRUCTIONS

City of Clarkson Valley Code Supplement No. 3

The enclosed new and/or replacement pages should be placed in your Code volume immediately! The dateline, on the bottom of the page, does not indicate the adoption date of the Code changes, but rather identifies the pages printed with this supplement. This instruction page should be placed in the front of your Code volume.

The entire Code has been reprinted with this supplement. Please follow these instructions carefully.

1. **Remove the entire contents of the Code binder.**
2. **Remove and reserve all Tab Divider Pages.**
3. **Insert the entire reprinted Code into the Code binder.**
4. **Insert Tab Divider Pages into appropriate locations in reprinted Code.**

With future changes to the Code, you will receive only the supplemental pages on which there have been changes.

Legislation, by number or date of adoption, included in this supplement: Ord. Nos. 09-11; 13-01; 13-07; 14-05.

THE MUNICIPAL CODE

OF

THE CITY OF CLARKSON VALLEY

THE GENERAL ORDINANCES

PUBLISHED BY ORDER OF THE BOARD OF ALDERMEN

Mayor
Scott Douglass

Board of Aldermen
Dan King
Jim Meyer
Lin Midyett
Honora Schiller
Scott Schultz
Amy Setnicka

City Clerk
Michele McMahon

City Attorney
Patrick S. Butler

GENERAL CODE
SULLIVAN PUBLICATIONS DIVISION
www.generalcode.com

Supp. #3, 7/15

ADOPTING ORDINANCE

BILL NO. 0233 **ORDINANCE NO. 01-11**

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE CITY OF CLARKSON VALLEY; ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE OF ORDINANCES; PROVIDING PENALTY FOR THE VIOLATION THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CLARKSON VALLEY AS FOLLOWS:

Section 1. That pursuant to Section 71.943 of the Revised Statutes of Missouri, the codification of ordinances, as set out in Titles I through VI, each inclusive, of the "Code of Ordinances of the City of Clarkson Valley" is hereby adopted and enacted as the "Code of Ordinances of the City of Clarkson Valley"; which shall supersede all other general and permanent ordinances of the City passed on or before March 9, 2000, to the extent provided in Section 3 hereof.

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

Section 3. That all ordinances of a general and permanent nature of the City adopted by final passage on or before March 9, 2000, and not included in such Code or recognized and continued in force by reference therein, are hereby repealed from and after the effective date of this ordinance, except those which may be specifically excepted by separate ordinance, and except the following which are hereby continued in full force and effect, unless specifically repealed by separate ordinance:

a. Ordinances promising or guaranteeing the payment of money for the City, or authorizing the issuance of any bonds or notes of the City or any other evidence of the City's indebtedness, or authorizing any contract or obligation assumed by the City;

b. Ordinances levying taxes or making special assessments;

c. Ordinances appropriating funds or establishing salaries and compensation, and providing for expenses;

d. Ordinances granting franchises or rights to any person, firm or corporation;

e. Ordinances relating to the dedication, opening, closing, naming, establishment of grades, improvement, altering, paving, widening or vacating of streets, alleys, sidewalks or public places;

f. Ordinances authorizing or relating to particular public improvements;

g. Ordinances respecting the conveyances or acceptance of real property or easements in real property;

h. Ordinances dedicating, accepting or vacating any plat or subdivision in the City or any part thereof, or providing regulations for the same;

i. Ordinances annexing property to the City;

j. All zoning and subdivision ordinances;

k. Ordinances establishing TIF districts or redevelopment districts;

l. Ordinances establishing sales taxes.

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

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

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

Section 5.

a. Except as hereinafter provided, whenever in any rule, regulation or order promulgated pursuant to such ordinances of the City, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such City ordinance, rule, regulation or order, 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 ordinance of the City, or of any rule, regulation or order promulgated pursuant to such City ordinance, shall be punished by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment for a period not to exceed ninety (90) days, or by both such fine and imprisonment.

b. Whenever any provision of the Revised Statutes of Missouri or other Statute of the State limits the authority of the City to punish the violation of any particular provision of these ordinances, rules, regulations or orders promulgated pursuant thereto to a fine of less amount than that provided in this Section or imprisonment for a shorter term than that provided in this Section, the violation of such particular provision of these ordinances, rules, regulations or orders shall be punished by the imposition of not more than the maximum fine or imprisonment so authorized, or by both such fine and imprisonment.

c. Whenever any provision of the Revised Statutes of Missouri or other Statute of the State establishes a penalty differing from that provided by this Section for an offense similar to any offense established by these ordinances, rules, regulations or other orders of the City, the violation of such City law, ordinance, rule, regulation or order shall be punished by the fine or imprisonment established for such similar offense by such State law.

d. Each day any violation of these ordinances, rules, regulations or orders promulgated pursuant thereto shall continue, shall constitute a separate offense, unless otherwise provided.

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

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

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

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

Section 9. It is hereby declared to be the intention of the Board of Aldermen that the Sections, paragraphs, sentences, clauses and phrases of this ordinance and the Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph or Section of this ordinance or the Code hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and Sections of this ordinance or the Code hereby adopted.

Section 10. This ordinance and the Code adopted hereby shall become effective November 6, 2001.

PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF CLARKSON VALLEY THIS 6TH DAY OF NOVEMBER, 2001.

APPROVED BY THE MAYOR OF THE CITY OF CLARKSON VALLEY THIS 6TH DAY OF NOVEMBER, 2001.

Scott Douglass
Mayor of the City of Clarkson Valley

ATTEST:

Michele McMahon
City Clerk

ELEMENTARY STATEMENT

This edition of the Municipal Code of the City of Clarkson Valley is a recodification of the 1990 Municipal Code. In preparing this Code the editors used as source material portions of the 1990 Code, ordinances passed subsequent to that date and modifications agreed upon during the editorial conferences and incorporated herein by the adopting ordinance. In order to trace the evolution of each Section, the reader's attention is directed to the history note appearing in parentheses at the end of that Section. The absence of such a note indicates that the section is new and was agreed upon at the editorial conference and adopted for the first time with the adoption of the Code. Three further sources of reference are to be found at the end of this Code. The first is a cross reference of the old Code Section numbers to the new Code Section numbers. The second is a cross reference of the ordinances of a general and permanent nature that have been retained in this volume. The third is a cross reference of the State Statutes that are of a similar nature or enable the corresponding Section of this Code.

Format

The Code is divided into six Titles with Chapters of a like nature grouped therein. Each Chapter is given a three digit location number corresponding to the Title in which it resides. Each Section is given a six digit number corresponding to the Chapter in which it resides. This six digit number is separated by a decimal point. The digits ahead of the decimal point represent the Chapter location and the digits behind the decimal point represent the Section within that Chapter. By allowing intervals between Chapter and Section designations, future additions to the Code have been facilitated. In operating under this format, the City maintains great flexibility in the placement of new material.

Table of Contents and Alphabetical Index

For those frequent users who become very familiar with the Code, the editors have placed a Table of Contents in the front of the text. A complete list of all Chapter and Section headings enables the quick location of subject matter. Those less familiar with the Code and infrequent users will find an alphabetical index at the end of the Code. Much care is taken to ensure ease of access with this index while maintaining a reasonable size.

Update Service

As those who use this book are well aware, there is a need for constant revision. The use of a looseleaf binder is meant to facilitate this need. As new ordinances affecting this Code are passed, they should be forwarded to the publisher from time to time for adaptation to the Code. Update pages can then be forwarded to the City for insertion in the Code. It is the ultimate responsibility of the holder of the volume to make sure that his or her book is brought up to date in this manner.

In Appreciation

The publishers would like to thank the following people for their time and effort during this recodification: City Clerk, Michele McMahon and Mayor, Scott Douglass. In addition to their help, we are grateful to other department heads and staff members who devoted their time. This combined effort cannot help but end in a Code that the City can be proud of and which will be a useful tool for the entire community for years to come.

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ARTICLE I
General Code Provisions

Section 100.010. How Code Designated and Cited.

[CC 1990 §1-1; Code 1977 §1.010]

This Code shall be known and may be cited as the "Municipal Code, City of Clarkson Valley, Missouri," or simply as "the Municipal Code" or "the Code."

Section 100.020. Definitions and Rules of Construction.

[CC 1990 §1-3; Code 1977 §§1.020, 1.070]

A. In the construction of this Code and of all ordinances of the City, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Board of Aldermen or the context clearly requires otherwise:

BOARD OF ALDERMEN — The Board of Aldermen of the City of Clarkson Valley, Missouri.

CITY — The words *"the City"* or *"this City"* shall be construed as if followed by the words "of Clarkson Valley, Missouri."

CODE — The words *"the Code"* or *"this Code"* shall mean the "Municipal Code, City of Clarkson Valley, Missouri."

COMPUTATION OF TIME — The time in which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last day is a Sunday, in which case it shall also be excluded.

COUNTY — The words *"the county"* or *"this county"* shall mean the County of St. Louis.

DAY — Any period of twenty-four (24) hours.

DAYTIME, NIGHTTIME — "Daytime" is the period of time between sunrise and sunset. *"Nighttime"* is the period of time between sunset and sunrise.

GENDER — Words importing the masculine gender include the feminine and neuter.

IN THE CITY — The words *"in the City"* shall mean and include all territory over which the City now has, or shall hereafter acquire, jurisdiction for the exercise of its police powers or other regulatory powers.

JOINT AUTHORITY — All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers, unless otherwise declared in the law giving the authority.

LEGAL HOLIDAY — As used herein, *"legal holidays"* shall be the public holidays as defined in the State Statutes, Revised Statutes of Missouri, Section 9.010.

MISDEMEANOR — See section 100.100 of this Code.

MONTH — A calendar month.

NUMBER — The singular number includes the plural, and the plural includes the singular.

OATH — Shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases, the word *"swear"* or *"sworn"* shall be equivalent to the words *"affirm"* and *"affirmed"*.

OFFICERS, DEPARTMENTS, ETC. — Officers, departments, boards, commissions, committees and employees of the City, unless the context clearly indicates otherwise.

OFFICIAL TIME — Whenever certain hours are named in this Code, they shall mean Central Standard Time or Daylight Saving Time, as may be in current use in the City.

ORDINANCE — Any reference to an *"ordinance"* shall include the Municipal Code and all existing ordinances.

OWNER — The word *"owner"*, applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land.

PERSON — Includes any person, firm, association, organization, partnership, business trust, corporation or company and any other group acting as a unit. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word *"person"* is used in any section of this Code prescribing a fine or penalty, as to partnerships or associations, the word shall include 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.

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

PRECEDING, FOLLOWING — The words *"preceding"* and *"following"* mean next before and next after, respectively.

PROCESS — Includes a writ or summons issued in the course of judicial proceedings of either a civil or criminal nature.

PROPERTY — Includes real and personal property.

REAL PROPERTY — Includes lands, tenements and hereditaments.

SHALL, MAY — *"Shall"* is mandatory; *"may"* is permissive.

SIGNATURE OR SUBSCRIPTION BY MARK — *"Signature"* or *"subscription"* includes a mark when the signer or subscriber cannot write, such signer's or subscriber's name being written near the mark by a witness who writes his/her own name near the signer's or subscriber's name; but, a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two (2) witnesses so sign their own names thereto.

STATE — The words *"the State"* or *"this State"* shall be construed to mean the State of Missouri.

TENANT or OCCUPANT — The word *"tenant"* or *"occupant"*, applied to a building or land, shall include any person holding a written or an oral lease of, or who occupies the whole or a part of such building or land, either alone or with others.

TENSES — The present tense includes the past and future tenses, and the future includes the present.

WEEK — A week consists of seven (7) consecutive days.

WRITTEN, IN WRITING — Includes printing and any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this Code, it shall be made in writing in the English language, unless expressly provided otherwise.

YEAR — Shall mean a calendar year.

B. 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 Board of Aldermen may be fully carried out.

Section 100.030. Provisions Considered as Continuations of Existing Ordinances.

[CC 1990 §1-4]

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

Section 100.040. Effect of Repeal, Etc., of Ordinances.

[CC 1990 §1-5; Code 1977 §1.110]

A. The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

B. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for any offense committed under the ordinance repealed.

Section 100.050. Severability of Parts of Code.

[CC 1990 §1-6; Code 1977 §1.130]

It is hereby declared to be the intention of the Board of Aldermen that the Sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or Section of this Code shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and Sections of this Code.

Section 100.060. Catchlines of Sections.

[CC 1990 §1-7]

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

Section 100.070. Supplementation of Code.

[CC 1990 §1-8; Code 1977 §1.030]

A. By contract or by City personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the Board of Aldermen. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the Board of Aldermen 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, non-substantive 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 Section", etc., as the case may be, or to "Sections _____ 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 non-substantive 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.

D. In determining whether or not any ordinance hereafter passed, or any part thereof, shall be inserted in such volumes, and in determining the form, Chapter, Article or Section which shall be taken out, the City Clerk shall be guided by the advice of the City Attorney.

Section 100.080. Altering Code.

[CC 1990 §1-9]

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. Any person, firm or corporation violating this Section shall be punished as provided in Section 100.100 hereof.

ARTICLE II
Boundaries

Section 100.090. Boundaries.

[CC 1990 §1-13; Code 1977 §§2.020 — 2.050]

The boundaries of the City shall be as shown on the map dated "April 1989," on file in the City offices.

ARTICLE III
Penalty

Section 100.100. General Penalty — Continuing Violations. [1]

[CC 1990 §1-10; Ord. No. 04-02 §§1 — 2, 2-3-2004]

A. Where, by any provision of this Code or any other ordinance of the City, or any rule or regulation promulgated pursuant thereto, the doing of or the failure to do any thing or act is prohibited, declared to be a misdemeanor, an offense or unlawful, and no other penalty or punishment is provided therefor, the same shall be punishable by a fine not to exceed one thousand dollars ($1,000.00) or a jail sentence not to exceed ninety (90) days, or by both such fine and jail sentence unless a lesser penalty be required by law, in which event the punishment shall not exceed such lesser penalty required by law, any provision of this Code or other ordinance to the contrary notwithstanding. *"Misdemeanor"* shall be construed to mean a violation of any ordinance of the City.

B. Except as otherwise provided, every day any such violation shall continue shall constitute a separate offense.

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

Section 100.110. When Same Offense Punishable Under Different Ordinances, Etc.

[CC 1990 §1-11; Code 1977 §1.090]

In all cases wherein the same offense may be made punishable, or shall be created, by different provisions of this Code or other ordinances of the City, or by different clauses or sections of the same ordinance, the prosecuting officer may elect under which to proceed, but not more than one (1) recovery or penalty shall be had or enforced against the same person for the same offense, provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty or recovery being enforced or had.

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1. **Cross References — Police department, ch. 200; municipal court, ch. 125; offenses and miscellaneous provisions, ch. 210.**

Section 100.120. Parties to an Offense.

[CC 1990 §1-12]

Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act declared herein to be unlawful or an offense or a misdemeanor, whether individually or in connection with one (1) or more other persons or as principal, agent or accessory, shall be guilty of such unlawful act or offense or misdemeanor, and every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provision hereof shall likewise be guilty.

Chapter 105

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Cross References — Administration and enforcement of buildings and building regulations, ch. 500, art. III; architectural board, §500.180; municipal court, ch. 125; park board, ch. 230.

ARTICLE I
In General

Section 105.010. Contracts for Public Improvements, Facility or Service.

[CC 1990 §2-1; Code 1977 §13.010]

The Board of Aldermen, by ordinance, may contract for the planning, development, construction, acquisition or operation of any public improvement or facility or for a common service with any other political subdivision or with any private person, firm, association or corporation as permitted by the laws of the State.

ARTICLE II
Boards and Commissions — in General [1]

Section 105.020. Rules of Procedure and Regulation.

[CC 1990 §2-251; Code 1977 §5.070]

In addition to rules, regulations and procedures prescribed by statute and/or ordinance for each board or commission respectively, each board or commission shall describe its respective rules, regulations and procedures and shall publish such rules by filing a copy thereof, together with all amendments and additions, with the City Clerk as a public record; such

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1. **Cross References — As to park board, ch. 230; as to planning and zoning commission, ch. 400; police department, ch. 200; architectural board, §500.180.**

rules, regulations and procedures shall become effective on the eighth (8th) day after so filing. Any rule, regulation or procedure adopted by any board or commission, as herein provided, inconsistent with or contradictory of any statute or ordinance, shall be void.

Section 105.030. Resignation and Removal of Members.

[CC 1990 §2-252; Code 1977 §5.080]

A. Any member of a City board or commission and any commissioner may resign by letter notice to the Board of Aldermen. Resignations may be immediate or for a future date in no event to exceed thirty (30) days from date of filing of notice.

B. Except as otherwise provided in this Code or by State Statute, the Mayor may, with the consent of a majority of all the members elected to the Board of Aldermen, remove from office any member of a City board or commission at will, and any such member may be so removed by a two-thirds (2/3) vote of all the members elected to the Board of Aldermen, independently of the Mayor's approval or recommendation.

Section 105.040. Chairman and Acting Chairman.

[CC 1990 §2-253; Code 1977 §5.090]

In the event of the absence or disability of the chairman of any board or commission, the vice-chairman, if there be one, shall act in the stead of the chairman in all matters before such board or commission, but if the vice-chairman be also absent or disabled, or if there be no vice-chairman, that member of the board or commission next most senior in time and longevity by reason of service on such board or commission shall be the acting chairman during the absence or disability of the chairman. The acting chairman shall, while so acting, have the same authority, discretion and rights as the chairman of such board or commission. The chairman of all boards and commissions shall be appointed by the Mayor unless otherwise provided by State law, this Code or an ordinance of the City.

ARTICLE III
Conflicts of Interest

Section 105.050. Declaration of Policy.

[Ord. No. 07-15 §1, 9-4-2007]

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

Section 105.060. Conflicts of Interest.

[Ord. No. 07-15 §2, 9-4-2007]

The Mayor or any member of the Board of Aldermen who has a substantial personal or private interest, as defined by State law, in any bill shall disclose on the records of the Board of Aldermen the nature of his interest and shall disqualify himself from voting on any matters related to this interest.

Section 105.070. Disclosure Reports.

[Ord. No. 07-15 §3, 9-4-2007]

A. Each elected official and the Chief Purchasing Officer shall disclose the following information by May first (1st) if any such transactions were engaged in during the previous calendar year:

1. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars ($500.00), if any, that such person had with the political subdivision, other than 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 five hundred dollars ($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 Purchasing Officer also shall disclose by May first (1st) for the previous calendar year the following information:

   a. The name and address of each of the employers of such person from whom income of one thousand dollars ($1,000.00) or more was received during the year covered by the statement;

   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 by any closely held corporation or limited partnership in which the person owned ten percent (10%) or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person

owned two percent (2%) or more of any class of outstanding stock, limited partnership units or other equity interests;

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

Section 105.080. Filing of Reports.

[Ord. No. 07-15 §§4 — 5, 9-4-2007]

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

1. Each person appointed to office shall file the statement within thirty (30) days of such appointment or employment.

2. Every other person required to file a financial interest statement shall file the statement annually not later than May first (1st) and the statement shall cover the calendar year ending the immediately preceding December thirty-first (31st); provided that any member of the Board of Aldermen may supplement the financial interest statement to report additional interests acquired after December thirty-first (31st) of the covered year until the date of filing of the financial interest statement.

B. The reports, which are on file in the City offices, shall be filed with the City Clerk and with the Missouri Ethics Commission. The reports shall be available for public inspection and copying during normal business hours.

Chapter 110

ELECTIONS

Section 110.010. Date of General Election.

Section 110.020. Qualifications of Voters.

Section 110.030. Qualifications of Candidates.

Section 110.035. Declaration of Candidacy — Dates for Filing — Notice to Public.

Section 110.040. Application of Candidate.

Section 110.050. Form of Candidate's Application.

Section 110.060. Duties of Clerk May Be Performed by Deputy.

Section 110.070. Notice of City Election.

Section 110.080. Certification of Election Results.

Section 110.090. Absentee Voting.

Section 110.100. Conformance of Municipal Elections With State Law.

Section 110.110. Conduct of Election by County Board of Election Commissioners.

Section 110.120. Designation of Polling Places and Judges — Election Costs.

Section 110.130. City Police Officers — Assistance.

Section 110.140. Special Election Dates.

Section 110.150. Election Ordinance.

Section 110.010. Date of General Election.

[CC 1990 §7-1; Ord. No. 96-15 §1, 11-5-1996]

A. The elected officials of the City currently in office shall serve out the term to which they were elected.

B. A municipal election for the elective officers of this City shall be held on the first (1st) Tuesday in April of each year.

1. On the first (1st) Tuesday after the first (1st) Monday in April of odd-numbered years an election shall be held by the qualified voters of each ward in the City for one (1) Alderman of each ward, who shall hold their respective offices for the term of two (2) years and until their successors shall be elected and qualified.

2. On the first (1st) Tuesday after the first (1st) Monday in April of even-numbered years an election shall be held by the qualified voters of each ward of this City for one (1) Alderman for each ward, who shall hold their respective offices for the term of two (2) years and until their successors shall be elected and qualified.

3. On the first (1st) Tuesday after the first (1st) Monday in April 1998 and every four (4) years thereafter an election shall be held by the qualified voters of all wards in the City for Mayor who shall hold office for a term of four (4) years and until a successor shall be elected and qualified.

Section 110.020. Qualifications of Voters.

[CC 1990 §7-2; Ord. No. 96-15 §1, 11-5-1996]

A person shall be entitled to vote in any municipal election within the City who shall have complied with the voting requirements of the State, shall be properly registered to vote in the County, and shall have complied with the applicable provisions of Sections 115.133 to 115.223, RSMo., inclusive, as amended. In order to vote at any City election a person must be registered no later than 5:00 P.M. on the fourth (4th) Wednesday prior to the election in which a person seeks to vote.

Section 110.030. Qualifications of Candidates.

[CC 1990 §7-3; Ord. No. 96-15 §1, 11-5-1996]

A. Any citizen of the United States who has attained the age of twenty-one (21) years and who has resided in the State and in the City for at least one (1) year prior to the date of the municipal election in which he/she wishes to offer his/her candidacy, shall be entitled to file his/her application for the office sought under the rules set out in this Chapter and applicable State Statutes. No person shall be elected or appointed to any office who shall at the time be in arrears for unpaid City taxes, or forfeiture or defalcation in office. All officers, except appointed officers, shall be residents of the City.

B. Any person who is not qualified for his/her office as provided by State law or other ordinances shall not be entitled to have his/her name printed on the ballot. The qualifications of a candidate for office shall be determined by the Board of Aldermen upon hearing given, upon its own motion, or upon written affidavit by some person that a named candidate is not qualified as such for the office sought.

Section 110.035. Declaration of Candidacy — Dates for Filing — Notice to Public.

A. Any person who desires to become a candidate for an elective City office at the general City election shall file with the City Clerk, not prior to the hour of 8:00 A.M., on the fifteenth (15th) Tuesday prior to, nor later than 5:00 P.M., on the eleventh (11th) Tuesday prior to the next City municipal election, a written declaration of his/her intent to become a candidate at said election. The City Clerk shall keep a permanent record of the names of the candidates, the offices for which they seek election, and the date of their filing, and their names shall appear on the ballots in that order.

B. The City Clerk shall, on or before the fifteenth (15th) Tuesday prior to any election at which City offices are to be filled by said election, notify the general public of the opening filing date, the office or offices to be filled, the proper place for filing, and the closing filing date of the election. Such notification may be accomplished by legal notice published in at least one (1) newspaper of general circulation in the City.

Section 110.040. Application of Candidate.

[CC 1990 §7-4; Ord. No. 96-15 §1, 11-5-1996]

A. Any person possessing the minimum requirements for a candidate to an elective office in the City may secure from, and file with, the City Clerk, during the period for filing, an application in triplicate. Such application shall be in a form as available from the City Clerk.

B. No candidate shall be considered as having filed for an elective office unless he/she furnishes the information in such application, signs it, and affirms the information thereon in the presence of the City Clerk or a notary public and delivers such form to the City Clerk and pays the filing fee of ten dollars ($10.00) to the City within the period for filing.

Section 110.050. Form of Candidate's Application.

[CC 1990 §7-5; Ord. No. 96-15 §1, 11-5-1996]

A. *Candidate For Mayor.* Each candidate for the office of Mayor in the municipal election shall use the form of application as set forth in Schedule A, on file in the City offices.

B. *Candidate For Alderman.* Each candidate for the office of Alderman in the municipal election shall use the form of application as set forth in Schedule B, on file in the City offices.

Section 110.060. Duties of Clerk May Be Performed by Deputy.

[CC 1990 §7-6; Ord. No. 96-15 §1, 11-5-1996]

All requirements and duties of the City Clerk under this Chapter may be performed by a Deputy City Clerk or other person designated by the Board of Aldermen.

Section 110.070. Notice of City Election.

In City elections, the City Clerk shall notify the Board of Election Commissioners prior to 5:00 P.M. on the tenth (10th) Tuesday prior to any City election except as noted in Section 115.125.1, RSMo. The notice shall be in writing, shall specify that the Board of Aldermen is calling the election, the purpose of the election, the date of the election, and shall include a certified copy of the legal notice to be published including the sample ballot. The written notice shall be executed on behalf of the Board of Aldermen by the Mayor of the Board and shall include the attestation of the City Clerk and shall have affixed thereto the Seal of the City of Clarkson Valley. The notice and any other information required by this Section may, with the prior notification to the election authority receiving the notice, be accepted by facsimile transmission prior to 5:00 P.M. on the tenth (10th) Tuesday prior to the election, provided that the original copy of the notice and a certified copy of the legal notice to be published shall be received in the office of the election authority within three (3) business days from the date of the facsimile transmission.

Section 110.080. Certification of Election Results.

[CC 1990 §7-8; Ord. No. 96-15 §1, 11-5-1996]

As soon as practicable after each municipal election, the election authority shall convene a verification board to verify the count and certify the results of the election. Not later than the second (2nd) Tuesday after the election, the verification board shall issue a statement announcing the results of each election and shall certify the returns to the City Clerk. The City Clerk shall issue to each person elected a certificate of election.

Section 110.090. Absentee Voting.

[CC 1990 §7-9; Ord. No. 96-15 §1, 11-5-1996]

A. A qualified voter who would be denied the exercise of his/her right to vote on a municipal election day because of physical inability to be present at the polls on that day may vote by absentee ballot. The absentee voter shall make his/her request for a ballot, or cast his/her preelection day ballot, at the office of and in the manner prescribed by the County Board of Election Commissioners.

B. The City Clerk shall direct any communication which he/she may receive concerning absentee voting or ballots to the Chief Clerk, County Board of Election Commissioners; further, a ballot from an absentee voter which may be received by the City shall be transmitted forthwith to the County Board of Election Commissioners.

Section 110.100. Conformance of Municipal Elections With State Law.

[CC 1990 §7-10; Ord. No. 96-15 §1, 11-5-1996]

All municipal elections shall be conducted and held in conformance with the provisions of the State election laws.

Section 110.110. Conduct of Election by County Board of Election Commissioners.

[CC 1990 §7-11; Ord. No. 96-15 §1, 11-5-1996]

The County Board of Election Commissioners, as the designated authority, shall conduct municipal elections.

Section 110.120. Designation of Polling Places and Judges — Election Costs.

[CC 1990 §7-12; Ord. No. 96-15 §1, 11-5-1996]

The County Board of Election Commissioners shall designate the polling places in all municipal elections. The County Board of Election Commissioners shall appoint all election judges. The City shall pay all the election costs required by the County Board of Election Commissioners conducting its election.

Section 110.130. City Police Officers — Assistance.

[CC 1990 §7-13; Ord. No. 96-15 §1, 11-5-1996]

It shall be the duty of the City Police Officers to give any assistance or protection required by the election authority, any employee of the election authority, or any election judge, and to comply with all lawful requests and directions of the election authority relating to such assistance.

Section 110.140. Special Election Dates.

[CC 1990 §7-14; Ord. No. 96-15 §1, 11-5-1996]

Authorized dates for special municipal elections are the first (1st) Tuesday after the first (1st) Monday in February or March, August and November of each year.

Section 110.150. Election Ordinance.

[CC 1990 §7-15; Ord. No. 96-15 §1, 11-5-1996]

Prior to each municipal election the Board of Aldermen shall timely pass an election ordinance authorizing, establishing and providing for the election to be followed in the conducting of the municipal election.

Chapter 115

BOARD OF ALDERMEN

ARTICLE I
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Section 115.020. Qualifications.

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Section 115.170. Meeting Attendance.

Section 115.180. Voting.

Section 115.190. Failure to Attend Meetings and Vote.

ARTICLE I
In General

Section 115.010. Corporate Powers.

[CC 1990 §2-26; Code 1977 §3.010]

The corporate powers and duties of the City shall be vested in a Board of Aldermen. The Board shall consist of six (6) members elected or appointed as Aldermen of the City.

Section 115.020. Qualifications.

[CC 1990 §2-27; Code 1977 §3.010(2)]

No person shall be an Alderman unless he or she is at least twenty-one (21) years of age, a citizen of the United States, and an inhabitant and resident of the City for one (1) year next preceding his/her election, and a resident, at the time he or she files and during the time he or she serves, of the ward from which he or she is elected. Every Alderman shall hold his/her office for the term of two (2) years, and until a successor is elected and qualified.

Section 115.030. Organization — Meetings.

[CC 1990 §2-28; Code 1977 §3.010(3)]

Every Alderman, before entering upon the duties of his/her office, shall take the oath prescribed by the Constitution of this State, and that he/she will faithfully demean himself/herself in office. The Board shall elect an Acting President of their number to serve for a term of one (1) year. The Acting President may vote on any proposition before the Board. The Board of Aldermen, by ordinance, shall fix the time and place of holding their stated meetings, and may be convened by the Acting President at any time. Members of the Board of Aldermen shall be required to attend all stated and special meetings of the Board, unless leave of absence is granted by the Board, or unless excused by the Mayor or Acting President for illness or other special reason.

Section 115.040. Oath of Office.

[CC 1990 §2-29; Code 1977 §3.010(4)]

The oath of office for members of the Board of Aldermen shall be as follows: "I do solemnly swear that I possess all the qualifications prescribed by law for my office, that I will support the Constitution of the United States and of the State of Missouri, the provisions of all laws of the State of Missouri affecting Cities of the Fourth Class, and the ordinances of the City of Clarkson Valley, Missouri, and that I will faithfully demean myself in office.

Section 115.050. Acting President to Perform Duties of Mayor — When.

[CC 1990 §2-30]

When any vacancy shall happen in the office of Mayor by death, resignation, removal from the City, removal from office, refusal to qualify, or from any other cause whatsoever, the Acting President of the Board of Aldermen shall, for the time being, perform the duties of Mayor, with all the rights, privileges, powers and jurisdiction of the Mayor, until such vacancy be filled or such disability be removed; or, in case of temporary absence, until the Mayor's return.

Section 115.060. Ordinances — Procedure to Enact.

[CC 1990 §2-31; Code 1977 §3.030]

The style of the ordinances of the City shall be: "Be it ordained by the Board of Aldermen of the City of Clarkson Valley, as follows": No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its final passage a majority of the members elected to the Board of Aldermen shall vote for it, and the "ayes" and "nays" be entered on the journal. Every proposed ordinance shall be introduced to the Board of Aldermen in writing and shall be read by title or in full two (2) times prior to passage, both readings may occur at a single meeting of the Board of Aldermen. If the proposed ordinance is read by title only, copies of the proposed ordinance shall be made available for public inspection prior to the time the bill is under consideration by the Board of Aldermen. No bill shall become an

ordinance until it shall have been signed by the Mayor or person exercising the duties of the Mayor's office, or shall have been passed over the Mayor's veto, as herein provided.

Section 115.070. Compensation.

[CC 1990 §2-32; Code 1977 §3.050; Ord. No. 91-14 §2, 9-3-1991]

Each elected and qualified Alderman shall during his/her term of office receive as compensation such amounts as established by the Board of Aldermen from time to time. In the event an Alderman shall not serve for a full pay period, irrespective of the reason, said Alderman shall receive compensation based upon the number of days served as an Alderman during the pay period in proportion to the total number of days in the pay period.

Section 115.080. Vacancy in Office.

If a vacancy occurs in any elective office, the Mayor or the person exercising the duties of the Mayor shall cause a special meeting of the Board of Aldermen to convene where a successor to the vacant office shall be selected by appointment by the Mayor with the advice and consent of a majority of the remaining members of the Board of Aldermen. If the vacancy is in the office of Mayor, nominations of a successor may be made by any member of the Board of Aldermen and selected with the consent of a majority of the members of the Board of Aldermen. The successor shall serve until the next regular municipal election. If a vacancy occurs in any office not elective, the Mayor shall appoint a suitable person to discharge the duties of such office until the first (1st) regular meeting of the Board of Aldermen thereafter, at which time such vacancy shall be permanently filled.

ARTICLE II
Rules of Procedure

Section 115.090. Regular Meetings.

[CC 1990 §2-51; Code 1977 §3.020(1)]

The regular meetings of the Board of Aldermen shall be held on the first (1st) Tuesday of each month at the hour of 7:30 P.M. at such place as the Board may designate. The meeting shall be public. If a regular meeting is scheduled under this Article for a legal holiday, the Board shall not meet on the holiday but shall convene on the next business day at 7:30 P.M. or another day as set by the Mayor.

Section 115.100. Special Meetings.

[CC 1990 §2-52; Code 1977 §3.020(2)]

Special meetings of the Board of Aldermen may be held from time to time as ordered by the Mayor or by any three (3) members of the Board. Written notice of special meetings shall be served by the Clerk or Marshal at least three (3) days before such special meeting by delivering a copy of such notice to each member of the Board personally or by leaving the same at such member's usual place of business or abode within the City. Notice of special

meetings shall state the date, time, place and the business to be transacted at such meeting and shall be signed by the person or persons ordering such special meeting. In computing the period of time of three (3) days for notice prescribed by this Section, the day of service of the notice shall not be included, but the day of the meeting shall be included in computing the period of time. The presence of the Alderman at a special meeting shall waive requirement of notice.

Section 115.110. Adjournment of Meetings.

[CC 1990 §2-53; Code 1977 §3.020(1)]

The Board shall have and hereby do have the authority to adjourn any regular or special meeting of the Board to such place and for such date and time as the Board shall select by motion adopted by a majority of the members of the Board, but in no event by less than a quorum of the Board of Aldermen.

Section 115.120. Quorum.

[CC 1990 §2-54; Code 1977 §3.020(3)]

At the hour appointed, the Mayor, or in his/her absence, the Acting President, shall call the Board to order, the Clerk shall call the roll of members and announce whether or not a quorum is present. Four (4) of the six (6) Aldermen shall constitute a quorum. If a quorum is not present, a smaller number may lawfully adjourn the meeting until a quorum is present. If the acting president is absent, then the members of the Board of Aldermen in attendance shall appoint one (1) of their number to serve as acting president who shall then preside and perform the duties of the chairman during his/her absence.

Section 115.130. Order of Business.

[CC 1990 §2-55; Code 1977 §3.020(4)]

A. The Board of Aldermen, upon the announcement of a quorum, shall proceed to transact the business before it in the following order; unless otherwise modified by the Board:

1. Pledge of allegiance.
2. Reading of the minutes of the last meeting or meetings unless temporarily waived, and approval of the same as read unless changed or objected by a member, in which event they shall be approved as corrected.
3. The presentation and hearing of remarks, complaints and petitions of citizens or other interested parties on all motions.
4. Mayor's report and reports of officers and committees.
5. Unfinished business.
6. New business.

7. The audit of all bills and claims against the City and ordering of payment of bills approved and allowed.

8. Miscellaneous business.

9. Adjournment.

Section 115.140. Committees, Boards, Commissions and Officers.

[CC 1990 §2-56; Code 1977 §3.020(5)]

All committees, boards, commissions and officers shall be appointed by the Mayor with the advice and approval of the Board of Aldermen unless otherwise provided by the laws of the State or the ordinances of the City.

Section 115.150. Robert's Rules to Govern.

[CC 1990 §2-57; Code 1977 §3.020(6)]

Robert's Rules of parliamentary procedure shall govern the proceedings of the Board, except when otherwise provided by ordinance, and any question arising thereunder shall be decided by the Mayor, subject to appeal to the Board by any member. These rules may be temporarily suspended by unanimous consent of all of the members of the Board.

Section 115.160. Publication of Meeting Agenda.

[CC 1990 §2-58; Ord. No. 98-09 §1, 10-6-1998]

A. No regular or special meeting of the Board of Aldermen shall be lawfully convened unless seventy-two (72) hours prior to the opening of said meeting:

1. The City Clerk shall have deposited in the U.S. mail postage prepaid, a copy of the final agenda for said meeting properly addressed to the Mayor and each duly elected Alderperson, or

2. The City Clerk certifies at the opening of said meeting, she has either complied with Subsection (1) above or hand delivered or via electronic messaging seventy-two (72) hours prior to the opening of said meeting a copy of the final agenda to the Mayor and each duly elected Alderperson, or

3. The Mayor and all duly elected Alderpersons orally or in writing waive the notice requirements of Subparagraph (1) or (2) of this Subsection.

B. Additions or deletions to the final agenda published as above may be made upon the affirmative vote of a majority of the Board of Aldermen plus one (1).

Section 115.170. Meeting Attendance.

[CC 1990 §2-59; Ord. No. 98-09 §1, 10-6-1998]

A. Members of the Board of Aldermen shall be required to attend all regular, closed and special meetings of the Board, and to remain at each such meeting until adjournment, unless leave of absence is granted by the Board or unless excused by the Mayor or the Board because of extraordinary circumstances, including but not limited to illness, business or personal travel or other similar reason.

B. A member of the Board of Aldermen shall inform the City Clerk of an expected absence, and the reason therefor; as soon as possible upon learning that he/she will be unable to attend a meeting. If a member of the Board of Aldermen intends to leave any meeting prior to adjournment, he/she shall inform the Mayor or the Board of the necessity of such departure and shall request leave for same, which such leave shall not be unreasonably withheld.

Section 115.180. Voting.

[CC 1990 §2-60; Ord. No. 98-09 §1, 10-6-1998]

A. For the purpose of enacting ordinances, a majority vote shall require the affirmative vote of no less than four (4) members of the Board of Aldermen, unless a greater number is required by law. The Mayor may cast a deciding vote only in the case of a tie, which is hereby defined as:

1. When three (3) members of the Board vote in favor of the bill in question and three (3) members vote against the bill, or

2. When three (3) members of the Board vote in favor of the bill and one (1) or more members vote against it, with any remaining member either abstaining from voting, or absenting himself/herself from a meeting in order to avoid voting, and such inaction is declared as a vote against the bill in question.

B. Members of the Board of Aldermen shall vote either for or against each bill brought before the Board for its consideration, when a vote on such bill is called for pursuant to Board procedure, unless by such vote the member believes that he/she otherwise has a conflict of interest. In any such case the member shall, prior to discussion of the bill, announce that he/she is abstaining from voting, and the Board shall proceed with the vote to its conclusion. A member who abstains from voting on a bill shall not participate in the Board's discussion or consideration of the bill.

C. If at any time after a vote on any bill three (3) members of the Board favor passage of the bill and one (1) or more of the remaining members abstains from voting, a Board member may move that any abstaining member disclose the basis for the abstention, and upon a favorable vote any such abstaining member shall do so. After such disclosure, the Board may, after motion duly adopted, continue its consideration of the bill to another time. In the event that either the abstaining member refuses to disclose the basis for the abstention or the Board believes that the disclosure does not merit abstention, and the Board further determines, upon motion duly adopted and from the facts and

circumstances known to the Board, that the abstaining member intends by his/her abstention to prevent a tie vote and thereby defeat the bill in question, the Mayor shall declare the abstention as a vote against the bill in question.

D. If after a vote on any bill three (3) members of the Board favor its passage while one (1) or more of the remaining members are absent from the meeting, the Board may proceed as follows, after motion duly adopted:

1. Continue its consideration of the bill to a subsequent meeting, established at a time certain, so as to allow any absent member to appear at such meeting and vote on the bill in question. In such event the Mayor shall not declare the result of the vote on the bill but shall hold the vote open until such time as any absent member has been afforded reasonable opportunity to attend a subsequent board meeting and vote as provided herein. However, nothing provided herein shall prevent any voting member from changing his/her vote on the bill in question prior to the vote of the absent member or the declaration of the absent member's vote as being in opposition to the bill; or

2. Find and determine from the facts and circumstances known to the board that the absent member intends by his/her absence to prevent a tie and thereby defeat the bill in question, in which case the Mayor shall declare the member's absence a vote in opposition to the bill in question.

E. In any case when there are three (3) affirmative votes and an abstention or absence is determined by the Mayor to be a vote in opposition to the bill in question, the Mayor shall declare a tie and shall then cast the deciding vote.

Section 115.190. Failure to Attend Meetings and Vote.

[CC 1990 §2-61; Ord. No. 98-09 §1, 10-6-1998]

The abstention from voting on a bill by a member of the Board of Aldermen or the unexcused absence of a member of the Board of Aldermen, when said actions are performed with the intent to defeat pending legislation and thus achieve by the inaction of a minority that which could not otherwise be accomplished, may constitute cause for removal from office in accordance with Section 79.240, RSMo. In any such case the Mayor without unreasonable delay shall convene a special meeting of the Board to hear and determine whether a member so acting shall be removed from office. In no event, however, shall the accused member be deprived of notice of the convened special meeting or the opportunity to be heard at said meeting.

Chapter 120

OFFICERS AND EMPLOYEES

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ARTICLE I
In General

Section 120.010. Appointive Officers.

[CC 1990 §2-76]

The Mayor, with the consent and approval of the majority of the members of the Board of Aldermen, shall have power to appoint a City Attorney, Municipal Judge, Prosecuting

Attorney, City Assessor, Street Commissioner and night watchman, and such other officers as he/she may be authorized by ordinance to appoint, and the person elected Marshal may be appointed to and hold the office of Street Commissioner.

ARTICLE II
Mayor

Section 120.020. Qualifications — Term.

[CC 1990 §2-91; Ord. No. 91-5 §3, 2-5-1991]

No person shall be Mayor unless he/she be at least twenty-five (25) years of age, a citizen of the United States and a resident of the City at the time of and for at least one (1) year next preceding his/her election. The Mayor shall hold his/her office for the term of four (4) years and until his/her successor is elected and qualified.

Section 120.030. Powers and Duties.

[CC 1990 §2-92; Code 1977 §§3.040(2), 4.010(3); Ord. No. 91-5 §2, 2-5-1991]

A. The Mayor shall:

1. Have the powers and duties specified in Chapter 79, RSMo.

2. Have charge of procuring a lawful and proper assessment of property within the City for the purposes of providing revenue for City purposes in the manner herein provided. It shall be his/her duty to see that there is procured from the County Clerk and that the same is immediately transmitted to the Board of Aldermen, a certified abstract from the County assessment books, as corrected by the County Board of Equalization, of all property within the City made taxable by law, which abstract shall by the Board of Aldermen be accepted, taken and considered as lawful and proper assessment on which to levy and collect the taxes of the City.

Section 120.040. Compensation.

[CC 1990 §2-93; Ord. No. 91-14 §3, 9-3-1991]

The elected and qualified Mayor shall during his/her term of office receive as compensation such amounts as established by the Board of Aldermen from time to time. In the event a Mayor shall not serve for a full pay period, irrespective of the reason, said Mayor shall receive compensation based upon the number of days served as Mayor during the pay period in proportion to the total number of days in the pay period.

ARTICLE III
City Attorney

Section 120.050. Office, Qualifications, Term, Compensation.

[CC 1990 §2-106; Code 1977 §4.040(1)]

The Mayor, with the consent of the Board of Aldermen, shall appoint a member of the Missouri Bar as the City Attorney; he/she shall hold office at the pleasure of the Board and until removed from such office. His/her compensation shall be in such amount as the Board of Aldermen from time to time shall determine.

Section 120.060. Duties — Special Counsel.

[CC 1990 §2-107; Code 1977 §4.040(2), (3); Ord. No. 91-5 §5, 2-5-1991; Ord. No. 91-12 §1, 8-6-1991]

A. It shall be the duty of the City Attorney to advise the Board of Aldermen on all legal matters submitted by the Board, to attend all Board meetings when requested by the Mayor or Acting President of the Board, to prosecute violations of the City's ordinances of the City and to do such other things as the Board of Aldermen may from time to time direct. The City Attorney may appoint such assistants as the duties of his/her office may require upon approval by the Board of Aldermen.

B. The Mayor and the Board of Aldermen, by ordinance, may employ special counsel in any matters that it deems necessary.

C. It shall be the duty of the Prosecuting Attorney and/or the Assistant Prosecuting Attorney to attend all meetings of the Municipal Court and to handle all prosecutions before such court for any and all violations of the Municipal Code or other ordinances; to advise with the Police Chief and Police Officers of the City concerning police business; to advise with City Officials regarding police business. In addition they shall handle appeals to the St. Louis Circuit Court from the Municipal Court and shall be compensated separately for such cases. The Assistant Prosecuting Attorney shall perform his/her duties under the direction of the Prosecuting Attorney.

Section 120.070. Prosecuting Attorney, Assistant Prosecuting Attorney — Qualifications — Term — Compensation.

[CC 1990 §2-108; Ord. No. 91-5 §4, 2-5-1991; Ord. No. 91-12 §2, 8-6-1991]

The Mayor, with the consent of the Board of Aldermen, shall appoint two (2) members of the Missouri Bar one as the City Prosecuting Attorney and the other as the Assistant Prosecuting Attorney; they shall hold office at the pleasure of the Board and until removed from such office. Their compensation shall be in such amount as the Board of Aldermen from time to time shall determine by ordinance.

ARTICLE IV
City Clerk

Section 120.080. Election by Board — Term — Compensation.

[CC 1990 §2-126; Code 1977 §4.010(1)]

At the first (1st) regular meeting following the annual April election of each year, the Board of Aldermen shall elect the City Clerk, who shall hold such office until his/her successor is appointed and enters upon the performance of his/her duties. The Clerk shall receive as full compensation for the performance of all duties and acts performed pursuant to and in connection with such office such sum as the Board of Aldermen, from time to time, deems just and reasonable.

Section 120.090. Duties.

[CC 1990 §2-127; Code 1977 §4.010(2)]

The duties of the City Clerk shall be as follows: To have charge and custody of the City Seal, ordinances and other records, papers and documents entrusted to his/her care and keeping by the Board of Aldermen; to attend to such correspondence as may be required; to keep the journal of the proceedings of the Board of Aldermen and to enter therein the "ayes" and "nays" of the members on each bill presented for passage as an ordinance and at the desire of any member to enter on the journal the "ayes" and "nays" taken on any question or resolution; to attest such ordinance passed by subscribing his/her name on the face thereof; to issue and attest all warrants ordered by the Board; and, to perform such other duties as may be prescribed by law or ordinance or as directed by the Mayor and Board of Aldermen.

Section 120.100. Assistant.

[CC 1990 §2-128; Code 1977 §4.010(4)]

The City Clerk shall have the authority to hire and discharge an assistant who is and shall be designated by the Board of Aldermen as the Deputy City Clerk. The Deputy City Clerk shall the authorized to act for and in place of the City Clerk in performance of the duties of the City Clerk during the absence of the City Clerk from the City. The Board of Aldermen, by ordinance, shall provide for the compensation of the Deputy City Clerk as well as for the number and compensation of other employees under the City Clerk.

ARTICLE V
City Collector

Section 120.110. Appointment — Term — Compensation — Contract for Collection of Taxes.

[CC 1990 §2-141; Code 1977 §4.030(1)]

The Board of Aldermen may, as soon as convenient after their organization each year, appoint some suitable person as City Collector who shall serve as such for a period of one (1) year or until his/her successor is duly appointed and qualified. The City Collector shall receive as

compensation such sum as the Board, from time to time, deems just and reasonable. The Board may adopt an ordinance to contract with another political subdivision or person for the collection of taxes in a manner other than as set out in this Article.

Section 120.120. Duties Generally — Delinquent List — Payment of Taxes to Treasurer — Tax Liens — Special Taxes, Etc.

[CC 1990 §2-142; Code 1977 §4.030(2) — (4)]

A. It shall be the duty of the City Collector to collect and enforce the payment of all taxes lawfully assessed in the same manner and under the same rules and regulations as may be provided by law for collection and enforcement of the payment of State and County taxes.

B. The City Collector shall annually make out and return, under oath, to the Board of Aldermen, a list of delinquent taxes remaining due and uncollected on the first (1st) day of January each year, to be known as the delinquent list, the amount of which, as approved by the Board after examination and finding that such taxes are properly returned as delinquent, shall be credited on the account of the Collector; and the Board shall cause such delinquent list, or a certified copy thereof to be placed in the hands of the Collector for collection as other delinquent taxes are collected and take his/her receipt therefor.

C. The City Collector shall pay over the taxes collected to the City Treasurer forthwith and shall make such statements and settlements for such taxes with the Board of Aldermen as is or shall be provided by law for statements, and settlements. All taxes shall bear a rate of interest as provided by law, and the same penalties shall attach to the nonpayment thereof when due, as may be provided by law in the case of County taxes, and the same shall be a lien on the property described in such tax bill.

D. It shall be the duty of the City Collector to collect and enforce the payment of any special taxes, fees, dues, licenses and other obligations owing to the City which may be levied by the Board of Aldermen, or which he/she may be directed to collect by the Board from time to time.

Section 120.130. Bond.

[CC 1990 §2-143; Code 1977 §4.030(5)]

The City Collector, before he/she enters on the duties of his/her office, shall give bond payable to the City in an amount fixed by the Board of Aldermen, conditioned that he/she will faithfully account for and guard and protect City funds and perform the duties of his/her office according to law and such bond shall be approved by the Board; the cost of which, if any, shall be paid by the City.

ARTICLE VI
City Treasurer

Section 120.140. Appointment — Qualifications — Term — Duties — Compensation.

[CC 1990 §2-161; Code 1977 §4.020(1)]

At the first (1st) regular meeting following the annual April election of each year, the Mayor, with the consent of the Board of Aldermen, shall appoint some suitable inhabitant of the City as the City Treasurer, who shall hold his/her office for one (1) year or until his/her successor is appointed and qualified, unless sooner removed from office by the Board of Aldermen. The Treasurer shall receive as full compensation for the performance of his/her duties such sum as the Board of Aldermen, from time to time, deems just and reasonable.

Section 120.150. Duties.

[CC 1990 §2-162; Code 1977 §4.020(2)]

It shall be the duty of the City Treasurer to collect, receive and safely keep all monies, warrants, bonds and other property belonging to the City and entrusted to his/her care and to deliver the same to his/her successor in office; to pay over all monies, bonds and property of the City only on warrant ordered by the Board of Aldermen, signed by the Mayor, issued and attested by the City Clerk; to keep in proper books a full, accurate and complete account of all monies and other property received and disbursed by him/her in his/her official capacity, showing the date of each transaction, the persons from whom received or to whom paid and on what account so received and disbursed; to issue receipts to every person making payment of money to the City and file a duplicate of the same with the City Clerk; to make written report to the Board of Aldermen at each monthly meeting or whenever required, showing the amount on hand and items of receipts and disbursements since the previous report; to make annual report in writing to the Board of Aldermen no later than the first (1st) regular meeting in April, showing receipts and expenditures for the previous year and the specific amount on hand; and to give bond to the City in the amount fixed by the Board of Aldermen conditioned that he/she will faithfully perform the duties of his/her office according to law and such bond to be approved by the Board, the cost of which, if any, shall be paid by the City.

Chapter 125

MUNICIPAL COURT

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Section 125.330. (Reserved)

Section 125.340. Failure to Appear on Charged Offense.

Cross References — Police department, ch. 200; alcoholic beverages, ch. 600; motor vehicles and traffic, Title III; offenses and miscellaneous provisions, ch. 210.

Section 125.010. Court Established.

[CC 1990 §11-1; Ord. No. 90-3 §2, 3-6-1990]

There is hereby established for this City a Municipal Court, to be known as the Clarkson Valley Municipal Court, a Division of the 21st Judicial Circuit Court of the State of Missouri. This Court is a continuation of the court of the City as previously established and is termed herein "the Municipal Court."

Section 125.020. Jurisdiction.

[CC 1990 §11-2; Ord. No. 90-3 §2, 3-6-1990]

The jurisdiction of the Municipal Court shall extend to all cases involving alleged violations of the ordinances of the City.

Section 125.030. Judge — Selection.

[CC 1990 §11-3; Ord. No. 90-3 §2, 3-6-1990]

The Judge of the City's Municipal Court shall be known as a Municipal Judge of the 21st Judicial Circuit Court, and shall be appointed to his/her office by the Mayor, subject to the confirmation of the Board of Aldermen.

Section 125.031. Provisional Judge — Selection.

[Ord. No. 13-01 §§1 — 2, 2-5-2013]

A Provisional Judge may be appointed by the Mayor, subject to the confirmation of the Board of Aldermen. The Provisional Judge shall hear and determine cases after February 5, 2013, until such time as the Mayor and Board of Aldermen decide otherwise. The responsibilities of the Provisional Judge will be as defined in Chapter 125.

Section 125.040. Judge — Term of Office.

[CC 1990 §11-4; Ord. No. 90-3 §2, 3-6-1990]

The Municipal Judge shall hold his/her office for a period of two (2) years and shall take office biannually from May 1, 1991. If for any reason a Municipal Judge vacates his/her office, his/her successor shall complete that term of office, even if the same be for less than two (2) years. The first Municipal Judge shall serve for a term commencing with his/her appointment and terminating May 1, 1991.

Section 125.050. Judge — Powers and Duties Generally.

[CC 1990 §11-5; Ord. No. 90-3 §2, 3-6-1990]

A. The Municipal Judge shall be and is hereby authorized to:

1. Establish a Violations Bureau as provided for in the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and Section 479.050 of the Revised Statutes of Missouri.

2. Administer oaths and enforce due obedience to all orders, rules and judgements made by him, and may fine and imprison for contempt before him/her while holding court, in the same manner and to the same extent as a Circuit Judge.

3. Commute the term of any sentence, stay execution of any fine or sentence, suspend any fine or sentence, and make such other orders as the Municipal Judge deems necessary relative to any matter that may be pending in the Municipal Court.

4. Make and adopt such rules of practice and procedure as are necessary to implement and carry out the provisions of this Chapter, and to make and adopt such rules of practice and procedure as are necessary to hear and decide matters pending before the Municipal Court and to implement and carry out the provisions of the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts. Any and all rules made or adopted hereunder may be annulled or amended by an ordinance limited to such purpose; provided that such ordinance does not violate, or conflict with, the provisions of the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts, or State Statutes.

5. The Municipal Judge shall have such other powers, duties and privileges as are or may be prescribed by the laws of this State, this Chapter or other ordinances of this City.

Section 125.060. Judge — Vacation of Office.

[CC 1990 §11-6; Ord. No. 90-3 §2, 3-6-1990]

A. In addition to removal pursuant to Section 479.220 of the Revised Statutes of Missouri, the Municipal Judge shall vacate his/her office during his/her term of office under the following circumstances:

1. Upon removal from office by the State Commission on the Retirement, Removal and Discipline of Judges, as provided in Missouri Supreme Court Rule 12;

2. Upon attaining his/her seventy-fifth (75th) birthday;

3. If he/she should lose his/her license to practice law within the State; or

4. If he/she should resign.

Section 125.070. Judge — Qualifications for Office.

[CC 1990 §11-7; Ord. No. 90-3 §2, 3-6-1990]

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

1. He/she must be a licensed attorney, qualified to practice law within the State.
2. He/she need not reside within the City.
3. He/she must be a resident of the State.
4. He/she must be between the ages of twenty-one (21) and seventy-five (75) years.
5. He/she may serve as Municipal Judge for any other municipality.
6. He/she may not hold any other office within the City Government.
7. The Municipal judge shall be considered holding a part-time position, and as such may accept, within the requirements of the Code of Judicial Conduct, Missouri Supreme Court Rule 2, other employment.

Section 125.080. Compensation of Judge.

[CC 1990 §11-8; Ord. No. 90-3 §2, 3-6-1990]

The Municipal Judge of the City shall receive per month a sum as established by the Board of Aldermen from time to time as compensation for the duties of such office.

Section 125.090. Superintending Authority.

[CC 1990 §11-9; Ord. No. 90-3 §2, 3-6-1990]

The Municipal Court of the City shall be subject to the rules of the Circuit Court of which it is a part, and to the rules of the State Supreme Court. The Municipal Court shall be subject to the general administrative authority of the Presiding Judge of the Circuit Court, and the Judge and Court personnel of such Court shall obey his/her directives.

Section 125.100. Report to Board of Aldermen.

[CC 1990 §11-10; Ord. No. 90-3 §2, 3-6-1990]

The Municipal Judge shall cause to be prepared within the first ten (10) days of every month a report indicating the following:

A list of all cases heard and tried before the Court during the preceding month, giving in each case the name of the defendant, the fine imposed if any, the amount of cost, the names of the defendants committed and in the cases where there was an application for trial de novo, respectively. The same shall be prepared under oath by the Municipal Court Clerk or the Municipal Judge. This report will be filed with the City Clerk, who shall thereafter forward the same to the Board of Aldermen of the City for examination at its first (1st) session

thereafter. The Municipal Court shall, within the ten (10) days after the first (1st) of the month, pay to the Municipal Treasurer the full amount of all fines collected during the preceding month, if they have not previously been paid.

Section 125.110. Docket and Court Records.

[CC 1990 §11-11; Ord. No. 90-3 §2, 3-6-1990]

The Municipal Judge shall be a conservator of the peace. He/she shall keep a docket in which he/she shall enter every case commenced before him/her and the proceedings therein, and he/she shall keep such other records as may be required. Such docket and records shall be records of the Circuit Court of the County. The Municipal Judge shall deliver the docket and records of the Municipal Court, and all books and papers pertaining to his/her office, to his/her successor in office or to the Presiding Judge of the Circuit.

Section 125.120. Violations Bureau.

[CC 1990 §11-12; Ord. No. 90-3 §2, 3-6-1990]

Should the Municipal Judge determine that there shall be a Violations Bureau, the City shall provide all expenses incident to the operation of the same. The City Clerk is hereby designated as the Violations Clerk for such Bureau, if established.

Section 125.130. Issuance and Execution of Warrants.

[CC 1990 §11-13; Ord. No. 90-3 §2, 3-6-1990]

All warrants issued by a Municipal Judge shall be directed to the City Marshal (Chief of Police) or any other Police Officer of the municipality or to the Sheriff of the County. The warrant shall be executed by the Marshal (Chief of Police), Police Officer or Sheriff any place within the limits of the County and not elsewhere unless the warrants are endorsed in the manner provided for warrants in criminal cases, and, when so endorsed, shall be served in other counties, as provided for in warrants in criminal cases.

Section 125.140. Arrests Without Warrants.

[CC 1990 §11-14; Ord. No. 90-3 §2, 3-6-1990]

The City Marshal (Chief of Police) or other Police Officer of the City may, without a warrant, make arrest of any person who commits an offense in his/her presence, but such officer shall, before the trial file a written complaint with the Judge hearing violations of municipal ordinances.

Section 125.150. Jury Trials.

[CC 1990 §11-15; Ord. No. 90-3 §2, 3-6-1990]

Any person charged with a violation of a municipal ordinance of this City shall be entitled to a trial by jury, as in prosecutions for misdemeanors before an Associate Circuit Judge.

Whenever a defendant accused of a violation of a municipal ordinance demands trial by jury, the Municipal Court shall certify the case to the Presiding Judge of the Circuit Court for reassignment, as provided in Section 479.150, Revised Statutes of Missouri.

Section 125.160. City to Designate Attorney to Prosecute Violation — Duties.

[CC 1990 §11-16; Ord. No. 90-3 §2, 3-6-1990]

It shall be the duty of an attorney designated by the City to prosecute the violations of the City's ordinances before the Municipal Judges or before the Associate Circuit Judges hearing the violations of the City's ordinances. The salary or fees of the attorney and his/her necessary expenses incurred in such prosecutions shall be paid by the City.

Section 125.170. Summoning of Witnesses.

[CC 1990 §11-17; Ord. No. 90-3 §2, 3-6-1990]

It shall be the duty of the Municipal Judge to summon all persons whose testimony may be deemed essential as witnesses at the trial, and to enforce their attendance by attachment, if necessary. The fees of witnesses shall be the same as those fixed for witnesses in trials before Associate Circuit Judges and shall be taxed as other costs in the case. When a trial shall be continued by a Municipal Judge it shall not be necessary to summon any witnesses who may be present at the continuance; but the Municipal Judge shall orally notify such witnesses as either party may require to attend before him/her on the day set for trial to testify in the case, and enter the names of such witnesses on his/her docket, which oral notice shall be valid as a summons.

Section 125.180. Transfer of Complaint to Associate Circuit Judge.

[CC 1990 §11-18; Ord. No. 90-3 §2, 3-6-1990]

If, in the progress of any trial before a Municipal Judge it shall appear to the Judge that the accused ought to be put upon trial for an offense against the criminal laws of the State and not cognizable before him/her as Municipal Judge, he/she shall immediately stop all further proceedings before him/her as Municipal Judge and cause the complaint to be made before some Associate Circuit Judge within the County.

Section 125.190. Jailing of Defendants.

[CC 1990 §11-19; Ord. No. 90-3 §2, 3-6-1990]

If, in the opinion of the Municipal Judge, the City has no suitable and safe place of confinement, the Municipal Judge may commit the defendant to the County Jail or other suitable and safe place, and it shall be the duty of the Sheriff or officer in charge, if space for the prisoner is available in the County Jail or such other Jail, upon receipt of a warrant of commitment from the Judge, to receive and safely keep such prisoner until discharged by due process of law. The municipality shall pay the board of such prisoner at the same rate as may now or hereafter be allowed to such Sheriff for the keeping of such prisoner in his/her

custody. The same shall be taxed as cost to be paid by the defendant in addition to all other court costs as are provided in this Chapter.

Section 125.200. Parole and Probation.

A. Any judge hearing violations of municipal ordinances may, when in his/her judgment it may seem advisable, grant a parole or probation to any person who shall plead guilty or who shall be convicted after a trial before such judge.

B. In addition to such other authority as exists to order conditions of probation, the Court may order conditions which the Court believes will serve to compensate the victim of the crime, any dependent of the victim, or society in general. Such conditions may include, but need not be limited to, restitution to the victim or any dependent of the victim, in an amount to be determined by the judge.

C. The Court may modify or enlarge the conditions of probation at any time prior to the expiration or termination of the probation term.

Section 125.210. Right of Appeal.

[CC 1990 §11-21; Ord. No. 90-3 §2, 3-6-1990]

In all cases tried before the Municipal Court, except where there has been a plea of guilty or where the case has been tried with a jury, the defendant shall have a right of trial de novo, before a Circuit Judge or an assignment before an Associate Circuit Judge. An application for a trial de novo shall be filed within ten (10) days after judgment and shall be filed in such form and perfected in such manner as provided by Supreme Court rules.

Section 125.220. Appeal From Jury Verdicts.

[CC 1990 §11-22; Ord. No. 90-3 §2, 3-6-1990]

In all cases in which a jury trial has been demanded, a record of the proceedings shall be made, and appeals may be had upon that record to the appropriate appellate court.

Section 125.230. Breach of Recognizance.

[CC 1990 §11-23; Ord. No. 90-3 §2, 3-6-1990]

In the case of a breach of any recognizance entered into before a Municipal Judge or an Associate Circuit Judge or an Associate Circuit Judge hearing a municipal ordinance violation case, the same shall be deemed forfeited and the judge shall cause the same to be prosecuted against the principal and surety, or either of them, in the name of the municipality as plaintiff. Such action shall be prosecuted before a Circuit Judge or Associate Circuit Judge, and in the event of cases caused to be prosecuted by a Municipal Judge, such shall be on the transcript of the proceedings before the Municipal Judge. All monies recovered in such actions shall be paid over to the Municipal Treasury to the General Revenue Fund of the municipality.

Section 125.240. Disqualification of Municipal Judge From Hearing a Particular Case.

[CC 1990 §11-24; Ord. No. 90-3 §2, 3-6-1990]

A Municipal Judge shall be disqualified to hear any case in which he/she is anywise interested, or, if before the trial is commenced, the defendant or the prosecutor files an affidavit that the defendant or the municipality, as the case may be, cannot have a fair and impartial trial by reason of the interest or prejudice of the judge. Neither the defendant nor the municipality shall be entitled to file more than one (1) affidavit of disqualification in the same case.

Section 125.250. Temporary Municipal Judge.

[CC 1990 §11-25; Ord. No. 90-3 §2, 3-6-1990]

If a Municipal Judge is absent, sick or disqualified from acting, the Mayor, or as provided for in the Missouri Supreme Court rules for practice and procedure in municipal and traffic courts, shall appoint a judge to act as Municipal Judge. If a vacancy occurs in the office of Municipal Judge, the Mayor shall appoint a judge with the approval of the Board of Aldermen. The Board of Aldermen shall provide by ordinance for the compensation of any person designated to act as Municipal Judge under the provisions of this Section.

Section 125.260. Clerk.

[CC 1990 §11-26; Ord. No. 90-3 §2, 3-6-1990]

A. The City Court Clerk is hereby designated as the Clerk of the Municipal Court. The duties of such Clerk shall be as follows:

1. To collect such fines for violation of such offenses as may be described, and the court costs thereof.

2. To take oaths and affirmations.

3. To accept signed complaints and allow the same to be signed and sworn to or affirmed before him.

4. Sign and issue subpoenas requiring the attendance of witnesses and sign and issue subpoenas duces tecum.

5. Accept the appearance, waiver of trial and plea of guilty and payment of fine and costs in Violations Bureau cases or as directed by the Municipal Judge; generally act as Violations Clerk of the Violations Bureau.

6. Perform all other duties as provided for by ordinance, by rules of practice and procedure adopted by the Municipal Judge and by the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and by Statute.

7. Maintain, properly certified by the City Clerk, a complete copy of the ordinances of the City which shall constitute prima facia evidence of such ordinances before

the court; further, to maintain a similar certified copy of such file with the Clerk serving the Circuit Court of this County.

Section 125.270. Costs — Generally.

[CC 1990 §11-27; Ord. No. 90-3 §2, 3-6-1990; Ord. No. 96-18 §§1 — 2, 12-3-1996; Ord. No. 06-22 §§1 — 2, 12-5-2006]

A. In addition to or in lieu of any fine that may be imposed by the Municipal Judge there shall be assessed against the defendant as costs in all cases the following:

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

2. *Crime Victims' Compensation Fund.* An additional sum of seven dollars fifty cents ($7.50) shall be assessed and added to the basic costs in Subsection (1) of this Section, provided that no such cost shall be collected in any proceeding when the proceeding or the defendant has been dismissed by the Court. All sums collected pursuant to this Subsection shall be paid at least monthly as follows:

   a. Ninety-five percent (95%) of such fees shall be paid to the Director of Revenue of the State of Missouri for deposit as provided in Section 595.045.5, RSMo.

   b. Five percent (5%) shall be paid to the City Treasury.

3. *Motorcycle Safety Trust Fund.*

   a. Any person who violates a municipal ordinance when the Court finds that the violation occurred when the defendant was the operator of a motorcycle or motortricycle shall have a judgment assessed against the defendant of five dollars ($5.00) in the favor of the State of Missouri Motorcycle Safety Trust Fund. Any motor vehicle operator who violates a municipal ordinance where the violation involves a motorcycle or motortricycle or where the operator causes an accident involving a motorcycle or motortricycle shall have a judgment assessed against the defendant of five dollars ($5.00) in the favor of the State of Missouri Motorcycle Safety Trust Fund.

   b. Each Court cost assessed under this Section shall be doubled if the operator at fault violated any State law or local ordinance relating to the consumption of alcohol.

   c. The Court costs collected under this Section by the Clerk of the Court shall be paid into the State Treasury to the credit of the Motorcycle Safety Trust Fund created in Section 302.137, RSMo.

4. Other costs as may be authorized by Statute.

5. Other costs, such as for the issuance of a warrant, a commitment, or a summons, as shall be determined by the Municipal Judge or as provided before the Associate Circuit Judge in criminal prosecutions.

6. Actual costs assessed against the City by the County Sheriff for apprehension or confinement in the County Jail or by any other agency, institution, or municipality for the lodging, or processing of prisoners under order of the Court.

7. Mileage, in the same amount as provided to the Sheriff in criminal violations, for each mile and fraction thereof the officer must travel (both directions) in order to serve any warrant or commitment or order of this Court.

8. *Peace Officer training.*

   a. In addition to any fine or other costs that may be imposed by the Municipal Judge, there shall be assessed as costs in all cases, except for those involving non-moving traffic violations, the sum of two dollars ($2.00) to be used for the training of Peace Officers. This fee shall be transmitted monthly to the Clerk of the City for deposit in the City Treasury.

   b. A surcharge of one dollar ($1.00) shall be assessed on all municipal ordinance violations, including non-moving violations. The fee will not be charged if the case or defendant is dismissed, or if the State, County, or municipality is liable for the costs. This fee shall be deposited with the Treasurer of the State of Missouri in the Peace Officers Standards and Training Commission Fund to be used statewide for training of Peace Officers.

9. *Reimbursement of certain costs of arrest.*

   a. Upon a plea or a finding of guilty for a first (1st) offense of violating the provisions of an ordinance of the City of Clarkson Valley, involving alcohol- or drug-related traffic offenses, the Court may, in addition to imposition of any penalties provided by law, order the convicted person to reimburse the Police Department for the costs associated with such arrest.

   b. Such costs hereby authorized shall include the reasonable cost of making the arrest, including the cost of any chemical test made as authorized or required by law or ordinance to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking and holding such person in custody.

   c. The Chief of Police shall establish a schedule of such costs hereby authorized and shall submit the same to the Municipal Judge. However, the Court may order the costs reduced if it determines that the costs are excessive.

   d. Upon receipt of such additional costs authorized by this Subsection, the City Treasurer shall retain such costs in a separate fund to be known as the "DWI/Drug Offense Cost Reimbursement Fund". Monies with such fund shall be appropriated by the Board of Aldermen to the Police Department in amounts equal to those costs so collected and shall be used by such Department specifically to enhance and support the enforcement and prosecution of alcohol- and drug-related traffic laws within the City.

10. *Spinal Cord Injury Fund.* Any person convicted of an intoxication-related offense, as provided in Section 577.023, RSMo., shall have a judgement of twenty-five dollars ($25.00) assessed. Collections by the Court shall be paid to the State Department of Revenue to the credit of the Spinal Cord Injury Fund, to the following address:

Missouri Department of Revenue
County Tax Section
P.O. Box 453
Jefferson City, MO 65105-0453

Section 125.280. Costs — Assessment Against Prosecuting Witness.

[CC 1990 §11-28; Ord. No. 90-3 §2, 3-6-1990]

The costs of any action may be assessed against the prosecuting witness and judgment be rendered against him/her that he/she pay the same and stand committed until paid in any case where it appears to the satisfaction of the Municipal Judge that the prosecution was commenced without probable cause and from malicious motives.

Section 125.290. Installment Payment of Fine.

[CC 1990 §11-29; Ord. No. 90-3 §2, 3-6-1990]

When a fine is assessed for violating an ordinance, it shall be within the discretion of the judge assessing the fine to provide for the payment of a fine on an installment basis under such terms and conditions as he/she may deem appropriate.

Section 125.300. Bail, Bond, Etc. — Admitting to.

[CC 1990 §11-30; Ord. No. 90-3 §2, 3-6-1990]

Any person arrested for any violation of this Code or any other ordinance may be admitted to bail by executing a bond to the City, with sufficient security, to be approved by the Municipal Judge, the Marshal or his/her deputies in such an amount as in the discretion of the officer approving the bond will secure the defendant's presence, but not exceeding the sum of five hundred dollars ($500.00), conditioned that such person appear upon a day named before the Municipal Judge, or at such times as the case may be continued by motion of the person arrested or by order of the Municipal Judge. Every bond taken as above shall be forthwith filed with the Municipal Judge by the officer approving and taking out such bond; provided that, no attorney-at-law, Police Officer, constable or his/her deputies, or any officer of the City, whether elected or appointed, shall be accepted as security upon the bond; and provided further, that no one shall be accepted as bondsman who shall have standing against him/her an unsatisfied judgment rendered on a forfeiture of bond.

Section 125.310. Effect of Defects in Complaints, Writs, Etc.

[CC 1990 §11-31; Ord. No. 90-3 §2, 3-6-1990]

No suit in the Police Court shall be dismissed or abated on account of any formal defect in the statement of complaint or in any other matter of form in the verdict or otherwise whereby the defendant shall not have been prejudiced, but the same may be amended at any time prior to the rendition of the judgment in the case upon leave of court; and the court shall have the power to prescribe the terms of all process, writs and necessary forms of proceedings in the court not inconsistent with the existing laws of the State or the ordinances of the City and to compel the return of and obedience to any process issued by the court or by its authority.

Section 125.320. Separate Trial for Persons Jointly Charged.

[CC 1990 §11-32; Ord. No. 90-3 §2, 3-6-1990]

Persons jointly charged shall have a separate trial if they demand it before the trial is gone into or before the jury is impaneled.

Section 125.330. (Reserved)

Section 125.340. Failure to Appear on Charged Offense.

[CC 1990 §11-34; Ord. No. 90-3 §2, 3-6-1990]

A. In addition to the forfeiture of any security which was given or pledged for the release of any person charged with an offense in the Municipal Division of the County Circuit Court, it shall be unlawful for any person who has been charged with an offense in the municipal division of the County Circuit Court to willfully fail to appear before such court as required.

B. Any person violating any of the provisions of this Section shall, upon conviction thereof, be deemed guilty of a misdemeanor and subject to punishment as provided in the Municipal Code of Ordinances, except that the maximum fine cannot exceed the maximum fine permitted on the municipal ordinance violation on which he/she had been charged and on which he/she had failed to appear.

C. This penalty shall not diminish in any way the contempt powers of the Municipal Judge.

Chapter 130

FINANCE AND TAXATION

ARTICLE I
Depository

Section 130.010. Depository.

Section 130.020. Depository Agreement Requirements.

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Section 130.030. Budget.

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ARTICLE I
Depository

Section 130.010. Depository.

[CC 1990 §§2-321 — 2-322; Code 1977 §11.010]

A. *Selection.* The Board of Aldermen, by resolution, shall select one (1) or more banking institutions within the County as the legal depository of the public funds of the City, and shall enter into a depository agreement which requires that such banking institution shall furnish approved securities, at its own expense, of a value not less than one hundred percent (100%) of the actual amount of the funds on deposit, and as deposited from time to time; the amount of insurance furnished by the Federal Deposit Insurance Corporation shall be acceptable security up to the maximum amount secured by the insurance.

B. *Delivery Of Securities.* The depository, after execution of the depository agreement and approval of the securities furnished for the purpose of securing the deposit of City funds, shall deliver the approved securities, either to a named trustee in the depository

agreement, or to the City Treasurer for safekeeping in a safety deposit box, selected by him/her exclusively for such purpose, in the name of the City, and reported by him/her in writing to the depository and the City Clerk.

Section 130.020. Depository Agreement Requirements.

[CC 1990 §2-292; Code 1977 §11.030]

A. The depository agreement shall contain, among other requirements:

1. That the agreement may be cancelled by ten (10) days notice by either party;

2. The depository shall safely keep and pay on written evidences from the City Treasurer on demand, but shall not pay to any other;

3. The depository shall render to the City Treasurer each month, a statement showing the daily balances of the funds, including interest as a separate item; and

4. In the event that the depository shall default in any manner in the performance of the agreement, or shall fail to keep safely the money so deposited, the Treasurer and/or the Board of Aldermen shall be authorized forthwith, without notice, to convert the securities into money at public or private sale, or so much thereof as shall be necessary to pay the amount on deposit in the depository.

5. The rights and duties of the several parties to the depositary contract shall be the same as those of the State and the depositary banking institution respectively under Section 30.270, RSMo.

B. The depository agreement shall be executed in sufficient numbers of exact copies so that the Board of Aldermen, the City Treasurer, the City Clerk and the trustee of the securities shall each be delivered a copy.

ARTICLE II
City Budget

Section 130.030. Budget.

[CC 1990 §2-299; Code 1977 §11.100]

One (1) member of the Board of Aldermen, the City Treasurer and the City Clerk, as the Finance Committee, shall prepare and submit an advisory budget, after consultation with department employees once a year, prior to the June meeting of the Board of Aldermen, of the income and expenditures planned and anticipated in the forthcoming year. For this purpose, the City Auditor may be called upon to assist the Committee. The member of the Board on the Committee shall be designated by the Mayor, and shall be the Chairman of the Committee. The Committee shall deliver the advisory budget to the Board of Aldermen before the regular Board meeting in July of each year. The budget shall be approved by the Board of Aldermen in accordance with State laws.

ARTICLE III
Finances — in General

Section 130.035. Death, Resignation or Removal of Treasurer.

[CC 1990 §2-291; Code 1977 §11.020]

In the event of the death, resignation, removal, or mental incapacity of the City Treasurer, the City Clerk shall immediately notify the safety deposit institution, the depository, and all executors, administrators, personal representatives, trustees, and/or guardians of the City Treasurer, of the City's interest in the securities and shall recover forthwith the control and custody of the securities.

Section 130.040. Deposits.

[CC 1990 §2-293; Code 1977 §11.040]

The City Treasurer shall deposit forthwith in the City Depository all money and checks which he/she receives in the name of the City; he/she shall receipt for all money paid to him/her from any source whatsoever. If any other officer or employee, in the course of his/her duty, shall keep or maintain a sum, account or deposit of money, whether or not the money belongs to the City, or is held as a trust or security account, such officer or employee shall make a monthly accounting to the City Treasurer and shall make his/her books available to him. The Board of Aldermen, if it deems necessary, may require the Treasurer to take over such accounts.

Section 130.050. Board's Semi-Annual Reports.

[CC 1990 §2-294; Code 1977 §11.050]

The City Treasurer shall make his/her books available on demand by the Mayor. He/she shall cooperate fully in furnishing records for the July first (1st) and January first (1st) financial statements which the Mayor is required to publish by law. The Treasurer shall cooperate with any City Official and furnish such financial information and records as any City Official may require or need in the performance of his/her duties.

Section 130.060. Payments by City.

[CC 1990 §2-295; Code 1977 §11.060]

The Mayor and the City Clerk shall examine the expenditures of the City each month and the City Clerk shall prepare a list of all claims and debts against the City. The Board of Aldermen shall consider all claims and debts upon such list and approve those which appear just and due.

Section 130.070. Signing of Checks.

[CC 1990 §2-302]

All checks issued by the City must be signed by the Treasurer or Deputy Treasurer and countersigned by the Mayor or President of the Board of Aldermen.

ARTICLE IV
Purchases

Section 130.080. Purchases by the City.

[CC 1990 §2-298; Code 1977 §11.090]

A. All expenditures and purchases for the City or any department thereunder shall be approved by the Board of Aldermen either by appropriation in the budget, by ordinance or by specific approval.

B. The City Clerk may upon resolution of the Board of Aldermen maintain a cash fund not in excess of two hundred dollars ($200.00) respectively for necessary expenditures in the operation of his/her respective office, and he/she shall keep an account of money expended therefrom, and shall deliver such account of expenses to the Treasurer from time to time, but not less frequently than once each month. The Treasurer shall replace the amount of money expended and reported if such expenditures are approved by the Board of Aldermen as being proper and necessary upon receipt of a warrant drawn payable to the respective person and office so reporting.

ARTICLE V
Taxation

Section 130.090. General Tax Levy.

[CC 1990 §§15-1, 15-3; Code 1977 §§6.010, 6.040]

A. The Mayor shall procure each year a certified abstract of the City property and of the owners subject to City taxes, from the assessment books of the County Clerk as corrected, within twenty (20) days after the final adjournment of the County Board of Equalization unless otherwise provided by State law.

B. The Board of Aldermen within a reasonable time after the Assessor's books of each fee are returned, unless otherwise provided by State law, shall establish the annual rates of tax levy for general municipal purposes upon all subjects and objects of taxation within the City for such year. The Collector shall use such tax rate so established on the tax bills of the respective City property owners for the current tax year.

Section 130.100. Collection of Taxes.

[CC 1990 §15-4; Code 1977 §6.050]

A. Once in each year, the City Collector shall prepare a tax bill for the owner of each parcel of property listed in the certified abstract. The City Collector shall be required to mail or deliver before the thirtieth (30th) day of November each respective bill to the owner of the assessed real or personal property.

B. The Collector shall enforce the payment of all municipal taxes in the same manner, and under the same rules and regulations as may be provided by law for collecting and enforcing the payment of State and County taxes.

C. The Board of Aldermen shall require the Collector, at the first (1st) meeting of the Board in April of each year, or as soon thereafter as may be, to make out, under oath, lists of delinquent taxes remaining due and uncollected for each year, to be known as "the Land and Lot Delinquent List" and "the Personal Delinquent List."

D. The Board of Aldermen, at the meeting at which the delinquent lists are returned or as soon as may be thereafter, shall examine the lists carefully, and if it appears that all property and taxes contained in the lists are properly returned as delinquent, the Board shall approve the lists, enter a record thereof in the journal and credit the amount thereof to the account of the City Collector.

E. The Board shall return the delinquent lists to the Collector, charging him/her therewith, and he/she shall proceed to collect the same in the same manner as provided by law for State and County taxes.

F. All delinquent taxes shall bear the same rate of interest and the same penalties as is, or shall be provided for County taxes. A certified copy of any tax bill included in a Board of Aldermen approved delinquent tax list is prima facie evidence that such tax bill is legally due from the party named thereon, that all laws and ordinances have been complied with and that the amount due with interest and penalties is a lien on the property described in such bill.

Section 130.110. Tax Liens.

[CC 1990 §15-5; Code 1977 §6.060]

All taxes, general and special, levied in conformity with State law and the ordinances of the City shall constitute a lien upon the property upon which these are levied.

Section 130.120. Cost of Certified Abstract.

[CC 1990 §15-6; Code 1977 §6.070]

Upon warrant issued, the City Treasurer is authorized and empowered to pay the County Clerk annually for the preparation, certification and transmission of the abstract of the property of the City.

Section 130.130. Redemption of Property.

[CC 1990 §15-7; Code 1977 §6.080]

An owner of real estate which has been sold under process of a City ordinance may redeem his/her real estate at any time within two (2) years of the sale by paying the purchase money together with all costs, expenses and interest thereon at the maximum rate allowable by law.

Section 130.140. Contract for Collection of Taxes.

[CC 1990 §15-8; Code 1977 §6.090]

The Board of Aldermen may adopt an ordinance to contract with another political subdivision or person for the collection for taxes in a manner other than as set out in this Article.

Section 130.150. Sewer Lateral Repair Fee — Collection of.

[Ord. No. 02-04 §1, 3-5-2002]

St. Louis County, Missouri, is hereby granted the authority to collect a fee not to exceed twenty-eight dollars ($28.00) per year for the repair of defective lateral sewer service lines serving such dwelling units and providing for the collection of said fee by adding same to the general tax bills issued to property owners within the City of Clarkson Valley and providing for the separation of said fees from all other revenues so collected and crediting same to the sanitary sewer line repair fund.

Section 130.160. Gross Receipts Tax of Electric Utilities — Reaffirming.

[Ord. No. 11-08 §1, 9-6-2011]

Pursuant to Section 393.275, RSMo., and any and all other applicable authority, the City shall maintain the tax rate of its business license taxes on the gross receipts of electric utilities without reduction notwithstanding any periodic fluctuations in the tariffs of such utility corporations or any notice thereof including, but not limited to, notice sent under Section 393.275, RSMo.

Title II Notes

POLICE DEPARTMENT

Cross References — Building codes and regulations, ch. 500; sewers and sewage disposal, ch. 235; subdivision regulations, ch. 410; zoning regulations, ch. 405; alarm systems, ch. 615.

Chapter 200

POLICE DEPARTMENT

Section 200.010. City May Enter Into Agreement.

Section 200.010. City May Enter Into Agreement.

The Board of Aldermen of the City may by ordinance enter into a contract or agreement with any other political subdivision, for the provision of Police services by one political subdivision to another on request, as provided for in Section 70.815, RSMo. The terms *"Police"*, *"Policemen"* and *"Police Department"* as used herein shall refer to Law Enforcement Officers of the contracting entity.

Chapter 205

ANIMALS AND FOWL

ARTICLE I
General Provisions

Section 205.010. Running at Large Prohibited.

Section 205.020. Allowing Defecation on Public or Private Property Prohibited.

Section 205.030. Number of Animals Permitted — Dogs.

Section 205.040. Number of Animals Permitted — Cats.

Section 205.050. Keeping, Raising, Harboring, Selling of Farm or Wild Animals.

Section 205.060. Definitions.

Section 205.070. Animal Neglect, Abandonment or Abuse.

Section 205.080. Disposal of Carcasses of Dead Animals Not Suspected of Rabies.

Section 205.090. Impounding Animals.

Section 205.100. Keeping Animals Which Have Tendency to Injure Persons.

Section 205.110. Keeping of Non-Domestic Animals Prohibited.

Section 205.120. Noises and/or Odors.

Section 205.130. Prohibiting of Kennels.

Section 205.140. Right of Entry of Police Department or St. Louis County Animal Control.

ARTICLE II
Rabies Control

Section 205.150. Quarantine Regulations.

Section 205.160. Report of Animal Bite by Person Bitten, Parent, Guardian or Owner.

Section 205.170. Abandonment of Rabid Animals.

Section 205.180. Destruction of Animals — Reports.

Section 205.190. Disposal of Rabid Animals.

Editor's Note — Ord. no. 09-15 §§1 — 2, adopted October 6, 2009, repealed ch. 205 "animals and fowl" and enacted new provisions set out herein. Former ch. 205 derived from CC 1990 §§4-1, 4-3 — 4-15, 4-36 — 4-42; ord. no. 91-1 §1, 1-3-1991; ord. no. 95-04 §§2 — 3, 3-7-2005.

ARTICLE I
General Provisions

Section 205.010. Running at Large Prohibited.

[Ord. No. 09-15 §§1 — 2, 10-6-2009]

A. No person, owning or having charge of any bull, cat, cow, dog, goat, hog, horse, mule, sheep or any domesticated animal or wild fowl of any kind shall allow the same to run at

large within the City. Any animal shall be deemed to be running at large in violation of this Section, if such animal is not within an enclosed place on its owner's premises or other premises with the consent of the owner of such premises or securely tied on its owner's premises or other premises with the consent of the owner of such premises. However, animals securely tied or led by a leash of not more than six (6) feet and accompanied by and under the control and supervision of the owner or a competent keeper shall not constitute a violation of this Section.

B. In any prosecution charging a violation of this Section, proof that any animal or fowl was running at large in violation of this Section, together with proof that the defendant named in the complaint was, at the time described in the complaint, the owner or keeper of such animal or fowl, shall constitute a prima facie presumption that such owner or keeper was the person who permitted such animal or fowl to run at large.

Section 205.020. Allowing Defecation on Public or Private Property Prohibited.

[Ord. No. 09-15 §§1 — 2, 10-6-2009]

It shall be unlawful for any person owning or in control of any animal to permit or allow such animal to defecate upon property other than the property belonging to the person owning or in control of such animal unless such person shall remove immediately all feces so deposited by such animal.

Section 205.030. Number of Animals Permitted — Dogs.

[Ord. No. 09-15 §§1 — 2, 10-6-2009]

No person shall keep, harbor, or house on his/her premises or on the premises of others, within the City, more than three (3) dogs or a combination of dogs and cats in excess of five (5); except, however, that upon the occasion of the birth of a litter of dogs, it shall be permissible under this Section that such litter may be kept together with their mother until they reach the age of six (6) months.

Section 205.040. Number of Animals Permitted — Cats.

[Ord. No. 09-15 §§1 — 2, 10-6-2009]

No person shall keep, harbor or house on his/her premises or on the premises of others, within the City, more than three (3) cats or a combination of cats and dogs in excess of five (5); except, however, that upon the occasion of the birth of a litter of cats, it shall be permissible under this Section that such litter may be kept together with their mother until they reach the age of six (6) months.

Section 205.050. Keeping, Raising, Harboring, Selling of Farm or Wild Animals.

[Ord. No. 09-15 §§1 — 2, 10-6-2009]

Except for dogs, cats and non-domestic animals which are otherwise provided for in this Code, and except for traditional household pets such as caged birds and other similar caged

animals and aquarium animals, no person shall keep, raise, harbor or offer for sale any farm animal or wild animal, including, but not limited to, cattle, cow, bull, hog, horse, donkey, sheep, pig, goat, chicken, goose, duck, turkey, skunk, or raccoon within the City, unless such animal is kept in an enclosed area on a tract of land on property of at least three (3) acres or more in size.

Section 205.060. Definitions.

[Ord. No. 09-15 §§1 — 2, 10-6-2009]

A. *Definitions.* As used in this Section, the following terms shall mean:

ADEQUATE CARE — Normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter and health care as necessary to maintain good health in a specific species of animal.

ADEQUATE CONTROL — To reasonably restrain or govern an animal so that the animal does not injure itself, any person, any other animal, or property.

ANIMAL — Every living vertebrate except a human being.

ANIMAL SHELTER — A facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other not-for-profit organization devoted to the welfare, protection, and humane treatment of animals.

DOMESTICATED ANIMALS — The population of animals that have their behavior, life cycle, or physiology systemically altered as a result of being under human control for many generations. Domesticated animals include, but are not limited to, canines, felines, ferrets, rabbits, gerbils, honey bees, waterfowls (e.g. geese or ducks), gamefowl (pigeons, guinea hens), landfowl (chickens or roosters), equids (miniature horses, horses, donkeys), or cattle (cows, pigs or sheep).

FARM ANIMAL — An animal raised on a farm or ranch and used or intended for use in farm or ranch production, or as food or fiber.

HARBOR — To feed or shelter an animal at the same location for three (3) or more consecutive days.

HUMANE KILLING — The destruction of an animal accomplished by a method approved by the American Veterinary Medical Association's Panel on Euthanasia (JAVMA 173:59 — 72, 1978); or more recent editions, but animals killed during the feeding of pet carnivores shall be considered humanely killed.

OWNER — That person and/or persons who have the responsibility to care for domesticated animal or animals within their property boundaries.

PESTS — Birds, rabbits, or rodents which damage property or have an adverse effect on the public health, but shall not include any endangered species listed by the United States Department of the Interior nor any endangered species listed in the Wildlife Code of Missouri.

B. *Acts And Facilities To Which Section Does Not Apply*. The provisions of this Section shall not apply to:

1. Care or treatment performed by a licensed veterinarian within the provisions of Chapter 340, RSMo.;

2. Bona fide scientific experiments;

3. Facilities and publicly funded zoological parks currently in compliance with the Federal "Animal Welfare Act" as amended;

4. The killing of an animal by the owner thereof, the agent of such owner, or by a veterinarian at the request of the owner thereof;

5. The lawful, humane killing of an animal by an Animal Control Officer, the operator of an animal shelter, a veterinarian, or law enforcement or health official;

6. With respect to farm animals, normal or accepted practices of animal husbandry;

7. The killing of an animal by any person at any time if such animal is outside of the owned or rented property of the owner or custodian of such animal and the animal is injuring any person or farm animal but shall not include police or guard dogs while working;

8. The killing of house or garden pests.

C. *Responsibility Of Parent Or Guardian Of Minor*. The parent or guardian of a minor child is responsible for the adequate care of any animal owned by, in the control of, or harbored by that minor child.

Section 205.070. Animal Neglect, Abandonment or Abuse.

[Ord. No. 09-15 §§1 — 2, 10-6-2009]

Notification of any animal neglect, abandonment or abuse will be referred to the St. Louis County Animal Control for action as specified in St. Louis County Ordinance, Chapter 611.

Section 205.080. Disposal of Carcasses of Dead Animals Not Suspected of Rabies.

[Ord. No. 09-15 §§1 — 2, 10-6-2009]

It shall be unlawful for any owner or keeper to permit any carcass of a dead animal to remain unburied for a period exceeding twenty-four (24) hours after death unless it is affected with rabies covered by the provisions of Section 205.220.

Section 205.090. Impounding Animals.

[Ord. No. 09-15 §§1 — 2, 10-6-2009]

St. Louis County Animal Control shall have the power to catch, confine and impound dogs and other animals under the authority of St. Louis County Ordinance, Chapter 611.

Section 205.100. Keeping Animals Which Have Tendency to Injure Persons.

[Ord. No. 09-15 §§1 — 2, 10-6-2009]

No person shall keep, harbor or maintain any animal, which such person knows or should, in the exercise of ordinary care, know to be an animal which has a tendency to injure persons whether in play or in anger unless such animal shall be kept securely restricted to an area within such person's house, garage or fenced-in area, where fences are permitted. If such animal is discovered to exist, the Police shall notify St. Louis County Animal Control.

Section 205.110. Keeping of Non-Domestic Animals Prohibited.

[Ord. No. 09-15 §§1 — 2, 10-6-2009]

No person shall keep or maintain any non-domestic animals within the City. The term *"non-domestic animals"* shall include all felines (other than the domestic house cat), non-human primates, bears, wolves, coyotes, foxes, venomous reptiles, constrictor reptiles, and any crossbreed of such animals which have similar characteristics of the animals specified herein.

Section 205.120. Noises and/or Odors.

[Ord. No. 09-15 §§1 — 2, 10-6-2009]

It shall be unlawful for any person owning or having charge of any horse, mule, jennet, bull, cow, sheep, hog, goat, dog, cat, chicken or goose or any domesticated or wild fowl of any kind, even though the same may be kept penned and confined within the City, to allow or permit the same to give forth or cause any loud or unusual noises or to cause any ill-smelling, nauseous or obnoxious odors to the annoyance of others; provided that if such person owning or having charge of any such beast or fowl, so causing or creating any such noise or odor, shall cure, remedy and entirely alleviate such odor or noise within ten (10) days after the service of a notice so to do upon him/her by any designated City Official, then, in that event, no punishment shall be assessed or imposed against such person; but if such odor or noise is not cured, remedied and entirely alleviated within ten (10) days after the service of such notice, then such person shall be deemed guilty of a misdemeanor and each day such noise or odor exists after the expiration of ten (10) days from the service of such notice shall constitute a separate offense.

Section 205.130. Prohibiting of Kennels.

[Ord. No. 09-15 §§1 — 2, 10-6-2009]

A. No commercial establishments for kennels shall be permitted anywhere in the City.

B. Nothing in this Section shall prevent a duly licensed veterinarian from performing or continuing to perform services to care for or treat diseased and injured animals.

Section 205.140. Right of Entry of Police Department or St. Louis County Animal Control.

[Ord. No. 09-15 §§1 — 2, 10-6-2009]

A. No person shall conceal an animal or interfere with the Police Department or St. Louis County Animal Control in the performance of his/her legal duties.

B. Any duly authorized City Official, St. Louis County Animal Control official and/or law enforcement official may seek a warrant from the appropriate court to enable him/her to enter private property in order to inspect, care for, or impound neglected or abused animals. All requests for such warrants shall be accompanied by an affidavit stating the probable cause to believe a violation of Sections 578.005 to 578.023, RSMo., has occurred. A person acting under the authority of a warrant shall:

1. Be given a disposition hearing before the court through which the warrant was issued within thirty (30) days of the filing of the request for the purpose of granting immediate disposition of the animals impounded.

2. Place impounded animals in the care or custody of a veterinarian, the appropriate animal control authority, or an animal shelter. If no appropriate veterinarian, animal control authority, or animal shelter is available, the animal shall not be impounded unless it is diseased or disabled beyond recovery for any useful purpose.

3. Humanely kill any animal impounded if it is determined by a licensed veterinarian that the animal is diseased or disabled beyond recovery for any useful purpose.

4. Not be liable for any necessary damage to property while acting under such warrant.

ARTICLE II
Rabies Control

Section 205.150. Quarantine Regulations.

[Ord. No. 09-15 §§1 — 2, 10-6-2009]

Whenever rabies becomes prevalent in any locality within the City, the St. Louis County Animal Control official shall declare a quarantine.

Section 205.160. Report of Animal Bite by Person Bitten, Parent, Guardian or Owner.

[Ord. No. 09-15 §§1 — 2, 10-6-2009]

It shall be the duty of any person bitten by any animal or the parent or guardian of any minor child bitten by an animal, and the owner of any animal who has reason to believe his/her animal has bitten anyone, to report the same immediately to the Police Department. Such report shall contain the name and address of the owner and of the animal, the name and address of the person bitten and the day and time bitten, the location where bitten, and a general description of the animal. St. Louis County Animal Control shall immediately take

such animal into custody or have the same confined by the owner thereof for ten (10) days under the supervision of the St. Louis County Animal Control who shall examine or cause to be examined to determine whether such animal is affected with rabies. If the owner shall not confine such animal in a manner satisfactory to the St. Louis County Animal Control, such animal shall be forthwith surrendered to the St. Louis County Animal Control.

Section 205.170. Abandonment of Rabid Animals.

[Ord. No. 09-15 §§1 — 2, 10-6-2009]

No person having ownership, control, management or possession of any animal subject to rabies shall abandon such animal.

Section 205.180. Destruction of Animals — Reports.

[Ord. No. 09-15 §§1 — 2, 10-6-2009]

Any person destroying an animal affected with rabies or suspected of being affected with rabies shall immediately notify the St. Louis County Animal Control and shall surrender the carcass of such animal upon demand. The owner or custodian of any such destroyed animal shall immediately provide the St. Louis County Animal Control with full particulars thereof, including the time, date, location, and the names and addresses of any person bitten by such animal, and also the name and address of the owner or person having custody of any animal exposed to the animal destroyed.

Section 205.190. Disposal of Rabid Animals.

[Ord. No. 09-15 §§1 — 2, 10-6-2009]

The St. Louis County Animal Control shall dispose of any animal affected with rabies, and he/she shall have the power to examine any animal bitten by or exposed to any animal affected with rabies or suspected of being rabid. He/she shall have the power to require the owners of such animals to take necessary measures to prevent further spread of rabies and to dispose of any exposed animal if such necessary measures are not taken by the owners.

Chapter 206

DEER CONTROL POLICY AND HUNTING REGULATIONS

Section 206.010. Definitions.

Section 206.020. Establishing Regulations of Hunting Within the Corporate Limits of the City of Clarkson Valley During Deer Hunting Season Set by the Department of Conservation.

Section 206.030. Specific Actions Prohibited/Required.

Section 206.040. Deer Retrieval.

Section 206.050. Field Cleaning.

Section 206.060. Penalty for Violation.

Section 206.010. Definitions.

[Ord. No. 04-20 §1, 10-5-2004]

As used in this Chapter, the following terms shall have these prescribed meanings:

ARCHERY DEVICE — Any longbow or compound bow.

CROSSBOW — A device for discharging quarrels, bolts or arrows, formed of a bow set crosswise on a stock, usually drawn by means of a mechanism and discharged by the release of a trigger.

FIREARM — Any rifle, shotgun, pistol, crossbow or any similar device or mechanism by whatever name known which is designed to expel a projectile or projectiles, including air rifles, air pistols and pellet guns. The term "firearm" shall not apply to devices designed and used exclusively for commercial or industrial purposes. The regulations contained within this Chapter shall not be applicable to Police Officers, military or other licensed security agents as regards the performance of their duties.

UNDER THE INFLUENCE — Under the influence shall be defined by the State regulation applied to motor vehicle operation.

Section 206.020. Establishing Regulations of Hunting Within the Corporate Limits of the City of Clarkson Valley During Deer Hunting Season Set by the Department of Conservation.

[Ord. No. 04-20 §1, 10-5-2004]

A. The use of or discharge of firearms is prohibited in the City of Clarkson Valley.

B. Discharging or releasing arrows from archery devices within the City limits is limited to hunting permitted under this Chapter.

C. Prior to any hunting activity, the property owner shall notify City Hall of his or her intent to hunt on his or her property. The notification shall include the names of all

property owners, the address of the proposed hunt property, the dates of the proposed hunt and the names of all proposed hunters. In addition to the foregoing, the property owner shall complete a notification of intent to hunt form and return said form to City Hall prior to engaging in or permitting any hunting activity on his or her property.

D. Prior to the engagement of any hunting activity, the property owner shall provide to the City a certificate of insurance or indemnity bond providing evidence of a policy of liability insurance and/or indemnity bond in an amount not less than two million dollars ($2,000,000.00) per occurrence insuring or bonding the property owner and/or the designated hunter. The indemnity of the property owner and the hunter may be combined to reach the minimum limits mandated by this Subsection. Said liability insurance and/or indemnity bond shall provide insurance coverage and/or indemnity for all claims for damages resulting from any act of negligence of the designated hunter or by any agent, assign, employee, independent contractors or licensee of the designated hunter.

E. All current laws of the State of Missouri as regards to the regulations of hunting shall be obeyed within the corporate limits of Clarkson Valley.

F. The hunt shall conform to all State regulations as defined by the Missouri Department of Conservation.

G. *Permission To Hunt.*

1. It shall be unlawful for any person carrying an archery device of any type to knowingly enter into the premises of another or to discharge any of the aforestated devices while on the premises or property of another without first having obtained permission in writing from the owner, lessee or person in charge of such premises or property. The duly obtained written permission shall be carried on the person of the hunter requesting and receiving such permission. This Section shall not apply to a person carrying or discharging such a device while in the immediate presence of the owner, lessee or person in charge of said premises or property.

2. In addition to the requirements set forth herein, it shall be at the discretion of the owner, lessee or person in charge of any premises or property to set the parameters under which any person may hunt upon any such premises or property under the control of the owner, lessee or person in charge.

3. The hunter on any property upon which the permission to hunt has been granted shall be held responsible for the actions of those persons to whom such permission has been granted by the landowner, lessee or person in charge.

4. No person without lawful authority or without the expressed or implied consent of the owner, lessee or his agent shall enter any building or enter upon any enclosed or improved real estate, lot or parcel of ground in the City of Clarkson Valley; or being upon the property of another, shall fail or refuse to leave such property when requested to do so by owner, lessee or person in charge of said property.

5. Contiguous neighbors must be notified in writing by the property owner and the property owner must be able to show the appropriate documentation of receipt of the notification of the approximate date and time period of the hunt. For purposes

of this Subsection, *"contiguous"* shall mean any adjoining property that shares a common property line (or point) with the lot on which the proposed hunt shall occur. Lots separated by streets, common areas or other public thoroughfares shall not be considered contiguous.

H. In addition to any requirements imposed by Missouri Department of Conservation regulations, any individual who successfully harvests a deer during a hunt must report the hunter's name, sex of the deer and the location of the harvest within two (2) business days by calling Clarkson Valley City Hall during normal business hours or by delivering written notification to City Hall.

I. Prior to discharging an archery device intended to be used for hunting, it shall be the hunter's responsibility to permanently mark each arrow or other projectile with his or her Missouri Department of Conservation identification number.

J. Nothing in this deer control policy shall authorize the parking or standing of vehicles on private property without the consent of the property owner or to park a vehicle in any manner otherwise prohibited by the City Code. All hunters shall park their vehicles on the same property on which they are hunting.

K. Prior to hunting within the City limits of Clarkson Valley, every individual seeking to hunt shall provide a certificate of completion of an archery device hunter safety course as approved or provided by the Missouri Department of Conservation.

Section 206.030. Specific Actions Prohibited/Required.

[Ord. No. 04-20 §1, 10-5-2004]

A. It shall be unlawful for any person to discharge any archery device from across any street, sidewalk, road, highway or playground.

B. It shall be unlawful for any person to discharge an archery projectile at or in the direction of any person, vehicle, dwelling, house, church, school, playground or building.

C. It shall be unlawful for any person to discharge an archery device within two hundred (200) yards of any church, school or playground. It shall be unlawful for any person to discharge an archery device within thirty (30) yards of any dwelling, building, structure or vehicle unless the hunter has previously received express authority to discharge the archery device within thirty (30) yards from the owner of the dwelling, building, structure or vehicle.

D. No arrow or other projectile used to hunt deer pursuant to the deer control policy may be discharged or projected at such an angle or distance as to land on public or private property other than the property on which the hunt has been authorized.

E. No arrow or other projectile used to hunt deer pursuant to the deer control policy may be discharged or projected at such an angle or distance as to land within seventy-five (75) feet of any front yard property line.

F. No arrow or other projectile used to hunt deer pursuant to the deer control policy may be discharged or projected at such an angle or distance as to land within fifty (50) feet of any street or public right-of-way.

G. All hunting shall be conducted from an elevated position that is at least ten (10) feet in height and faces the interior of the property. The elevated position (deer stand) shall be located in such a way as to direct arrows towards the interior of the property and to prevent any arrow from landing any closer than twenty-five (25) feet from any side or rear property line.

H. No hunting is authorized on tracts of land under one (1) acre in area, except that adjacent property owners may combine their parcels to satisfy the property line discharge restrictions contained in Section 206.030(E) and (G). All other provisions of the deer control policy shall apply to combined lots.

I. It shall unlawful for any person under the age of eighteen (18) years old to hunt within the City limits of Clarkson Valley.

J. No person shall possess, consume or be under the influence of alcohol or any other controlled substance while engaged in hunting activities within the City limits of Clarkson Valley.

Section 206.040. Deer Retrieval.

[Ord. No. 04-20 §1, 10-5-2004]

A. Any person who kills or injures any deer while hunting shall make a reasonable search to retrieve the deer and take it into his or her possession.

B. This Section does not authorize the act of trespass.

C. It shall be the hunter's responsibility to immediately notify any property owner other than the specific property owner who previously authorized the hunt of the fact that an injured or dead deer is located on his or her property.

D. It shall be the hunter's responsibility to obtain the permission of any property owner upon which an injured or dead deer is located prior to engaging in a reasonable search and retrieval of the deer.

E. In the event that a hunter cannot obtain the permission of a property owner to conduct a reasonable search and retrieval of an injured or dead deer, the hunter shall immediately notify the Missouri Department of Conservation.

Section 206.050. Field Cleaning.

[Ord. No. 04-20 §1, 10-5-2004]

A. Any person who kills any deer while hunting shall follow all Missouri Department of Conservation guidelines regarding field dressing and processing the animal.

B. Any person who kills any deer while hunting shall take all precautionary measures to avoid field dressing the deer in a public or conspicuous location.

C. Any person who field dresses or otherwise processes a deer shall properly dispose of the discarded organs and/or body parts in plastic bags in private trash depositories or by other appropriate means. Nothing contained herein shall authorize the illegal dumping of solid waste or authorize the illegal dumping of biohazardous waste.

D. The transportation of a carcass along any public right-of-way is prohibited unless it is covered or hidden from public view.

Section 206.060. Penalty for Violation.

[Ord. No. 04-20 §1, 10-5-2004]

A. Any person, entity or group of individuals who shall perform an act in violation of this Chapter or who shall fail to follow the rules and/or regulations contained in this Chapter shall be deemed to have committed a misdemeanor.

B. The penalty for violating any provision of this Chapter shall be the assessment of a fine up to one thousand dollars ($1,000.00) per violation. In addition to any fine imposed herein, the Municipal Court shall have authority to issue a sentence of confinement in jail up to a period of ninety (90) days per violation.

Chapter 208

CANVASSING, HAWKING, PEDDLING AND SOLICITING

Section 208.010. Purpose — Scope.
Section 208.020. Definitions.
Section 208.030. Restricted.
Section 208.040. Failure to Leave Premises.
Section 208.050. Exemption.
Section 208.060. Penalties.

Section 208.010. Purpose — Scope.

[Ord. No. 03-04 §§1 — 2, 4-1-2003]

The provisions of this Chapter are enacted to promote and protect the public health, safety and welfare of the citizens of the City and shall be in effect within the City.

Section 208.020. Definitions.

[Ord. No. 03-04 §§1 — 2, 4-1-2003]

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:

CANVASSER — Any individual engaged in the act of canvassing.

CANVASSING — Any attempt to make personal contact with a resident or individual at his/her residence or place of business without prior specific invitation or appointment from the resident for the primary purpose of attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause.

HAWKER — Any individual engaged in the act of hawking.

HAWKING — Traveling from house to house, business to business or place to place, or positioned on or near public or private street corners, public or private streets or ways, or places of public assembly or congregation, or located in or near the roadway or right-of-way of a roadway for the purpose of selling or offering for sale goods, wares or merchandise.

MERCHANDISE — Goods, wares and merchandise of any and all kinds, size, nature and description including, but not limited to, books, charts, maps, magazines, newspapers, tickets, emblems and coupons.

PEDDLER — Any individual engaged in the act of peddling.

PEDDLING — Any attempt to make personal contact with a resident or individual at his or her residence or place of business and attempting to sell or offering to sell goods or

merchandise by going from house to house, business to business or place to place to sell the same.

PERSON SOLICITED — Any individual whom a hawker, peddler or solicitor approaches for the purpose of attempting to transact his/her activity or business.

SOLICITING — Traveling from house to house, business to business or place to place, or positioned on or near public or private street corners, public or private streets or ways, or places of public assembly or congregation, or located in or near the roadway or right-of-way of a roadway for the purpose of:

1. Soliciting information, support, assistance, property or financial assistance of any kind;

2. Selling or offering for sale any merchandise or service;

3. Taking or attempting to take any orders for the sale of any merchandise for future delivery or for services to be furnished or performed then or in the future, whether or not such individual has, carries or exposes for sale a sample of said merchandise or whether or not he/she collects advance payments on such orders or sales; or

4. Soliciting support for a person or cause or for determining opinions or sentiments for a commercial purpose.

SOLICITOR — Any individual engaged in the act of soliciting.

Section 208.030. Restricted.

[Ord. No. 03-04 §§1 — 2, 4-1-2003]

Canvassing, hawking, peddling and soliciting are prohibited within the City limits of Clarkson Valley and any person or persons engaged in such activity, whether individually or on behalf of another person, principal or entity, shall be deemed to be in violation of the City Code.

Section 208.040. Failure to Leave Premises.

[Ord. No. 03-04 §§1 — 2, 4-1-2003]

No person engaged in the act of canvassing, hawking, peddling or soliciting shall fail or refuse to immediately leave the premises of the person solicited when requested to leave either by the person solicited or by the resident, nor shall such person enter upon any premises where such activity is prohibited or forbidden by display of a sign or notice to that effect.

Section 208.050. Exemption.

[Ord. No. 03-04 §§1 — 2, 4-1-2003]

The provisions of this Chapter shall not apply to persons invited by a resident of the City to come to such resident's house for the purpose of selling merchandise or services or soliciting orders for the sale of merchandise or services; a Federal, State or local government employee or a public utility employee in the performance of his/her duty for his/her employer; and

nothing contained herein shall prohibit any individual from peacefully attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate or for the purpose of soliciting or distributing information regarding a particular religion, philosophy, ideology, political party, issue or candidate.

Section 208.060. Penalties.

[Ord. No. 03-04 §§1 — 2, 4-1-2003]

Any person violating any provision of this Chapter shall, upon conviction thereof, be punished as provided in Section 100.100 of this Code.

Chapter 210

OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE I
General Provisions

Section 210.010. Definitions.

ARTICLE II
Offenses Against the Person

Section 210.020. Assault.

Section 210.030. Harassment.

ARTICLE III
Offenses Concerning Administration of Justice

Section 210.040. Resisting Arrest or Lawful Stop.

Section 210.050. Interference With Legal Process.

Section 210.060. Refusal to Obey Official Order.

Section 210.070. Aiding and Abetting.

Section 210.080. Obedience to Lawful Orders of Police Officer.

Section 210.090. Escape and Aiding in Escape Prohibited.

Section 210.100. False Reports.

ARTICLE IV
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Section 210.110. Dangerous Missiles.

Section 210.120. Rockets, Missiles and Projectiles.

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Section 210.170. Weapons — Carrying Concealed — Other Unlawful Use.

Section 210.180. Unlawful Transfer of Weapons — Penalty.

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Section 210.420. Manufacture, Possession, Etc., of Controlled Substances.

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ARTICLE IX
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Section 210.440. Curfew for Minors.

Section 210.450. Parental Responsibility.

ARTICLE X
Recovery of Costs at Loud or Unruly Gatherings on Private Property

Section 210.460. Citation of Article.

Section 210.470. Definitions.

Section 210.475. Responsibility for Proper Management of Property.

Section 210.480. Violations and Penalties.

Section 210.490. Recovery of Response Costs.

Section 210.500. Billing and Collection.

Cross Reference — Nuisances, ch. 215.

ARTICLE I
General Provisions

Section 210.010. Definitions. [1]

[CC 1990 §12-1; Code 1977 §17.010]

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:

IMPRISONED — Imprisonment in the City Jail or in the County Jail.

1. **Cross Reference — Definitions and rules of construction generally, §100.020.**

INCITE A RIOT — Is not limited to, urging or instigating other persons to riot. Such term shall not be deemed to mean the mere oral or written advocacy of ideas or expression of belief, not involving advocacy of any act of violence or assertion of the rightness of, or the right to commit any such act.

LEWD OR LASCIVIOUS ACT —

1. An appearance in the state of nudity; or

2. Exposure of the private parts of the body; or

3. The touching of the private parts of one's own body or of another person's body for the purpose of sexual stimulation, which is wanton and committed in the presence of another or in any place open to the public view.

Nothing herein shall be construed to apply to a married couple by themselves in a place not open to public view.

PUBLIC PLACE — Any place to which the general public has access and a right to resort for business, social activity, entertainment, or other lawful purpose but does not necessarily mean a place devoted solely to the uses of the public. It shall also include any store, shop, restaurant, tavern or other place of business open to the public and also public grounds, areas or parks.

ARTICLE II
Offenses Against the Person

Section 210.020. Assault.

A. A person commits the offense of assault if:

1. The person attempts to cause or recklessly causes physical injury to another person;

2. With criminal negligence the person causes physical injury to another person by means of a deadly weapon;

3. The person purposely places another person in apprehension of immediate physical injury;

4. The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person;

5. The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative; or

6. The person knowingly causes physical contact with an incapacitated person, as defined in Section 475.010, RSMo., which a reasonable person, who is not incapacitated, would consider offensive or provocative.

Section 210.030. Harassment.

[CC 1990 §12-80; Ord. No. 92-11 §2, 6-2-1992]

A. A person commits the offense of harassment if for the purpose of frightening or disturbing another person he/she:

1. Communicates in writing or by telephone a threat to commit any felony;

2. Makes a telephone call or communicates in writing and uses coarse language offensive to one of average sensibility;

3. Makes a telephone call anonymously; or

4. Makes repeated telephone calls.

ARTICLE III
Offenses Concerning Administration of Justice

Section 210.040. Resisting Arrest or Lawful Stop.

[CC 1990 §12-2; Code 1977 §17.310; Ord. No. 96-17 §1, 12-3-1996]

A. A person commits the offense of resisting or interfering with arrest if knowing that a Law Enforcement Officer is making an arrest, or attempting to lawfully detain or stop an individual or vehicle, or the person reasonably should know that a Law Enforcement Officer is making an arrest or attempting to lawfully detain or lawfully stop an individual or vehicle, for the purpose of preventing the officer from effecting the arrest or stop or detention, the person:

1. Resists the arrest, stop or detention of such person by using or threatening the use of violence or physical force or by fleeing from such officer; or

2. Interferes with the arrest, stop or detention of another person by using or threatening the use of violence, physical force or physical interference.

B. This Section applies to arrests with or without warrants and to arrests for any offense or ordinance violation.

C. It is no defense to a prosecution under Subsection (A) of this Section that the Law Enforcement Officer was acting unlawfully in making the arrest. However, nothing in this Section shall be construed to bar civil suits for unlawful arrest.

Section 210.050. Interference With Legal Process.

[CC 1990 §12-3; Code 1977 §17.310; Ord. No. 06-21 §§1 — 2, 11-7-2006]

A. As used in this Section, *"process"* includes any writ, summons, subpoena, warrant other than an arrest warrant, or other process or order of a court.

B. A person commits the offense of interference with legal process if, knowing any person is authorized by law to serve process, for the purpose of preventing such person from effecting the service of any process, he/she interferes with or obstructs such person.

C. For the purposes of this Section, a person has been "lawfully stopped or detained" by a Law Enforcement Officer when the Law Enforcement Officer has briefly stopped and detained the person upon reasonable suspicion to believe that the person has committed, is committing, or is about to commit a crime. *"Reasonable suspicion"* means specific and articulable facts which, taken together with rational inferences from those facts, would lead a reasonable person to conclude that the person has committed, is committing, or is about to commit a crime. The collective information in the possession of all officers connected to an investigation can be considered in determining whether reasonable suspicion existed for the stop or detention.

D. A person commits the crime of failure to provide identity when, having been lawfully stopped or detained by a Law Enforcement Officer, and having been requested by the officer to provide his or her identification to the officer:

1. That person knowingly refuses to state his or her name and address or to provide documentation of his or her name or address, such as, but not limited to, a driver's license, credit card, or Social Security card; or

2. That person falsely reports his or her name or address to a Law Enforcement Officer.

3. Failure to provide identity is a Class C misdemeanor unless the person falsely reported his or her name or address, in which case it is a Class A misdemeanor.

Section 210.060. Refusal to Obey Official Order.

[CC 1990 §12-4; Code 1977 §17.315]

Every person who shall have been personally served with a subpoena issued by the Board of Aldermen, having the power and authority to issue such subpoena, or official commanding the attendance of such person or the production of any books, papers, or documents, who shall fail or refuse without legal excuse to attend at the time and place therein specified, or who shall fail or refuse without legal excuse to produce the books, papers and documents therein specified, or who being present shall fail or refuse without legal excuse to testify fully as to his/her knowledge concerning the matters and things then being lawfully investigated by the Board of Aldermen or other legally constituted board or commission of the City or any officer of the City empowered to do so, shall be deemed guilty of a violation of this Section.

Section 210.070. Aiding and Abetting.

[CC 1990 §12-5; Code 1977 §17.510]

Any person who commits, attempts to commit, conspires to commit, or aids and abets in the commission of any act declared herein to be in violation of this Code or ordinances of this City, whether individually or in connection with one (1) or more persons, or as a principal, agent, or accessory, shall be guilty of such offense and every person who falsely, fraudulently,

forcibly or wilfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this Chapter is likewise guilty of such offense, and shall be punished as provided in Section 100.100 of this Code.

Section 210.080. Obedience to Lawful Orders of Police Officer.

[CC 1990 §12-7; Ord. No. 92-11 §2, 6-2-1992]

It shall be unlawful for any person to refuse to obey a lawful order of any Police Officer given in the line of duty.

Section 210.090. Escape and Aiding in Escape Prohibited.

A. A person commits the offense of escape or attempted escape from confinement if, while being held in confinement after arrest for any crime or offense, while serving a sentence after conviction for any crime or offense, or while at an institutional treatment center operated by the department of corrections as a condition of probation or parole, he/she escapes or attempts to escape from confinement.

B. A person commits the offense of aiding escape of a prisoner if he/she:

1. Introduces into any place of confinement any deadly weapon or dangerous instrument, or other thing adapted or designed for use in making an escape, with the purpose of facilitating the escape of any prisoner confined therein, or of facilitating the commission of any other crime or offense; or

2. Assists or attempts to assist any prisoner who is being held in custody or confinement for the purpose of effecting the prisoner's escape from custody or confinement.

Section 210.100. False Reports.

A. A person commits the offense of making a false report if he/she knowingly:

1. Gives false information to a Law Enforcement Officer for the purpose of implicating another person in a crime or offense;

2. Makes a false report to a Law Enforcement Officer that a crime or offense has occurred or is about to occur; or

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.

4. By any means or method communicate to or provide any officer or agent of the City or of the Police Department with any false statement or information with the intent that it shall be relied upon by such officer or agent in the performance of his/her official duties.

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.

ARTICLE IV
Offenses Concerning Public Safety

Section 210.110. Dangerous Missiles.

[CC 1990 §12-121; Code 1977 §17.210]

No person shall throw any stone or other missile upon or at any vehicle, building, or other public or private property or upon or at any person in any public street, alley or place, or enclosed or unenclosed ground or at any postal mailbox.

Section 210.120. Rockets, Missiles and Projectiles.

[CC 1990 §12-122; Code 1977 §17.215]

No person shall construct, use, discharge, fire, launch or explode rockets, missiles or other similar projectiles within the City unless a written permit for such specific purpose has been obtained from the Board of Aldermen. In granting any such permit, the Board of Aldermen may prescribe such conditions and regulations for the activity permitted as they may deem necessary for the preservation and the protection of the health and welfare of the inhabitants of the City.

Section 210.130. Abandonment of Airtight or Semi-Airtight Containers.

[CC 1990 §12-124; Ord. No. 92-11 §2, 6-2-1992]

A. A person commits the offense of abandonment of an airtight icebox if he/she abandons, discards, or knowingly permits to remain on premises under his/her 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 one and one-half (1½) cubic feet or more and an opening of fifty (50) square inches or more and which has a door or lid equipped with hinge, latch or other fastening device capable of 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. Subsection (A) of this Section does not apply to an icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouseman or repairman.

C. The defendant shall have the burden of injecting the issue under Subsection (B) of this Section.

Section 210.140. Fires.

[CC 1990 §12-126; Ord. No. 92-11 §2, 6-2-1992]

No person shall burn garbage, refuse, waste, straw or other combustible materials without a permit from the fire district. A copy of such permit must be supplied to the City within thirty (30) days of the event. This Section shall not apply to barbecue pits used for the cooking of food.

Section 210.150. Fireworks.

[CC 1990 §12-79; Code 1977 §17.220]

A. No person shall sell, use, manufacture, display or possess fireworks within the City at any time, except as provided in Subsection (C) below.

B. The term *"fireworks"*, as used in this Section, means and includes any combustible or explosive composition, or any substance or combination of substances, or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation and includes blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Dago bombs, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance. The term *"fireworks"* shall not include sparklers, colored flares, toy pistols, toy canes, toy guns or other devices using paper caps containing twenty-five hundredths grains or less of explosive mixture, the sale and use of which shall be permitted at all times.

C. The prohibitions of this Section shall not apply to the sale or use of blank cartridges for theatrical purposes or for signal purposes in athletic or sports events nor to public demonstrations or displays of fireworks provided, however, such public demonstrations or displays of fireworks must be conducted under the supervision of the City Police Department after application is made in writing and presented to the Board of Aldermen, and a permit issued by the Board of Aldermen for such demonstration or display. The Police Chief is hereby directed to prepare appropriate application and permit forms to fully effectuate the terms of this Section.

ARTICLE V
Offenses Concerning Public Peace

Section 210.160. Disturbing the Peace.

[CC 1990 §12-76; Code 1977 §§17.110, 17.140; Ord. No. 91-6 §4, 3-5-1991; Ord. No. 06-19 §§1 — 2, 11-7-2006]

A. For the purposes of this Section:

LOUD NOISE — The following acts, but said enumeration shall not be deemed to be exclusive:

1. The erection (including excavating), demolition, alteration, or repair of any building or structure between the hours of 8:30 P.M. and 6:00 A.M. unless the entity performing said acts shall have received a special work permit authorizing the work during said hours conditioned upon compliance with the other provisions of this Article and provided no complaints about the work are filed with the City. The special work permit will be good for fourteen (14) days and may be renewed for like periods. The City will investigate any complaints and if it is determined that the public or any member of the public is hurt, injured, annoyed, inconvenienced or damaged by said acts, the Building Commissioner shall re-call the special work permit unless the entity holding said permit can provide that it is a case of urgent necessity in the interest of public safety.

2. The playing in the open air of tennis, badminton, horse shoes, baseball, or other outdoor games within one hundred (100) feet of any residence or building used or occupied for private family residential purposes between the hours of 12:00 Midnight and 8:00 A.M.

3. The playing of any radio, phonograph, musical instrument, drum, orchestra, loudspeaker or other device in such a manner or with such volume, particularly between the hours of 12:00 Midnight and 8:00 A.M. as to tend to annoy or disturb the quiet or repose of persons in any dwelling or residence; provided, any such noise which can be distinctly heard at a distance of more than one hundred (100) feet from its source shall be deemed excessive.

4. The creation of any excessive or unnecessary noise within two hundred (200) feet of any portion of grounds or premises on which is located a hospital or other institution reserved for the sick, or any church or school or other institution of learning or court or other public building, library and the like, while the same are, open or in session which unreasonably interferes with the proper functioning of any such place above mentioned, provided conspicuous signs are placed in the public highways indicating quiet zones within which such noises are prohibited. In cases of emergency or urgent necessity a permit may be issued by the City Building Commissioner for such noises within such zones for limited periods during the existence of such emergency.

NOXIOUS AND OFFENSIVE ODOR — Air contamination and air pollution as defined in RSMo. Supp. 1990, Section 643.020, but said definitions shall not be deemed to be exclusive.

PRIVATE PROPERTY — Any place which at the time is not open to the public. It includes property which is owned publicly or privately.

PROPERTY OF ANOTHER — Any property in which the actor does not have a possessory interest.

PUBLIC PLACE — Any place which at the time is open to the public. It includes property which is owned publicly or privately.

B. A person commits the offense of peace disturbance if:

1. He/she unreasonably and knowingly disturbs or alarms another person by:

   a. Loud noise; or

   b. Offensive and indecent language which is likely to produce an immediate violent response from a reasonable recipient; or

   c. Threatening to commit an offense against any person; or

   d. Fighting; or

   e. Creating a noxious and offensive odor;

2. He/she 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.

3. *Funeral picketing, protests and demonstrations.*

   a. It shall be unlawful for any person to engage in picketing, protesting or demonstrating within three hundred (300) feet of the property line of any church, cemetery or funeral establishment, as defined by Section 333.011, RSMo., within one (1) hour prior to the commencement of any funeral, and until one (1) hour following the cessation of any funeral.

   b. For purposes of this Subsection, *"funeral"* shall mean any visitation, ceremony, procession or memorial service held in connection with the viewing, burial or cremation of a deceased person. Each day on which a violation occurs shall constitute a separate offense.

   c. Violation of this Subsection shall be punishable by a fine not to exceed seven hundred fifty dollars ($750.00), or by imprisonment for a period not exceeding six (6) months, and/or both such fine and imprisonment.

C. This Section shall not be construed to suppress the right to lawful assembly, picketing, public speaking or other lawful means of expressing public opinion not in contravention of other laws.

Section 210.170. Weapons — Carrying Concealed — Other Unlawful Use. [2]

[Ord. No. 04-03 §§1 — 2, 4-6-2004]

A. A person commits the offense of unlawful use of weapons if he/she knowingly:

1. Carries concealed upon or about his/her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use;

2. Discharges or shoots a firearm within the City limits;

3. Possesses a firearm or projectile weapon while intoxicated;

4. Carries a firearm or any other weapon readily capable of lethal use; or

5. 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. Subparagraphs (1), (2), (4) and (5) of Subsection (A) of this Section shall not apply to or affect any of the following:

1. All State, County and municipal Law Enforcement Officers possessing the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of Counties or municipalities of the State, 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 prisons, 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 and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the Federal Judiciary;

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 Section 84.340, RSMo.; and

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2. Note — Under certain circumstances this offense can be a felony under state law.

9. The discharge of firearms in connection with any turkey shoots or other charitable event authorized by the Board of Aldermen.

C. Subparagraphs (1), (3), (4) and (5) of Subsection (A) of this Section do not apply when the actor is transporting such weapons in a non-functioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subparagraph (1) of Subsection (A) of this Section does not apply when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his/her dwelling unit or upon business premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through the City. Subparagraph (5) of Subsection (A) 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. 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 function or activity sponsored or sanctioned by school officials or the district school board.

E. *Firearms In City Buildings.*

1. No person who has been issued a concealed carry endorsement by the Missouri Director of Revenue under Sections 571.101 to 571.121, RSMo., 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.

2. 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.

3. 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.

4. No person who has been issued a certificate of qualification that allows the person to carry a concealed firearm before the Director of Revenue begins issuing concealed carry endorsements in July, 2004, shall, by authority of that certificate, 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.

Section 210.180. Unlawful Transfer of Weapons — Penalty.

A. A person commits the offense of unlawful transfer of weapons if he/she:

1. Knowingly sells, leases, loans, gives away or delivers a blackjack to a person less than eighteen (18) years old without the consent of the child's custodial parent or guardian, or recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers any firearm to a person less than eighteen (18) years old without the consent of the child's custodial parent or guardian; provided that this does not prohibit the delivery of such weapons to any Peace Officer or member of the armed forces or National Guard while performing his/her official duty; or

2. Recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to a person who is intoxicated.

Section 210.190. Discharging Air Gun, Etc.

Any person within the limits of this City who shall discharge any BB gun, spring gun, paint ball gun or air gun or shall shoot any pebble, bullet, slug, arrow or other hard substance by means of a sling, crossbow, rubber band or bow or any other means shall be deemed guilty of an ordinance violation.

Section 210.200. Possession of Certain Pocket Knives.

[CC 1990 §12-125; Ord. No. 92-11 §2, 6-2-1992]

A. It shall be unlawful for any person to sell, offer to sell, display, use, possess or carry any knife having the appearance of a pocket knife, the blade of which can be opened by a flick of a button, pressure on the handle or other mechanical contrivance. Any such knife is hereby declared to be a dangerous or deadly weapon and shall be subject to forfeiture to the City as provided in this Section.

B. Every person convicted of any violation of this Section shall forfeit to the City such dangerous or deadly weapon so concealed or displayed.

C. Nothing in this Section shall be construed to forbid United States Marshals, Sheriffs, Constables and their deputies, and any regular, special or ex officio Police Officer, or any other Law Enforcement Officer of the United States, the State, the County or the City, or any other authorized member of the City Government from carrying or wearing, while on duty, such weapons as shall be necessary in the proper discharge of their duties.

D. It shall be the duty of every Police Officer, upon making any arrest and taking such a concealed weapon from the person of the offender, to deliver the same to the evidence custodian of the Police Department, to be held by him/her until the final determination of the prosecution for such offense; and upon a finding of guilt, it shall then be the duty of the Chief of Police to dispose of such weapon as directed by the Municipal Judge.

Section 210.210. Possession of Weapons on School Property.

[CC 1990 §12-129; Ord. No. 99-05 §§1 — 2, 5-4-1999]

It shall be unlawful for any person to carry a firearm, BB gun, pellet gun or other type of air gun, explosive device, knife having a blade in excess of two and one-half (2½) inches, or bow or similar device designed for the purpose of shooting an arrow on the premises of any school.

Section 210.220. Loitering — Police Order to Disperse.

[CC 1990 §12-77; Code 1977 §17.120]

A. It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle, either alone and/or in consort with others in a public place in such manner so as to:

1. Obstruct any public street, public highway, public sidewalk or any other public place or building by entering or impeding or attempting to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians.

2. Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of the property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress, therein, thereon and thereto.

B. When any person causes or commits any of the conditions enumerated in Subsection (A) herein, a Police Officer or any Law Enforcement Officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of this Section.

Section 210.230. Unlawful Assembly.

[CC 1990 §12-78; Code 1977 §17.130]

A person commits the offense of unlawful assembly if he/she knowingly assembles with six (6) or more other persons and agrees with such persons to violate any of the criminal laws of this State or of the United States with force or violence.

Section 210.240. Disturbance of Lawful Assembly.

[CC 1990 §12-81; Ord. No. 92-11 §2, 6-2-1992]

No person shall disturb any lawful assembly, either public or private, by making a noise, or by rude or indecent behavior or profane discourses within such assembly or so near the same as to disturb the order or solemnity of the meeting.

ARTICLE VI
Offenses Concerning Property

Section 210.250. Littering.

[CC 1990 §12-96; Code 1977 §17.155]

A person commits the offense of littering if he/she throws or places, or causes to be thrown or placed, any glass, glass bottles, wire, nails, tacks, hedge, cans, garbage, trash, 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 in this City or on the banks of any stream, or on any land or water owned, operated or leased by the State, any board, department, agency or commission thereof or on any land or water owned, operated or leased by the Federal Government or on any private real property owned by another without his/her consent.

Section 210.260. Trespass in the First Degree.

[CC 1990 §12-97; Code 1977 §17.415]

A. A person commits the offense of trespass in the first degree if he/she knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property.

B. A person does not commit the offense of trespass in the first degree by entering or remaining upon real property unless the real property is fenced or otherwise enclosed in a manner designed to exclude intruders or as to which notice against trespass is given by:

1. Actual communication to the actor; or

2. Posting in a manner reasonably likely to come to the attention of intruders.

Section 210.270. Trespass in the Second Degree.

[CC 1990 §12-98; Code 1977 §17.420]

A person commits the offense of trespass in the second degree if he/she enters unlawfully upon real property of another. This is an offense of absolute liability. A person convicted of trespass in the second degree shall be subject to a fine of not more than two hundred dollars ($200.00).

Section 210.280. Tampering.

[CC 1990 §12-99; Code 1977 §17.425]

A. A person commits the offense of tampering if he/she:

1. Tampers with property of another for the purpose of causing substantial inconvenience to that person or to another; or

2. Unlawfully rides in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle; or

3. Tampers or makes connection with property of a utility; or

4. For the first time, tampers with, or causes to be tampered with, any meter or other property of an electric, gas, steam or water utility, the effect of which tampering is either:

   a. To prevent the proper measuring of electric, gas, steam or water service; or

   b. To permit the diversion of any electric, gas, steam or water service.

B. In any prosecution under Paragraph (4) of Subsection (A), proof that a meter or any other property of a utility has been tampered with, and the person accused received the use or direct benefit of the electric, gas, steam or water service, with one (1) or more of the effects described in Paragraph (4) of Subsection (A), shall be sufficient to support all inference which the trial court may submit to the trier of fact, from which the trier of fact may conclude that there has been a violation of such subdivision by the persons who use or receive the direct benefit of the electric, gas, steam or water service.

Section 210.290. Property Damage.

[CC 1990 §12-100; Code 1977 §17.425]

A. A person commits the offense of property damage if:

1. He/she knowingly damages property of another; or

2. He/she damages property for the purpose of defrauding an insurer.

Section 210.295. Excavation Safeguards.

[CC 1990 §14-54]

A. No person shall make or cause to be made any excavation or shall occupy or cause to be occupied any portion of any public street, alley, highway or public place with building material, construction equipment, or any other obstruction of any character whatsoever without:

1. Causing one (1) flashing red or yellow light to be securely and conspicuously placed on or near such excavation, building material or obstruction, providing such excavation or obstruction does not extend more than ten (10) feet in length; and for any excavation or obstruction extending more than ten (10) feet, two (2) such lights, one (1) at each end, or one (1) such light for each additional twenty-five (25) feet or part thereof;

2. Keeping all of such lights burning during the entire night; and

3. Securing and completely covering excavation in excess of three (3) feet with three-quarter (¾) inch plywood or its structural equivalent.

Section 210.300. Motor Vehicle on Common Land of Subdivision Prohibited.

[CC 1990 §12-101; Code 1977 §17.430]

A. No person shall operate any motor vehicle on the sidewalks, pathways or unpaved part of the common land of any subdivision, nor park any motor vehicle on the sidewalks, pathways or unpaved part of the common land of any subdivision, without the written consent of the trustees of the common land, or if there be no such trustees, without the written consent of the owners or other persons designated by the owners to be in control of the sidewalks, pathways or unpaved part of the common land, and unless such person has such written consent on his/her person.

B. It shall be unlawful for any person to authorize, or knowingly permit, a motor vehicle owned by him/her or under his/her control, to be operated or parked on the sidewalks, pathways or unpaved part of the common land of any subdivision by any person when such operator has not both obtained and have on his/her person such written consent as required in this Section.

Section 210.310. Operation of Motorcycles, Minibikes on Private Property Without Consent Prohibited.

[CC 1990 §12-102; Code 1977 §17.435]

A. No person shall operate a motorcycle or minibike on private property without the written consent of the owner or person in control of such private property, and unless such person has such written permission on his/her person.

B. It shall be unlawful for any person to authorize, or knowingly permit, a motorcycle or minibike owned by him/her or under his/her control, to be operated on private property by any person when such operator has not obtained and does not have on his/her person such written consent as required in this Section.

Section 210.320. Posting Signs Prohibited.

[CC 1990 §12-103; Code 1977 §17.450]

It shall be unlawful for any person to stick, post or place, keep or maintain upon any house, fence, wall, post or other structure within the City, any advertisement, bill, sign, poster or device of any kind, and it shall be unlawful for any person to paint, paste, post, place or affix any advertisement, bill, placard, poster, sign or device of any kind upon any tree, pole, post, hydrant, bridge or any structure upon any public street, sidewalk, alley, parkway, park or other public place in the City; provided however, that nothing herein shall apply to any notice authorized or required by law or ordinance to be posted, or to any official notice by public officers, or to election or political signs where the owner consents to signs, or to signs under a City permit.

Section 210.330. Stealing.

[CC 1990 §12-104; Ord. No. 92-11 §2, 6-2-1992; Ord. No. 98-11 §§1 — 2, 11-3-1998]

A. For the purpose of this Section, the value of property shall be ascertained as follows: 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:

1. 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.

2. 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.

3. When the value of the property cannot be satisfactorily ascertained pursuant to the standards set forth in Subdivisions (1) and (2) of this Subsection (A), its value shall be deemed to be an amount less than seven hundred fifty dollars ($750.00).

B. A person commits the offense of stealing if he/she appropriates property or services of another having the value of less than seven hundred fifty dollars ($750.00) for the purpose to deprive such other person thereof, either without the consent of such other person or by means of deceit or coercion.

C. This Section shall not apply to any offense that is a felony under State law.

Section 210.340. Receiving Stolen Property.

[CC 1990 §12-105; Ord. No. 92-11 §2, 6-2-1992]

A. Any person commits the offense of receiving stolen property if for the purpose of depriving the owner of a lawful interest therein, he/she receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen.

B. This Section shall not apply if the property involved has a value of one hundred fifty dollars ($150.00) or more, or the person receiving the property is a dealer in goods of the type in question.

Section 210.350. Passing Bad Checks. [3]

[Ord. No. 02-07 §1, 5-14-2002]

A. A person commits the offense of passing a bad check when:

1. With purpose to defraud, he/she makes, issues or passes a check or other similar sight order for the payment of money, knowing that it will not be paid by the drawee; or

2. He/she makes, issues or passes a check or other similar sight order for the payment of money, knowing that there are insufficient funds in his/her account and fails to pay the check or sight order within ten (10) days after receiving actual notice in writing that it has not been paid because of insufficient funds or credit with the drawee. Authority is granted to collect a fee of twenty-five dollars ($25.00) for any check returned due to insufficient funds.

B. As used in Subparagraph (2) of Subsection (A) of this Section, *"actual notice in writing"* means notice of the non-payment which is actually received by the defendant. Such notice may include the service of summons or warrant upon the defendant for the initiation of the prosecution of the check or checks which are the subject matter of the prosecution if the summons or warrant contains information of the ten (10) day period during which the instrument may be paid and that payment of the instrument within such ten (10) day period will result in dismissal of the charges. The requirement of notice shall also be satisfied for written communications which are tendered to the defendant and which the defendant refuses to accept.

ARTICLE VII
Offenses Concerning Prostitution and Morals

Section 210.360. Definitions. [4]

[CC 1990 §12-51; Code 1977 §17.010(6)]

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:

DEVIATE SEXUAL INTERCOURSE — Any sexual act involving the genitals of one (1) person and the mouth, hand, tongue or anus of another person.

PATRONIZING PROSTITUTION — A person:

1. Pursuant to a prior understanding, giving something of value to another person as compensation for that person or a third person having engaged in sexual conduct with him/her or with another.

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3. Note — Under certain circumstances this offense can be a felony under state law.

4. Cross Reference — Definitions and rules of construction generally, §100.020.

2. Giving or agreeing to give something of value to another person on an understanding that in return therefor that person or a third person will engage in sexual conduct with him/her or with another.

3. Soliciting or requesting another person to engage in sexual conduct with him/her or with another, or to secure a third person to engage in sexual conduct with him/her or with another, in return for something of value.

PROSTITUTION — Engaging or offering or agreeing to engage in sexual conduct with another person in return for something of value to be received by the person or by a third person.

SEXUAL CONDUCT — Sexual intercourse, deviate sexual intercourse or sexual contact, as those terms are defined in this Section.

SEXUAL CONTACT — 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 — Any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results.

SOMETHING OF VALUE — Any money or property, or any token, object or article exchangeable for money or property.

Section 210.370. Prostitution.

[CC 1990 §12-52; Code 1977 §17.145]

A person commits the offense of prostitution if he/she performs an act of prostitution.

Section 210.380. Patronizing Prostitution.

[CC 1990 §12-53; Code 1977 §17.145]

A person commits the offense of patronizing prostitution if he/she patronizes prostitution.

Section 210.390. Prostitution and Patronizing Prostitution — Sex of Parties No Defense — When.

[CC 1990 §12-54; Code 1977 §§17.145, 17.150]

A. In any prosecution for prostitution or patronizing a prostitute, the sex of the two (2) 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.

Section 210.400. Prostitution Houses Deemed Public Nuisances.

[CC 1990 §12-55; Code 1977 §17.150]

A. Any room, building or other structure regularly used for sexual contact for pay as defined in Section 210.360 or any unlawful prostitution activity prohibited by this Article is a public nuisance.

B. The City Attorney may, in addition to all criminal sanctions, prosecute a suit in equity to enjoin the nuisance. If the court finds that the owner of the room, building or structure knew or had reason to believe that the premises were 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 (1) 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 enjoin 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 court.

D. Appeals shall be allowed from the judgment of the court as in other civil actions.

Section 210.410. Indecent Exposure.

[CC 1990 §12-56; Ord. No. 92-11 §2, 6-2-1992]

A person commits the offense of indecent exposure if he/she knowingly exposes his/her genitals under circumstances in which he/she knows that his/her conduct is likely to cause affront or alarm.

ARTICLE VIII
Offenses Concerning Alcohol and Drugs

Section 210.420. Manufacture, Possession, Etc., of Controlled Substances.

[CC 1990 §12-127; Ord. No. 92-11 §2, 6-2-1992]

A. *Manufacture, Possession, Etc., Prohibited.* No person shall manufacture, possess, have under his/her control, sell, prescribe, administer, dispense, distribute or compound any controlled or counterfeit substance as defined in Section 195.010, RSMo.

B. *Possession Of Certain Apparatus Prohibited.* No person shall possess any apparatus, device or instrument for the unauthorized use of any controlled substance as defined in Section 195.010, RSMo.

C. *Exceptions.* The provisions and prohibitions of this Section shall not apply to any person who is specifically authorized by the laws of the State to manufacture, possess, have under his/her control, sell, prescribe, administer, dispense, distribute or compound any controlled or counterfeit substance, nor to any person who is authorized under the laws of the State to possess any apparatus, device or instrument for the use of any controlled substance.

Section 210.430. Unlawful Use of Drug Paraphernalia.

[CC 1990 §12-128; Ord. No. 92-11 §2, 6-2-1992]

It is 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, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance in violation of this Article or Sections 195.005 to 195.425, RSMo.

ARTICLE IX
Offenses Concerning Minors

Section 210.440. Curfew for Minors.

[CC 1990 §12-11; Ord. No. 92-11 §2, 6-2-1992]

A. It shall be unlawful for any minor under the age of seventeen (17) years to loiter, idle, wander or stroll, or to drive or ride in an automobile, play in or upon the public streets, private streets open to the public, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other places within the City between the hours of 11:00 P.M. and 6:00 A.M. of the following day, official County time, except on Fridays and Saturdays when the hours shall be 12:00 Midnight to 6:00 A.M. of the following day, official County time; provided however, that the provisions of this Section do not apply to a minor accompanied by his/her parent, guardian or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business directed by his/her parent, guardian or other adult person having the care and custody of the minor.

B. It shall be unlawful for the parent, guardian or other adult person having the care and custody of a minor under the age of seventeen (17) years to knowingly permit such minor to loiter, idle, wander or stroll, or to drive or ride in an automobile, or play in or upon the public streets, private streets open to the public, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots, etc., within the City between the hours of 11:00 P.M. and 6:00 A.M. of the following day, official County time, except on Fridays and Saturdays when the hours shall be 12:00 Midnight to 6:00 A.M. of the following day, official County time; provided however, that the provisions of this Section do not apply to a minor accompanied by his/her parent, guardian or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business directed by his/her parent, guardian or other adult person having the care and custody of the minor.

C. Any Police Officer of the City finding a violation of this Section shall take the minor into custody and follow the policy and procedure on file in the Police Department in handling minors on a first offense.

Section 210.450. Parental Responsibility.

[CC 1990 §12-12; Ord. No. 92-11 §2, 6-2-1992]

A. *Prohibited Acts.* No parent shall knowingly permit, encourage, aid or cause a minor or juvenile to:

1. Commit a criminal act;

2. Engage in conduct which would be injurious to the minor's or juvenile's morals or health; or

3. Become delinquent in accordance with the provisions of the juvenile court law of the State.

B. *Parents To Exercise Control Over A Minor.* No parent shall fail to exercise customary and effective control over a minor so as to contribute to, cause or tend to cause a minor to commit a criminal act.

C. *Notification Of Minor's Arrest.* Whenever a minor shall be arrested or detained for the commission of any criminal act within the City, the Police Department shall immediately notify the minor's parent of the arrest or detention and shall advise the parent of his/her responsibility under this Section. A record of such notification shall be kept by the Police Department.

ARTICLE X
Recovery of Costs at Loud or Unruly Gatherings on Private Property [5]

Section 210.460. Citation of Article.

[Ord. No. 09-10 §1, 9-1-2009]

This Article may be cited as the City of Clarkson Valley Second Response Ordinance.

Section 210.470. Definitions.

[Ord. No. 09-10 §1, 9-1-2009]

For the purposes of this Article, the following definitions shall apply:

ALCOHOLIC BEVERAGE — The same meaning as "alcoholic beverage" as that term is defined in Chapter 342 of the Municipal Code of the City of Clarkson Valley.

CONTROLLED SUBSTANCES — Includes "controlled substances" as defined in and enumerated by authority of the Controlled Substances Act.

CONTROLLED SUBSTANCES ACT — Chapter 195, RSMo., in effect upon the passage of this Section.

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5. Editor's Note — Ord. no. 09-10 §1, adopted September 1, 2009, repealed sections 210.460--210.510 of article X "recovery of costs for use of police services at large events on private property" and enacted new provisions set out herein. Former sections 210.460 — 210.510 derived from CC 1990 §§12-131 — 12-136; ord. no. 93-12 §3, 8-3-1993.

JUVENILE — Any person under seventeen (17) years of age.

LOUD OR UNRULY GATHERING — A party or gathering of persons at or on a residence or other private property upon which loud or unruly conduct occurs. Such loud or unruly conduct includes, but is not limited to:

1. Excessive noise;

2. Excessive and/or restrictive traffic (Chapter 355 of the Municipal Code of the City of Clarkson Valley);

3. Obstruction of public streets or crowds that have spilled into public streets;

4. Public drunkenness, unlawful public consumption or possession of alcohol or alcoholic beverages by underage persons;

5. Service to or consumption of alcohol or alcoholic beverages by any underage person, except as permitted by City Code, State law or Missouri Constitution;

6. Assaults, batteries, fights, domestic violence or other disturbances of the peace;

7. Vandalism;

8. Litter; and

9. Any other conduct which constitutes a threat to public health, safety, quiet enjoyment of residential property or general welfare.

PERSON RESPONSIBLE FOR THE EVENT — The person who owns the property where the party, gathering or event takes place and/or the person in charge of the premises and/or the person who organized the event. If the person responsible for the event is a minor, then the parents or guardians of that minor will be jointly and severally liable for the costs incurred for police services.

RESPONSE COSTS — The costs associated with responses by law enforcement, fire and other emergency response providers to loud or unruly gatherings including, but not limited to:

1. Salaries and benefits of law enforcement, fire or other emergency response personnel for the amount of time spent responding to, remaining at or otherwise dealing with loud or unruly gatherings and the administrative costs attributable to such response(s).

2. The cost of any medical treatment to or for any law enforcement, fire or other emergency response personnel injured responding to, remaining at or leaving the scene of a loud or unruly gathering.

RESPONSIBLE PERSON — A person or persons with a right of possession in the residence or other private property on which a loud or unruly gathering is conducted including, but not limited to:

1. An owner of the residence or other private property;

2. A tenant or lessee of the residence or other private property;

3. The person(s) in charge of the residence or other private property; and

4. The person(s) who organizes, supervises, officiates, conducts or controls the gathering or any other person(s) accepting responsibility for such a gathering.

If a responsible person for the gathering is a juvenile, then the parents or guardians of that juvenile and the juvenile will be jointly and severally liable for the response costs incurred pursuant to this Article. To incur liability for response costs imposed by this Article, the responsible person for the loud or unruly gathering need not be present at such gathering resulting in the response giving rise to the imposition of response costs. This Article therefore imposes vicarious as well as direct liability upon a responsible person.

UNDERAGE PERSON — Any person under twenty-one (21) years of age.

Section 210.475. Responsibility for Proper Management of Property.

[Ord. No. 09-10 §1, 9-1-2009]

Every owner, occupant, lessee or holder of any possessory interest of a residence or other private property within the City of Clarkson Valley is required to maintain, manage and supervise the property and all persons thereon in a manner so as not to violate the provisions of this Article.

Section 210.480. Violations and Penalties.

[Ord. No. 09-10 §1, 9-1-2009]

A. It shall be unlawful for any responsible person to allow, permit or host a loud or unruly gathering at a residence or other private property. Such gathering may be abated by an order of a Police Officer directing the host or other responsible person to cause all persons in or on said premises who are not lawful residents thereof to disperse not more than fifteen (15) minutes after the host or other responsible person receives an order to do so issued by a Police Officer. Whenever an adult having control of the residence or premises is present at that residence or premises at the time an underage person obtains, possesses, or consumes any alcoholic beverage or controlled substance, it shall be prima facie evidence that such an adult had the knowledge or should have had the knowledge that the underage person obtained, possessed or consumed an alcoholic beverage or controlled substance at the gathering.

   No responsible person shall allow a loud or unruly gathering to take place or continue at said residence or premises if an underage person at the party obtains, possesses or consumes any alcoholic beverages or controlled substances and the responsible person knows or reasonably should know that the underage person has obtained, possesses or is consuming alcoholic beverages or controlled substances at the gathering.

B. *Fines.* A fine may be imposed up to the maximum amount provided for in Section 100.100 of the Code for any violation of this Article.

C. The fines imposed pursuant to Subsection (B) are in addition to any response costs that may be assessed pursuant to this Article.

Section 210.490. Recovery of Response Costs.

[Ord. No. 09-10 §1, 9-1-2009]

A. When law enforcement, fire or other emergency response provider responds to a loud or unruly gathering at a residence or other private property within the City of Clarkson Valley within a twelve (12) month period of a warning given to a responsible person for a loud or unruly gathering, all responsible persons shall be jointly and severally liable for the response costs for that response and all subsequent responses during the warning period.

B. When a law enforcement, fire or other emergency response provider official makes an initial response to a loud or unruly gathering at a residence or other private property within the City of Clarkson Valley, the official shall inform any responsible person(s) for the gathering at the scene that:

1. The official has determined that a loud or unruly gathering exists; and

2. Responsible person(s) will be charged for any response costs required for subsequent responses to the scene for a loud or unruly gathering within a twelve (12) month period involving the same responsible person(s).

C. Only one (1) warning will be given to a responsible person(s) pursuant to this Article before the City of Clarkson Valley assesses response costs pursuant to this Section. If a responsible person cannot be identified at the scene, the official may issue a warning to one (1) or more persons identified in Section 210.470 under the definition of "responsible person" and/or subsequently return to the residence or other private property and issue the warning to a then-present responsible person. If the owner, tenant and/or lessee of the residence is not present, a warning letter shall be delivered by first class and/or certified mail to this person.

Section 210.500. Billing and Collection.

[Ord. No. 09-10 §1, 9-1-2009]

A. The amount of response costs shall be deemed a debt owed to the City of Clarkson Valley by the responsible person held liable in Section 210.490 for the loud or unruly gathering and, if a juvenile, by the juvenile's parents or guardians.

B. Notice of the costs for which the responsible person is liable shall be mailed via first class and/or certified mail within fourteen (14) days of the response giving rise to such costs. The notice shall contain the following information:

1. The name of the person(s) being held liable for the payment of such costs;

2. The address of the residence or other private property where the loud or unruly gathering occurred;

3. The date and time of the response;

4. The law enforcement, fire or emergency service provider who responded;

5. The date and time of any previous warning given pursuant to this Article and/or previous responses to loud or unruly gatherings at the residence or other private property in question within the previous twelve (12) months; and

6. An itemized list of the response costs for which the person(s) is being held liable.

C. The responsible person must remit payment of the noticed response costs to the City Clerk within thirty (30) days of the date of the notice. Any action to recover such costs will be brought in the name of the City of Clarkson Valley in Circuit Court for the County of St. Louis, Missouri.

D. In addition to all other remedies provided for in this Section, if a responsible person(s) fails to remit the costs assessed hereunder, said costs shall be certified to the City Clerk who shall cause the costs to be included in a special tax bill or added to the annual real estate tax bill, at the collecting official's option, for the property, and the certified costs shall be collected by the City Collector or other official collecting taxes in the same manner and procedure for collecting real estate taxes. If the certified costs are not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid.

Chapter 215

NUISANCES

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ARTICLE I
In General

Section 215.010. Enumeration.

[CC 1990 §12-26; Code 1977 §17.410; Ord. No. 91-6 §2, 3-5-1991; Ord. No. 92-16 §2, 8-11-1992; Ord. No. 94-14 §§2 — 3, 12-6-1994; Ord. No. 97-01 §2, 1-7-1997; Ord. No. 05-01 §1, 3-1-2005; Ord. No. 09-16 §1, 11-3-2009]

A. In addition to any other act declared to be a nuisance by this Code or other ordinances of the City, nuisances are hereby defined and declared to be as follows:

1. Any act done or committed, or suffered to be done or committed, by any person, or any substance or thing kept, maintained, placed or found in or upon any public or private place which is annoying or damaging or injurious or dangerous to the public health or public safety or public welfare.

2. Any business carried on or pursuit followed or act done by any person to the hurt, injury, annoyance, inconvenience or damage of the public or any member of the public.

3. Any slaughterhouse in the City, or within one-half (½) mile from the corporate limits thereof, permitted by the person owning or having charge of the same to be in such condition as to become offensive, annoying, or injurious to the public health.

4. Any pond or pool of unwholesome, offensive or stagnant water upon any premises and any foul or dirty water or liquid when discharged through any drain, pipe or spout, or thrown into or upon any street, thoroughfare or premises to the injury and annoyance of the public.

5. Any privy or private vault kept in such a condition as to emit offensive, noxious or disagreeable odor, and any substance emitting an offensive, noxious, unhealthy or disagreeable effluvium in the neighborhood where it exists. Any carcass of a dead animal which the owner or keeper permits to remain within the City limits exceeding twenty (20) hours after death.

6. Confining or keeping within the City any animals or fowl in any unclean or filthy pen, shed or other enclosure so as to be a nuisance.

7. The keeping of hogs.

8. The keeping of horses, mules, sheep, goats, or other livestock animals in or under any dwelling.

9. Any cellar, vault, private drain, pool, privy, sewer or sink, upon any premises permitted to become nauseous, foul, offensive or injurious to the public health.

10. Any bawdy house, or building or room to which persons are allowed or permitted by the owner, keeper or occupant to resort for the purpose of prostitution.

11. The abandonment, neglect, or disregard of any premises so as to permit the premises to become unclean, with an accumulation of litter or waste thereon, or to permit the premises to become unsightly, unsanitary, or obnoxious or a blight to the vicinity, or offensive to the senses of users of the public way abutting the premises and so to continue for a period longer than ten (10) days.

12. The maintenance, within the City of any well or cistern, the water of which is shown by chemical analysis to be of an impure or unwholesome nature or any unused well or cistern not covered, filled or securely covered.

13. Any violation of this Code which, if continued, is liable to endanger, annoy or injure the public.

14. Every act or thing done or made, permitted, maintained, allowed or continued on any property, public or private, by any person, his/her agent or employee which is liable to or does endanger, annoy, damage or injure any person or any inhabitant of the City or any property of said person or inhabitant.

15. Direct, arrange or use exterior lighting in residential areas which glares, or is unusually directed or projects in excess of one-fourth (¼) footcandle onto adjacent residential property, thereby adversely affecting the use and enjoyment of those persons who own, occupy or use the adjacent property. This Paragraph shall not apply to:

    a. Lights owned or operated by any residential subdivision within the City or by any political subdivision of this State.

    b. Lights used during the holiday season commencing on Thanksgiving, the fourth (4th) Thursday in November, and ending January eighth (8th) in each year, commonly known as seasonal holiday lights.

16. The keeping on any property, street or highway for a period longer than ten (10) days of any abandoned vehicle, or parts thereof, defined as:

    a. A vehicle, or parts thereof, which does not have displayed thereon a permanent license plate or set of plates issued for that vehicle indicating current registration by one of the United States or its Territories; and

    b. For which no reasonable arrangements have been made with the owner or occupant of the premises on which it is located for its storage; or

    c. The owner has reasonably indicated by his/her words or actions his/her intent to leave the same and no longer claims ownership thereof.

17. The keeping on any property, street or highway for a period longer than ten (10) days of any derelict vehicle, or parts thereof, defined as:

a. Any partially dismantled vehicle.

b. Any non-operating vehicle.

c. Any wrecked or junked vehicle.

18. *Parking nuisances.*

a. The parking for longer than seventy-two (72) consecutive hours on any area, street, driveway or any other place or location within the City, except in an enclosed garage, of any motorcycle, boat, trailer, truck, camper, recreational vehicle, off-road vehicle or other motor vehicle, except an automobile, non-commercial van or non-commercial pick-up truck which is used as a passenger vehicle

b. *Regulation of portable storage units, PODS or similar device.*

PODS: As used in this sub-paragraph, PODS is an acronym and common name for portable on demand storage units: a container designed, constructed and commonly used for non-permanent placement on property for the purpose of temporary storage of personal property.

(1) It shall be unlawful for any person to park, place or allow placement of a portable storage unit, PODS or similar device in or upon any street, highway, roadway, designated fire lane or sidewalk.

(2) It shall be unlawful for any person to park, place or allow placement of a portable storage unit, PODS or similar device upon any lot or property in the City of Clarkson Valley other than on a concrete, asphalt or other improved surface.

(3) It shall be unlawful for any person to park, place or allow placement of a portable storage unit, PODS or similar device upon any lot or property in Clarkson Valley for more than twenty-one (21) consecutive days or on more than three (3) occasions in any twelve (12) month period.

(4) No person shall park, place or allow placement of a portable storage unit, PODS, or similar device without first obtaining a building permit. The permit shall approve the location on the property, the time period not to exceed those stated in this Section.

(5) This Section shall not apply to the use or placement of construction trailers and equipment on property in association with ongoing construction activities carried out pursuant to a valid building permit, nor to the placement of accessory buildings or storage sheds.

(6) Violations of the provisions of this Section or failure to comply with any of its requirements shall be punishable as provided in Section 100.100.

19. The feeding of Canada geese and white-tailed deer within the City limits is prohibited.

a. No person shall deposit, place, distribute or leave any food of any kind or nature that may be consumed by Canada geese and/or white-tailed deer on public or private lands within the City of Clarkson Valley.

b. Any individual wishing to feed all other wild animals shall utilize a feeding container or other feeding device reasonably designed to prevent access to the food substance by Canada geese and/or white-tailed deer.

c. The provisions of this Subsection (19) shall not apply to any resident or agent of the City authorized to implement a wildlife management program and who possesses the necessary permits from Missouri Department of Conservation, nor shall it apply to any public officer or public employee in the performance of his or her duties. The provisions of this Subsection (19) shall not apply to the feeding of domestic animals.

d. Any person who shall violate or fail to comply with the provisions of this Subsection (19) may, upon conviction, be punished by a fine not to exceed five hundred dollars ($500.00) or confinement not to exceed ninety (90) days, or both. Each act in which a person violates this Subsection (19) shall be considered a separate incident and may be punished as a separate occurrence.

Section 215.020. Nuisance — Creation or Maintenance Prohibited.

[CC 1990 §12-27; Code 1977 §17.410]

No person shall permit, cause, keep, maintain or create within the City any nuisance, as defined by State laws or City ordinances. This shall not be construed to interfere with any existing farm operation.

Section 215.030. Notice to Persons Causing or Maintaining Nuisance — Available Remedies.

[CC 1990 §12-28; Code 1977 §17.410]

A. If the City Officer responsible for enforcement of this Article has reason to believe that a nuisance is being maintained within the City, such officer shall notify the person causing, maintaining or permitting the same to forthwith remove, terminate or abate such nuisance within a reasonable time as determined by such officer after consideration of the nature of the nuisance and the actions necessary to remedy the situation. Such notice shall be given by first class United States mail or by posting a copy thereof on the property involved, and shall include a statement of the condition constituting such nuisance and those actions necessary to remove, terminate or abate same.

B. Should the person so notified fail to remove, terminate or abate such nuisance within the time specified by such officer, the officer may cause the same to be promptly removed, terminated or abated and thereafter certify the cost of such corrective action to the City Clerk, who shall cause a special tax bill to be issued in that amount against the property from which the nuisance was removed, terminated or abated, the same to be collected by the City Collector with other taxes assessed against the property. The special tax bill

shall be a first lien against the property until paid and shall be prima facie evidence of the recitals thereof and of its validity. No mere clerical error or informality in such lien or in the proceedings leading to its issuance shall be a defense thereto. Such tax bill shall bear interest at the rate of six percent (6%) per annum if not paid within thirty (30) days after issuance.

C. Nothing in this Section shall limit the right of the City to seek any other remedy available under the provisions of this Chapter or provided elsewhere in this Code in addition to or in lieu of the remedy specified herein.

Section 215.040. Complaint Against Persons Failing to Abate Nuisance.

[CC 1990 §12-29; Code 1977 §17.410]

A. The City shall make a complaint before the Municipal Judge against any person who fails to remove or abate a nuisance, whether the notice required by this Article has been served or not.

B. Any person interested in the removal or abatement of any nuisance may make a complaint before the Municipal Judge.

Section 215.050. Hearing on Complaint — Jurisdiction.

[CC 1990 §12-30; Code 1977 §17.410]

A. Following a complaint of a nuisance under Section 215.040 the Municipal Judge shall summon the owner or occupant of the property before him/her to answer the complaint.

B. The Municipal Judge shall have jurisdiction of the case and proceed in all respects as in other cases of violation of this Code.

Section 215.060. Hearing on Complaint — Failure to Obey Notice, Etc.

[CC 1990 §12-31; Code 1977 §17.410]

It shall be unlawful for any person, or any officer, agent, or employee of any corporation, within this City, to cause or maintain any nuisance defined in this Article, or in any other ordinance of this City, and it shall be unlawful for any person to fail or refuse to abate or remove the same within the time required and specified in the notice of the officer responsible for enforcement of this Article. Upon conviction, such person shall be punished as provided in Section 100.100, and every day such nuisance is maintained after such notice shall constitute a separate and distinct offense.

Section 215.070. Civil Cause of Action Authorized.

[CC 1990 §12-32; Ord. No. 94-10 §2, 7-5-1994]

Nothing in the preceding Sections shall be construed as abandoning or limiting the City's right to bring a civil cause of action for all expenses attending the abatement of a nuisance when

performed by the City in the Circuit Court of St. Louis County, Missouri, 21st Judicial Circuit, in the name of the City against the person maintaining, keeping, creating or refusing to abate the nuisance so abated.

ARTICLE II
Weeds

Section 215.080. Definitions.

[Ord. No. 09-11, 9-1-2009[1]]

The following definitions are to be used in Chapter 215, Nuisances.

NOXIOUS WEEDS — (As may be amended from time to time by the United States Department of Agriculture), Canada thistle, common teasel, crown vetch, cut-leaved teasel, field blindweed, garlic mustard, Johnson grass, kudzu, marijuana, multiflora rose, musk thistle, purple loosestrife, and Scotch thistle.

WOODED AREA — Any parcel of land having more than five thousand (5,000) square feet of tree canopy coverage and where the tree canopy is primarily comprised of trees equal to or larger than five (5) inches in DBH. (Note: In the United States, tree diameter is usually measured at 4.5 ft. above ground level. Measurement at this height is referred to as "diameter at breast height" or "DBH.")

Section 215.081. Weeds and/or Grass.

[Ord. No. 09-11, 9-1-2009]

No person having control of any lot of ground or any part of any lot or parcel of ground within the City shall allow or maintain on such lot or parcel of ground any growth of weeds or grass to a height of over seven (7) inches, unless the growth is in a wooded area. Lots used for pasture, farming, crops, timber, woods, prairie, or wetlands may not be required to comply with the provisions of this Section. In non-wooded areas, it shall be the duty of any person owning, leasing, occupying, or controlling any plot of ground in the City to prevent the growth of, and eliminate, noxious weeds and invasive plants, including but not limited to cockleburs, crown vetch, dandelions, garlic mustard, Japanese honeysuckle, Johnson grass, multiflora roses, purple loosestrife, ragweed, thistles (see "noxious weeds" in Section 215.080, Definitions). However, in these instances where a nuisance is determined to exist by the Building Commissioner or his/her designee, the person having control of said property or lot may be required to undertake the necessary maintenance to eliminate the growth. Those lots or parcels of real estate within any "C" Office District shall be governed by this Section.

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1. **Editor's Note: This ordinance superseded former Art. II, Weeds, adopted Code 1977 §12.080(1 — 10), as amended.**

Section 215.082. Restrictions for Ornamental Grasses, Including Bamboo and Native Plants.

[Ord. No. 09-11, 9-1-2009]

Ornamental grasses, bamboo and native plants are exempt from height restrictions on private property, if these grasses do not obstruct sight distance for vehicular, bicycle, or pedestrian traffic. Ornamental grasses and bamboo shall not be located within five (5) feet of an adjacent property owner(s)' property line. The City shall maintain a list of permitted ornamental grasses and native plants.

Section 215.083. Dead Trees, Bushes or Shrubbery Prohibited.

[Ord. No. 09-11, 9-1-2009]

No person, whether owner, lessee, or occupant, having control, possession, or use of any lot or land, property or any part of any property not in a wooded area, shall allow dead trees, bushes, shrubbery, or debris to remain on such property. Dead trees, bushes, shrubbery, when cut down, or debris, must be promptly removed from the property and disposed of in such a manner as not to create a nuisance. It shall be the duty of those responsible under this Section for the removal of dead trees, bushes, shrubbery or debris from a private lot to also remove dead trees, bushes, shrubbery, or debris, from an abutting subdivision common ground or subdivision easement.

Section 215.084. Depositing Grass Clippings on Streets or Along Creeks, Misdemeanor.

[Ord. No. 09-11, 9-1-2009]

No person, whether owner, lessee, occupant, or contractor shall allow or permit debris of any kind, including, but not limited to, weeds, grass, overgrown vegetation, dead trees, bushes or shrubbery to be placed, left, mechanically blown, swept, fall, or thrown onto any street, gutter, curb, road, lane, cul-de-sac, highway, open creek, stream, watercourse, public place, storm sewer, common ground, or right-of-way within the City limits. When complying with these sections in cutting, mowing, trimming of weeds, grass, rank vegetation growths, dead trees, bushes and shrubbery any such person shall promptly dispose of debris by removal or in such a manner as to not create a nuisance.

Section 215.085. Notice to Owner of Violation.

[Ord. No. 09-11, 9-1-2009]

A. When the Building Commissioner or his duly authorized agent ascertains that noxious weeds and/or vegetation as set forth in this Article are growing on any property as described in Sections 215.081 and 215.082, he may cause a notice to be directed to the owner or other person in control of such lot or land that noxious weeds and/or other vegetation are growing thereon and must be destroyed, and that such destruction must be begun within seven (7) days after such notice is served and be completed within fifteen (15) days after such notice. The notice to the owner or other person in control of such lot or land shall be served in any one (1) of the following ways:

1. By causing such notice to be delivered to such owner, agent, occupant or other person in control either in the City or elsewhere.

2. By posting a copy of such notice upon the property in question, such notice to be deemed served at the end of twenty-four (24) hours after the posting thereof.

3. By mailing such notice or copy thereof enclosed in a sealed envelope, postage prepaid, directed to such owner or other person in control of said property, either at his place of business or residence in the City or elsewhere, such notice to be deemed served twenty-four (24) hours after the mailing of such notice in case it is directed to the business or residence address of the owner or other person in control of such property, provided that if the owner or other person in control of such property be non-residents of the City, and have no addresses, then the notice shall be deemed served at the end of such period after the mailing thereof as in the ordinary course of transmission of the mail by the United States Government would be required, for the receipt of such notice by the owner or other person in control of such land at his or her place of residence.

B. When the Building Commissioner or his duly authorized agent ascertains that dead trees, bushes, shrubbery, or debris remain on property as described in Section 215.083, abatement must be begun within seven (7) days after such notice is served and be completed within thirty (30) days after such notice. The notice to the owner or other person in control of such lot or land shall be served in any one (1) of the ways as set forth above.

Section 215.086. Removal by City Upon Owner, Lessee, or Occupant's Failure to Comply With Notice, Collection of Costs.

[Ord. No. 09-11, 9-1-2009]

If the weeds, grass, overgrown vegetation, or dead trees, bushes or shrubbery or debris are not cut down and removed from such property on or before the date specified in Section 215.085, the Building Commissioner, or his designee, may, without further notice, have the same cut down and removed from such property. The Building Commissioner, or his designee, shall certify the cost of such cutting and removal to the City Clerk who shall cause the certified costs to be included in a special tax bill or added to the annual real estate tax bill for such property, at the Clerk's option, and the certified costs shall be collected in the same manner and procedure for collection of real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent and the collection of the delinquent bill shall be governed by such laws applicable to delinquent, and back taxes. The tax bill shall, from the date of its issuance, be deemed a personal debt against the owner of the property and shall also be a lien on the property until paid. The lien shall be enforceable in any manner provided by law and shall bear interest at the rate of eight percent (8%) per annum.

Section 215.087. Administrative Costs and Lien Recording Fees.

[Ord. No. 09-11, 9-1-2009]

As a part of the cost of cutting weeds, rank vegetation growth, dead trees, bushes and shrubbery pursuant to this Article, each lien issued under this Article shall include such reasonable administrative charges as are determined by the Building Commissioner for inspecting, giving notice for issuing and recording the lien.

Section 215.088. Failure to Comply With Notices, Misdemeanor.

[Ord. No. 09-11, 9-1-2009]

If the weeds, grass, rank vegetation growths, or dead trees, bushes, shrubbery, or debris are not cut down and removed from such property on or before the date specified in Section 215.085, the owner, lessee, or occupant of such property shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to penalties as provided for in Section 100.100 of this Code. Any person, whether owner, lessee, occupant, or contractor, who is found in violation of Section 215.084 shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to penalties as provided for in Section 100.100 of this Code.

Section 215.089. Cost of Nuisance or Removal Abatement.

[Ord. No. 09-11, 9-1-2009]

A. In addition to any other remedy or procedure provided by Missouri Statute or City ordinances, if the owner of property has failed to begin or pursue without unnecessary delay, the removal of a nuisance and the City has removed or abated a public nuisance that has been declared to exist on any lot or land, as provided in the Ordinances of the City of Clarkson Valley, the cost of such removal or abatement may be added by the City to the annual real estate bill for the property and collected in the same manner and procedure for collecting real estate taxes.

B. The Mayor is hereby authorized and directed to enter into such agreements with St. Louis County as are necessary or appropriate for St. Louis County to include such nuisance abatement fees with the tax bills sent each year by St. Louis County to residents of the City of Clarkson Valley, onto the tax bill of the owner of the property where said nuisance was removed or abated.

Section 215.090. Penalties.

[Ord. No. 09-11, 9-1-2009]

Any owner, agent, occupant or person in control of any property described in Sections 215.081, 285.082, 285.083 and 285.084 who shall violate or fail to comply with any provisions of this Article, including failure to comply with the notice as described in Section 215.085, shall upon conviction be punished as provided in Section 100.100 of this Code. Each day of such violation shall constitute a separate offense as to each separate lot or tract of ground owned or controlled by such owner, agent, occupant or person in control of the property.

ARTICLE III
Abandoned Property

Section 215.100. Definitions.

As used in this Article, the following terms shall have the meanings set out herein:

ABANDONED PROPERTY — Any unattended motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel removed or subject to removal from public or private property as provided in this Article, whether or not operational.

PERSON — Any natural person, corporation or other legal entity.

RIGHT-OF-WAY — The entire width of land between the boundary lines of a public road or State highway, including any roadway.

ROADWAY — That portion of a public road or State highway ordinarily used for vehicular travel, exclusive of the berm or shoulder.

TOWING COMPANY — Any person or entity which tows, removes or stores abandoned property.

URBANIZED AREA — An area with a population of fifty thousand (50,000) or more designated by the Bureau of the Census, within boundaries to be fixed by the State Highways and Transportation Commission and local officials in cooperation with each other and approved by the Secretary of Transportation. The boundary of an urbanized area shall, at a minimum, encompass the entire urbanized area as designed by the Bureau of the Census.

Section 215.110. Abandoned Vehicles Prohibited.

No person shall abandon any motor vehicle on the right-of-way of any public road or State highway or on any private real property owned by another without his/her consent.

Section 215.120. Open Storage of Inoperable Vehicles or Public Safety Hazards Prohibited.

The open storage of inoperable vehicles or other vehicles deemed by the City to constitute a public safety hazard is prohibited. Nothing in this Section shall apply to a vehicle which is completely enclosed within a locked building or locked fenced area and not visible from adjacent public or private property, nor to any vehicle upon the property of a business licensed as salvage, swap, junk dealer, towing or storage facility so long as the business is operated in compliance with its business license and the property is in compliance with applicable zoning ordinances.

Section 215.130. Obstructing the Flow of Traffic Prohibited.

Except in the case of an accident resulting in the injury or death of any person, the driver of a vehicle which for any reason obstructs the regular flow of traffic on the roadway of any public road or State highway shall make every reasonable effort to move the vehicle or have it

moved so as not to block the regular flow of traffic. Any person who fails to comply with the requirements of this Section is guilty of an ordinance violation and, upon conviction thereof, shall be punished by a fine of not less than ten dollars ($10.00) nor more than fifty dollars ($50.00).

Section 215.140. Towing of Abandoned Property on Public Real Property.

A. Any Law Enforcement Officer, or an official of the City where the City's real property is concerned, may authorize a towing company to remove to a place of safety:

1. Any abandoned property on the right-of-way of:

   a. Any State highway, or interstate highway or freeway in an urbanized area of the City, left unattended for ten (10) hours;

   b. Any State highway, or interstate highway or freeway outside of an urbanized area of the City, left unattended for more than forty-eight (48) hours;

   provided that commercial motor vehicles not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this Section to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice.

2. Any unattended abandoned property illegally left standing upon any highway or bridge if the abandoned property is left in a position or under such circumstances as to obstruct the normal movement of traffic where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal.

3. Any abandoned property which has been abandoned under Section 215.110 herein or Section 577.080, RSMo.

4. Any abandoned property which has been reported as stolen or taken without consent of the owner.

5. Any abandoned property for which the person operating such property is arrested for an alleged offense for which the officer is required to take the person into custody and where such person is unable to arrange for the property's timely removal.

6. Any abandoned property which due to any other State law or City ordinance is subject to towing because of the owner's outstanding traffic or parking violations.

7. Any abandoned property left unattended in violation of a State law or City ordinance where signs have been posted giving notice of the law or where the violation causes a safety hazard.

B. When the City Police Department authorizes a tow pursuant to this Section in which the abandoned property is moved from the immediate vicinity, it shall complete a crime inquiry and inspection report.

C. Any City agency other than the City Police Department authorizing a tow under this Section where property is towed away from the immediate vicinity shall report the tow to the City Police Department within two (2) hours of the tow, along with a crime inquiry and inspection report.

Section 215.150. Towing of Abandoned Property on Private Real Property.

A. *Generally.* The City, including the City Police Department, may tow motor vehicles from real property which are deemed a public safety hazard pursuant to Section 215.120, or are derelict junk, scrapped, disassembled or otherwise harmful to the public health. The City shall perform such tow pursuant to the terms of Section 215.160. When a City agency other than the Police Department authorizes a tow under this Subsection, it shall report the tow to the Police Department within two (2) hours with a crime inquiry and inspection report.

B. *Towing Authorized By City Police Department.* If a person abandons property on any real property owned by another without the consent of the owner or person in possession of the real property, at the request of the person in possession of the real property, any City Police Officer may authorize a towing company to remove such abandoned property from the property in the following circumstances:

1. The abandoned property is left unattended for more than forty-eight (48) hours; or

2. In the judgment of a Police Officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.

C. *Towing Authorized By Real Property Owner, Lessee Or Property Or Security Manager.*

1. 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:

a. *Sign.* There is displayed, in plain view at all entrances to the property, a sign not less than seventeen (17) by twenty-two (22) inches in size, with lettering not less than one (1) 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 twenty-four (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.

b. *Unattended on owner-occupied residential property.* The abandoned property is left unattended on owner-occupied residential property with four (4) residential units or less and the owner, lessee or agent of the real property in lawful possession has notified the City Police Department, and ten (10) hours have elapsed since that notification.

c. *Unattended on other private real property.* The abandoned property is left unattended on private real property, and the owner, lessee or agent of the real property in lawful possession of real property has notified the City Police Department, and ninety-six (96) hours have elapsed since that notification.

2. Pursuant to this Section, any owner or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a City Police Officer shall at that time complete an abandoned property report which shall be considered a legal declaration subject to criminal penalty pursuant to Section 575.060, RSMo. The report shall be in the form designed, printed and distributed by the Missouri Director of Revenue and shall contain the following:

a. The year, model, make and abandoned property identification number of the property, and the owner and any lienholders, if known;

b. A description of any damage to the abandoned property noted by owner, lessee or property or security manager in possession of the real property;

c. The license plate or registration number and the State of issuance, if available;

d. The physical location of the property and the reason for requesting the property to be towed;

e. The date the report is completed;

f. The printed name, address and telephone number of the owner, lessee or property or security manager in possession of the real property;

g. The towing company's name and address;

h. The signature of the towing operator;

i. The signature of the owner, lessee or property or security manager attesting to the facts that the property has been abandoned for the time required by this Section and that all statements on the report are true and correct to the best of the person's knowledge and belief and that the person is subject to the penalties for making false statements;

j. Space for the name of the law enforcement agency notified of the abandoned property and for the signature of the Law Enforcement Official receiving the report; and

k. Any additional information the Missouri Director of Revenue deems appropriate.

3. Any towing company which tows abandoned property without authorization from the City Police Department pursuant to Subsection (B) of this Section shall deliver a copy of the abandoned property report to the City Police Department. The copy may be produced and sent by facsimile machine or other device which produces a near exact likeness of the print and signatures required, but only if the City Police Department has the technological capability of receiving such copy and has registered the towing company for such purpose. The report shall be delivered within two (2) hours if the tow was made from a signed location pursuant to Subsection (C)(1)(a) of this Section, otherwise the report shall be delivered within twenty-four (24) hours.

4. The City Police Department, after receiving such abandoned property report, shall record the date on which the abandoned property report is filed with the Police Department and shall promptly make an inquiry into the National Crime Information Center (NCIC) and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The Police Department shall enter the information pertaining to the towed property into the statewide law enforcement computer system and a Police Officer shall sign the abandoned property report and provide the towing company with a signed copy.

5. The City Police Department, after receiving notification that abandoned property has been towed by a towing company, shall search the records of the Missouri Department of Revenue and provide the towing company with the latest owner and lienholder information on the abandoned property. If the abandoned property is not claimed within ten (10) working days, the towing company shall send a copy of the abandoned property report signed by a Law Enforcement Officer to the Department of Revenue.

6. No owner, lessee, or property or security manager of real property shall knowingly authorize the removal of abandoned property in violation of this Section.

7. Any owner of any private real property causing the removal of abandoned property from that real property shall state the grounds for the removal of the abandoned property if requested by the registered owner of that abandoned property. Any towing company that lawfully removes abandoned property from private property with the written authorization of the property owner or the property owner's agent who is present at the time of removal shall not be held responsible in any situation relating to the validity of the removal. Any towing company that removes abandoned property at the direction of the landowner shall be responsible for:

a. Any damage caused by the towing company to the property in the transit and subsequent storage of the property; and

b. The removal of property other than the property specified by the owner of the private real property from which the abandoned property was removed.

D. *Damage To Property.* The owner of abandoned property removed from private real property may recover for any damage to the property resulting from any act of any person causing the removal of, or removing, the abandoned property.

E. *Real Property Owner Liability.* Any owner of any private real property causing the removal of abandoned property parked on that property is liable to the owner of the abandoned property for double the storage or towing charges whenever there has been a failure to comply with the requirements of this Article.

F. *Written Authorization Required — Delegation Of Authority To Tow.*

1. Except for the removal of abandoned property authorized by the City Police Department pursuant to this Section, a towing company shall not remove or commence the removal of abandoned property from private real property without first obtaining written authorization from the real property owner. All written authorizations shall be maintained for at least one (1) year by the towing company.

2. General authorization to remove or commence removal of abandoned property at the towing company's discretion shall not be delegated to a towing company or its affiliates except in the case of abandoned property unlawfully parked within fifteen (15) feet of a fire hydrant or in a fire lane designated by a Fire Department or the State Fire Marshal.

G. *Towing Company Liability.* Any towing company, or any affiliate of a towing company, which removes, or commences removal of, abandoned property from private property without first obtaining written authorization from the property owner or lessee, or any employee or agent thereof, who is present at the time of removal or commencement of the removal, except as permitted in Subsection (F) of this Section, is liable to the owner of the property for four (4) times the amount of the towing and storage charges, in addition to any applicable ordinance violation penalty, for a violation of this Section.

Section 215.160. General Provisions and Procedures.

A. *Payment Of Charges.* The owner of abandoned property removed as provided in this Article shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in Section 215.170.

B. *Crime Inquiry And Inspection Report.* Upon the towing of any abandoned property pursuant to Section 215.140 or under authority of a Law Enforcement Officer or local governmental agency pursuant to Section 215.150, the City Police Department, where it authorized such towing or was properly notified by another governmental agency of such towing, shall promptly make an inquiry with the National Crime Information Center (NCIC) and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen and shall enter the information pertaining to the towed property into the statewide law enforcement computer system.

If the abandoned property is not claimed within ten (10) working days of the towing, the City Police Department shall submit a crime inquiry and inspection report to the Missouri Director of Revenue. The City Police Department shall also provide one (1) copy of the report to the storage facility and one (1) copy to the towing company. A towing company in possession of abandoned property after ten (10) working days shall report such fact to the City Police Department. The crime inquiry and inspection report shall be designed by the Director of Revenue and shall include the following:

1. The year, model, make and property identification number of the property and the owner and any lienholders, if known;

2. A description of any damage to the property noted by the Law Enforcement Officer authorizing the tow;

3. The license plate or registration number and the State of issuance, if available;

4. The storage location of the towed property;

5. The name, telephone number and address of the towing company;

6. The date, place and reason for the towing of the abandoned property;

7. The date of the inquiry of the National Crime Information Center, any statewide Missouri law enforcement computer system, and any other similar system which has titling and registration information to determine if the abandoned property had been stolen. This information shall be entered only by the City Police Department;

8. The signature and printed name of the Law Enforcement Officer authorizing the tow and the towing operator; and

9. Any additional information the Missouri Director of Revenue deems appropriate.

C. *Reclaiming Property.* The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of the abandoned property.

D. *Lienholder Repossession.* If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the repossessor shall notify the City Police Department within two (2) hours of the repossession and shall further provide the Police Department with any additional information the Police Department deems appropriate. The City Police Department shall make an inquiry with the National Crime Information Center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.

E. *Notice To Owner/Tow Lien Claim.* Any towing company which comes into possession of abandoned property pursuant to this Article and who claims a lien for recovering, towing or storing abandoned property shall give notice to the title owner and to all persons claiming a lien thereon, as disclosed by the records of the Missouri Department of Revenue or of a corresponding agency in any other State. The towing company shall

notify the owner and any lienholder within ten (10) business days of the date of mailing indicated on the notice sent by the Missouri Department of Revenue pursuant to Section 304.156 RSMo., by certified mail, return receipt requested. The notice shall contain the following:

1. The name, address and telephone number of the storage facility;

2. The date, reason and place from which the abandoned property was removed;

3. A statement that the amount of the accrued towing, storage and administrative costs are the responsibility of the owner, and that storage and/or administrative costs will continue to accrue as a legal liability of the owner until the abandoned property is redeemed;

4. A statement that the storage firm claims a possessory lien for all such charges;

5. A statement that the owner or holder of a valid security interest of record may retake possession of the abandoned property at any time during business hours by proving ownership or rights to a secured interest and paying all towing and storage charges;

6. A statement that, should the owner consider that the towing or removal was improper or not legally justified, the owner has a right to request a hearing as provided in this Section to contest the propriety of such towing or removal;

7. A statement that if the abandoned property remains unclaimed for thirty (30) days from the date of mailing the notice, title to the abandoned property will be transferred to the person or firm in possession of the abandoned property free of all prior liens; and

8. A statement that any charges in excess of the value of the abandoned property at the time of such transfer shall remain a liability of the owner.

F. *Physical Search Of Property.* In the event that the Missouri Department of Revenue notifies the towing company that the records of the Department of Revenue fail to disclose the name of the owner or any lienholder of record, the towing company shall attempt to locate documents or other evidence of ownership on or within the abandoned property itself. The towing company must certify that a physical search of the abandoned property disclosed no ownership documents were found and a good faith effort has been made. For purposes of this Section, good faith effort means that the following checks have been performed by the company to establish the prior State of registration and title:

1. Check of the abandoned property for any type of license plates, license plate record, temporary permit, inspection sticker, decal or other evidence which may indicate a State of possible registration and title;

2. Check the law enforcement report for a license plate number or registration number if the abandoned property was towed at the request of a law enforcement agency;

3. Check the tow ticket/report of the tow truck operator to see if a license plate was on the abandoned property at the beginning of the tow, if a private tow; and

4. If there is no address of the owner on the impound report, check the law enforcement report to see if an out-of-state address is indicated on the driver license information.

G. *Petition In Circuit Court.* The owner of the abandoned property removed pursuant to this Article or any person claiming a lien, other than the towing company, within ten (10) days after the receipt of notification from the towing company pursuant to Subsection (E) of this Section may file a petition in the Associate Circuit Court in the County where the abandoned property is stored to determine if the abandoned property was wrongfully taken or withheld from the owner. The petition shall name the towing company among the defendants. The petition may also name the agency ordering the tow or the owner, lessee or agent of the real property from which the abandoned property was removed. The Missouri Director of Revenue shall not be a party to such petition but a copy of the petition shall be served on the Director of Revenue.

H. *Notice To Owner.* Notice as to the removal of any abandoned property pursuant to this Article shall be made in writing within five (5) working days to the registered owner and any lienholder of the fact of the removal, the grounds for the removal, and the place to which the property has been removed by either:

1. The public agency authorizing the removal; or

2. The towing company, where authorization was made by an owner or lessee of real property.

If the abandoned property is stored in any storage facility, a copy of the notice shall be given to the operator of the facility. The notice provided for in this Section shall include the amount of mileage if available shown on the abandoned property at the time of removal.

I. *Tow Truck Requirements.* Any towing company which tows abandoned property for hire shall have the towing company's name, City and State clearly printed in letters at least three (3) inches in height on the sides of the truck, wrecker or other vehicle used in the towing.

J. *Storage Facilities.* Persons operating or in charge of any storage facility where the abandoned property is stored pursuant to this Article shall accept cash for payment of towing and storage by a registered owner or the owner's agent claiming the abandoned property.

Section 215.170. Maximum Charges.

A. A towing company may only assess reasonable storage charges for abandoned property towed without the consent of the owner. Reasonable storage charges shall not exceed the charges for vehicles which have been towed with the consent of the owner on a

negotiated basis. Storage charges may be assessed only for the time in which the towing company complies with the procedural requirements of this Article.

B. The Board of Aldermen may from time to time establish maximum reasonable towing, storage and other charges which can be imposed by towing and storage companies operating within the City, and which are consistent with this Article and with Sections 304.155 to 304.158, RSMo. Any violation of said established maximum charges shall be deemed a violation of this Section of the Code and shall be punishable pursuant to Section 100.100.

C. A towing company may impose a charge of not more than one-half (½) of the regular towing charge for the towing of abandoned property at the request of the owner of private real property or that owner's agent pursuant to this Article if the owner of the abandoned property or the owner's agent returns to the abandoned property before it is removed from the private real property. The regular towing charge may only be imposed after the abandoned property has been removed from the property and is in transit.

Section 215.180. Sale of Abandoned Property by City.

When the City has physical possession of the abandoned property, it may sell the abandoned property in accordance with its established provisions and regulations and may transfer ownership by means of a bill of sale signed by the City Clerk and sealed with the official City Seal. Such bill of sale shall contain the make and model of the abandoned property, the complete abandoned property identification number and the odometer reading of the abandoned property if available and shall be lawful proof of ownership for any dealer registered under the provisions of Section 301.218, RSMo. or Section 301.560, RSMo., or for any other person.

Chapter 220

EMERGENCY MANAGEMENT

Section 220.010. Establishment.
Section 220.020. Organization.
Section 220.030. Functions.
Section 220.040. Director.
Section 220.050. Scope of Operation.
Section 220.060. Mutual-Aid Agreements.
Section 220.070. City May Accept Services, Etc.
Section 220.080. Oath.
Section 220.090. Office Space.

Cross Reference — Police department, ch. 200.

Section 220.010. Establishment.

There is hereby created within and for the City of Clarkson Valley an emergency management organization to be known as the Clarkson Valley Emergency Management Organization, which is responsible for the preparation and implementation of emergency functions required to prevent injury and minimize and repair damage due to disasters, to include emergency management of resources and administration of such economic controls as may be needed to provide for the welfare of the people, and emergency activities (excluding functions for which military forces are primarily responsible) in accordance with Chapter 44, RSMo., and supplements thereto, and the Missouri Emergency Operations Plan adopted thereunder.

Section 220.020. Organization.

This agency shall consist of a Director and other members appointed by the Clarkson Valley Emergency Management Organization to conform to the State organization and procedures for the conduct of emergency operations as outlined in the Missouri Emergency Operations Plan.

Section 220.030. Functions.

The organization shall perform emergency management functions within the City of Clarkson Valley, and may conduct these functions outside the territorial limits as directed by the Governor during the time of emergency pursuant to the provisions of Chapter 44, RSMo., and supplements thereto.

Section 220.040. Director.

A. The Director will be appointed by the Mayor and shall serve at the pleasure of the Mayor.

B. The Director shall have direct responsibility for the organization, administration and operations of local emergency management operations, subject to the direction and control of the Mayor or Board of Aldermen.

C. The Director shall be responsible for maintaining records and accounting for the use and disposal of all items of equipment placed under the jurisdiction of the Clarkson Valley Emergency Management Organization.

Section 220.050. Scope of Operation.

A. The City of Clarkson Valley in accordance with Chapter 44, RSMo., may:

1. Appropriate and expend funds, make contracts, obtain and distribute equipment, materials and supplies for emergency management purposes; provide for the health and safety of persons, the safety of property; and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the Federal and State governments.

2. Appoint, provide or remove rescue teams, auxiliary fire and Police personnel and other emergency operation teams, units or personnel who may serve without compensation.

Section 220.060. Mutual-Aid Agreements.

The Mayor of the City, with the approval of the Governor and consistent with the Missouri Emergency Operations Plan and the provisions of Section 70.837, RSMo., and Section 320.090, RSMo., may enter into mutual-aid agreements with other public and private agencies within and without the State for reciprocal emergency aid. The Director may assist in the negotiation of such reciprocal mutual-aid agreements.

Section 220.070. City May Accept Services, Etc.

The Mayor of the City may, with the consent of the Governor, accept services, materials, equipment, supplies or funds gifted, granted or loaned by the Federal Government or an officer or agency thereof for emergency management purposes, subject to the terms of the offer.

Section 220.080. Oath.

No person shall be employed or associated in any capacity in the Clarkson Valley Emergency Management Organization 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 or 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 the Clarkson Valley Emergency Management Organization shall, before entering upon his/her 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 Clarkson Valley Emergency Management 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."

Section 220.090. Office Space.

The Mayor or Board of Aldermen is authorized to designate space in any City-owned or leased building for the Clarkson Valley Emergency Management Organization.

Chapter 225

SOLID WASTE MANAGEMENT

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ARTICLE I
Trash Collection and Disposal Generally

Section 225.010. Definitions.

[CC 1990 §8-66; Code 1977 §14.100(1); Ord. No. 91-7 §2, 5-7-1991; Ord. No. 04-01 §§1 — 2, 2-3-2004; Ord. No. 11-09 §§1 — 2, 11-1-2011]

For the purposes of this Chapter, the following words and terms shall be deemed to have the meanings indicated below:

APPROVED INCINERATOR — An incinerator which complies with all current regulations of the responsible local, State and Federal air pollution control agencies.

BULKY RUBBISH — Non-putrescible solid wastes consisting of combustible and/or non-combustible 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 — Removal of solid waste from its place of storage to the transportation vehicle.

COLLECTION PERIODS — When the collection point is in front of the premises or on the street, the solid waste, recycling and yard waste containers and bundles of tree waste permitted by this Chapter shall be placed no sooner than 5:00 P.M. the day prior to pickup. The solid waste, recycling and yard waste containers shall be returned to their appropriate storage place no later than 12:00 Midnight on the day of collection.

DEMOLITION AND CONSTRUCTION WASTE — Waste materials from the construction or destruction of residential, industrial or commercial structures.

DIRECTOR — The Director of the solid waste management program of the City shall be the Mayor or such person as designated by the Board of Aldermen.

DISPOSABLE SOLID WASTE CONTAINER — Disposable plastic or paper sacks with a capacity of twenty (20) to thirty-five (35) gallons specifically designed for storage of solid waste.

DUMPSTER — Any container used for the collection of solid waste and/or demolition and construction waste in excess of ninety (90) gallons.

DWELLING UNIT — Any room or group of rooms located within a structure, and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.

GARBAGE — Putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving, or consumption of food.

HAZARDOUS WASTES — Any waste or combination of wastes, as determined by the State Hazardous Waste Management Commission by rules and regulations, which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in serious irreversible, or incapacitating reversible, illness, or pose a present or potential threat to the health of humans or other living organisms.

OCCUPANT — Any person who, alone or jointly or severally with others, or any corporation, association, joint stock company, shall be in actual possession of any dwelling unit or of any other improved real property, either as owner or as a tenant.

PROCESSING — Incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

RECYCLABLE CONTAINER — The receptacle used to store authorized recyclable materials during the interval between collections. The container must be approved by the authorized hauler of the recyclable materials.

RECYCLABLES — Newsprint; brown, clear and green glass containers; steel or tin cans; aluminum cans; plastic milk jugs and plastic soda bottles, all rinsed and reasonably free of food, dirt and other contaminants. Also included as a recyclable is any other material that the City and contractor may hereafter mutually agree to collect as a recyclable. For the purposes of this Chapter, recyclables shall not include other solid waste, bulk rubbish or hazardous waste as defined in this Chapter.

REFUSE — Solid waste.

SOLID WASTE — 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.

1. COMMERCIAL SOLID WASTE — Solid waste resulting from the operation of any commercial, industrial, institutional, club or agricultural establishment.

2. RESIDENTIAL SOLID WASTE — Solid waste resulting from the maintenance and operation of dwelling units.

SOLID WASTE CONTAINER — The receptacle used by any person to store solid waste during the interval between solid waste collections.

SOLID WASTE DISPOSAL — The process of discarding or getting rid of unwanted material, in particular, the final deposition of solid waste by man.

SOLID WASTE MANAGEMENT — The entire solid waste system of storage, collection, transportation, processing and disposal.

STORAGE — Keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

TRANSPORTATION — The transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

WHITE GOODS — Washers and dryers, water heaters, trash compactors, dishwashers, microwave ovens, conventional ovens, ranges, stoves, wood stoves, air conditioners, refrigerators, freezers, dehumidifiers and other appliances.

YARD WASTE CONTAINER — Loose yard wastes not capable of being bundled shall be stored in containers.

YARD WASTES — Grass clippings, leaves, tree trimmings.

Section 225.020. Storage.

[CC 1990 §8-67; Code 1977 §14.100(2); Ord. No. 91-7 §3, 5-7-1991; Ord. No. 04-01 §§1, 3, 2-3-2004; Ord. No. 11-09 §§1 — 2, 11-1-2011]

A. The occupant or owner of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within 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. The occupant or owner of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment shall place all solid waste to be collected in proper solid waste containers, except as otherwise provided herein, and shall maintain

such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times. Solid waste containers shall be visible only during designated solid waste collection periods.

C. Residential solid waste shall be stored in containers of not more than thirty-five (35) gallons nor less than twenty (20) gallons in nominal capacity. Containers shall be leak-proof, water-proof, and fitted with a fly-tight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails or other suitable lifting devices or features. Containers shall be of a type originally manufactured for residential solid waste, with tapered sides for easy emptying. They shall be of lightweight and sturdy construction. The weight of any individual container and contents shall not exceed sixty (60) pounds.

D. Galvanized metal containers, or rubber, fiberglass, or plastic containers which do not become brittle in cold weather, may be used. Disposable solid waste containers with suitable frames or containers as approved by the Director may also be used for storage of residential solid waste.

E. Commercial solid waste shall be stored in solid waste containers as approved by the Director. The containers shall be water-proof, leak-proof and shall be covered at all times except when depositing waste therein or removing the contents thereof; and shall meet all requirements as set forth hereafter in Section 225.060.

F. Tree limbs less than four (4) inches in diameter and brush shall be securely tied in bundles not larger than forty-eight (48) inches long and eighteen (18) inches in diameter when not placed in storage containers. The weight of any individual bundle shall not exceed sixty (60) pounds.

G. Yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of 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 sixty (60) pounds.

H. Solid waste containers which are not approved will be collected together with their contents and disposed of.

I. Recyclable materials to be collected pursuant to an authorized recycling program shall be stored in such containers as are approved by the Director for collection by an authorized hauler of such materials. Recyclable containers shall be visible only during designated recyclable collection periods.

J. No dumpster shall be set, placed or maintained in or upon any sidewalk, street, road or highway.

Section 225.030. Collection.

[CC 1990 §8-68; Code 1977 §14.100(3); Ord. No. 91-7 §4, 5-7-1991; Ord. No. 03-11 §§1 — 2, 9-2-2003; Ord. No. 10-01 §§1 — 4, 1-5-2010; Ord. No. 11-09 §§1 — 2, 11-1-2011]

A. The City shall provide for the collection of solid waste as follows:

1. The City may provide by a resolution duly adopted by the Board of Aldermen for the collection of all residential solid waste in the City. The City may provide for such collection service by contracting with a person, County, or other City, or a combination thereof, for the entire City or portions thereof, as deemed to be in the best interests of the City.

2. The City may, at its discretion, provide commercial solid waste collection services upon specific application of the owners or persons in charge thereof. If such application is not made or approved, it shall be the duty of such establishment to provide for collection of all solid waste produced upon any such premises.

B. All solid waste from premises to which collection services are provided by the City shall be collected, except bulky rubbish. Bulky rubbish will be collected in accordance with the rules and regulations as promulgated by the Director. All solid waste collected shall, upon being loaded into transportation equipment, become the property of the collection agency.

C. Tree limbs and yard wastes, as described in Subsections 225.020(F) and (G) respectively, shall be placed at the curb for collection no sooner than 5:00 P.M. the day prior to pickup.

D. Solid waste collectors employed by the City, or a solid waste collection agency operating under contract with the City, are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this Chapter. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste. Commercial solid waste may be removed from within commercial establishments upon written request of the owner and approval by the Director.

E. The following collection frequencies shall apply to collections of solid waste within the City:

1. All residential solid waste, other than bulky rubbish, shall be collected at least one (1) time per week.

2. All commercial solid waste shall be collected at such lesser intervals as may be fixed by the Director or requested by the commercial establishment upon a determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public.

F. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner shall have been granted written permission from the City to use public property

for such purposes. The storage site shall be well drained, fully accessible to collection equipment, public health personnel and fire inspection personnel.

G. Solid waste collectors employed by the City, or a solid waste collection agency operating under contract with the City, 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 Section 225.020. 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.

H. If the City does not provide for the collection of solid waste, then the occupant of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of the City shall provide for the collection of said occupant's own solid waste and all other provisions of this Chapter pertaining to the regulation of solid waste shall remain in effect and compliance with this Chapter shall be in all respects as though the City provided for the collection of solid waste.

I. The Director shall establish the procedure for collecting recyclable solid waste by an authorized hauler pursuant to an authorized recycling program.

Section 225.040. Transportation.

[CC 1990 §8-89; Code 1977 §14.100(4); Ord. No. 11-09 §§1 — 2, 11-1-2011]

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 transportation of solid waste shall be constructed with water-tight bodies and with covers which shall be an integral part of the vehicle or 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. Permits shall not be required for the removal, hauling or disposal of earth and rock material from grading or excavation activities, however, all such material shall be conveyed 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.

C. Transportation and disposal of demolition and construction wastes shall be in accordance with Section 225.050 and Article II of this Chapter.

Section 225.050. Disposal.

[CC 1990 §8-70; Code 1977 §14.100(5); Ord. No. 11-09 §§1 — 2, 11-1-2011]

A. Solid wastes shall be deposited at a processing facility or disposal area approved by the City and complying with all requirements of the Missouri Solid Waste Management Law, Sections 260.200 to 260.245, RSMo., and the rules and regulations adopted thereunder.

The City may designate the processing or disposal facility to be utilized by persons operating under Article II of this Chapter.

B. Hazardous wastes under Subsection 260.360(9), RSMo., Missouri Hazardous Waste Management Law, will require special handling and shall be disposed of only in a manner authorized by State regulations.

Section 225.060. Rules and Regulations.

[CC 1990 §8-71; Code 1977 §14.100(7); Ord. No. 11-09 §§1 — 2, 11-1-2011]

A. The Director shall make, amend, revoke, and enforce reasonable and necessary rules and regulations governing, but not limited to:

1. Preparation, drainage and wrapping of garbage deposited in solid waste containers.

2. Specifications for solid waste containers, including the type, composition, equipment, size and shape thereof.

3. Identification of solid waste containers and of the covers thereof, and of equipment thereto appertaining, if any.

4. 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. Storage of solid waste in solid waste containers.

6. Sanitation, maintenance and replacement of solid waste containers.

7. Schedules of and routes for collection and transportation of solid waste.

8. Collection points of solid waste containers.

9. Collection, transportation, processing and disposal of solid waste.

10. Processing facilities and fees for the use thereof.

11. Disposal facilities and fees for the use thereof.

12. Records of quantity and type of wastes received at processing and/or disposal facilities.

13. Handling of special wastes such as sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.

B. The City Clerk, or such other City Official who is designated by the Board of Aldermen, is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste collection and/or disposal service charges as hereinafter provided for.

C. A copy of any and all rules and regulations made and promulgated under the provisions of this Section shall be filed in the office of the City Clerk.

Section 225.070. Prohibited Practices.

[CC 1990 §8-72; Code 1977 §14.100(8); Ord. No. 11-09 §§1 — 2, 11-1-2011]

A. It shall be unlawful for any person to:

1. Deposit solid waste in any solid waste container other than his/her own, without the written consent of the owner of such container and/or with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal;

2. Fail to have solid waste collected as provided in this Chapter;

3. Interfere in any manner with solid waste collection and transportation equipment, or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the City or those of a solid waste collection agency operating under contract with the City or occupant;

4. Burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency;

5. Dispose of solid waste at any facility or location which is not approved by the City and/or the State Department of Natural Resources;

6. Engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City without a permit from the City, or operate under an expired permit, or operate after a permit has been suspended or revoked;

7. Violate any Section of this Chapter or any other rule or regulation promulgated under the authority of Section 225.060.

Section 225.080. Service Charges.

[CC 1990 §8-73; Code 1977 §14.100(9); Ord. No. 11-09 §§1 — 2, 11-1-2011]

A. There shall be no service charge made by the City for the service of collecting and disposing of solid waste so long as privately owned and operated services are reasonably available in the City and such services are utilized by the residents on a voluntary basis by contract or otherwise. If the Director deems such services are not reasonably available or are not being utilized by the residents on a voluntary basis, the Director shall inform the Board of Aldermen and a service charge may be imposed by the Board of Aldermen for the collection and disposal of solid waste, and for the improvement of the general public health and environment, for each residential dwelling unit and each establishment other than a residential dwelling unit. The service charge for collection of residential solid waste shall be in such amount as the Board of Aldermen shall set from time to time by resolution. The service charge for collection of solid waste from establishments other than residential dwelling units shall be in such amount as the Board of Aldermen shall set from time to time by resolution.

B. The service and service charge, if any, imposed by the Board of Aldermen shall be terminated upon presentation of satisfactory proof to the Director that any such dwelling unit or establishment is unoccupied, and shall be commenced upon renewed occupancy thereof.

C. The system of services established by the provisions of this Chapter is designed as an integral part of the City's program of health and sanitation, to be operated as an adjunct to the City's system for providing other services for the residents of the City. The City may enforce collection of service charges imposed by the Board of Aldermen by bringing proper legal action against the occupant of any dwelling unit or owner of any commercial establishment or manager of any industrial, institutional, commercial or agricultural establishment or any club to recover any sums due for such services plus a reasonable attorney's fee to be fixed by the court, plus the cost of such action.

D. The service charge herein provided for by the Board of Aldermen is hereby imposed upon the occupant of each occupied dwelling or owner of any commercial establishment or manager of any industrial, institutional or agricultural establishment or any club unit and the billing therefor shall be made to the person contracting for City solid waste service or for other services provided to each such dwelling unit. In the absence of information as to the person who is either the owner or the tenant of such dwelling unit, the billing therefor shall be made to the owner. Service charges shall be payable to the City. The City Treasurer or such person as is designated by the Board of Aldermen shall collect the service charge by sending statements therefor to the occupant of each dwelling unit or such person hereinabove mentioned on a regularly scheduled basis but not more often than once every three (3) months. If the collection of any commercial solid waste requires excessive collection time because of storage or collection conditions, the Board of Aldermen by resolution is authorized to increase the service charge for such service.

Section 225.090. Penalties.

[CC 1990 §8-74; Code 1977 §14.100(10); Ord. No. 11-09 §§1 — 2, 11-1-2011]

Any person violating any of the provisions of this Chapter or any lawful rules or regulations promulgated pursuant thereto, upon conviction, shall be punished as provided in Section 100.100 of this Code.

Section 225.100. Bonds.

[CC 1990 §8-75; Code 1977 §14.100(11); Ord. No. 11-09 §§1 — 2, 11-1-2011]

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 performance bond payable to the City in such amounts and with such bonding companies as may be determined by the Board of Aldermen; provided such performance bond may be waived by the Board of Aldermen for good cause.

Section 225.110. Abeyance.

[CC 1990 §8-76; Code 1977 §14.100(12); Ord. No. 11-09 §§1 — 2, 11-1-2011]

A. The Board of Aldermen of the City by duly adopted resolution may hold in abeyance, suspend or waive any of the provisions of this Chapter in the following situations:

1. The City has not contracted for the collection of solid waste and is not collecting solid waste.

2. In situations where enforcement of a provision would place an undue burden upon or would be unduly harsh or would create an unreasonable financial burden on either an occupant or other person.

Section 225.120. Anti-Scavenging.

[CC 1990 § 8-77; Ord. No. 91-7 §5, 5-7-1991; Ord. No. 11-09 §§1 — 2, 11-1-2011]

A. The City of Clarkson Valley shall be vested with ownership of:

1. Containers provided to residents by the City, which containers are designated for storage and collection of recyclable materials; and

2. Designated recyclable materials set out by the owner, lessee, or occupant of a residential dwelling or commercial building for collection by the City or its designated agent.

B. It shall be unlawful:

1. To use any container described in Subsection (A)(1) above for any purpose other than the collection and storage of designated recyclable materials; and

2. For any person, firm or corporation to take, steal or disturb any recyclable materials including newspapers, beverage cans, glass, aluminum and plastic containers for food and beverage and any other materials which may be designated for recycling by the City of Clarkson Valley; provided however, that this Subsection (B)(2) shall not apply to the owner, lessee, or occupant of a residential dwelling or commercial building described in Subsection (A)(2) above with respect to recyclable materials stored or set out for collection by said owner, lessee, or occupant of a residential dwelling or commercial building.

ARTICLE II
Permits [1]

Section 225.130. Required.

[CC 1990 §8-91; Code 1977 §14.100(6)(a); Ord. No. 11-09 §§1 — 2, 11-1-2011]

No person shall engage in the business of collecting, transporting, processing or disposing of solid waste within the City without first obtaining an annual permit therefor from the City or without first having entered into a contract with the City; provided however, that this provision shall not be deemed to apply to employees of the holder of any such permit, or employees of the person having a contract with the City.

Section 225.140. Insurance Required.

[CC 1990 §8-92; Code 1977 §14.100(6)(b); Ord. No. 11-09 §§1 — 2, 11-1-2011]

Applications for a permit required by this Chapter shall be filed with the City Clerk who shall deliver the application to the Director for processing as provided herein. No such permit shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain with the Director 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, with a performance bond in the sum of fifty thousand dollars ($50,000.00) in favor of the City and insurance coverage in the amount of one million dollars/two million dollars ($1,000,000.00/$2,000,000.00). Should any such policy be canceled, the Director shall be notified of such cancellation by the insurance carrier in writing not less than ten (10) days prior to the effective date of such cancellation, and provisions to that effect shall be incorporated in such policy, which shall also place upon the company writing such policy the duty to give such notice.

Section 225.150. Application.

[CC 1990 §8-93; Code 1977 §14.100(6)(c); Ord. No. 11-09 §§1 — 2, 11-1-2011]

A. Each applicant for any permit required by this Article shall state in his/her application therefor:

1. The nature of the permit desired, as to collect, transport, process, or dispose of solid waste or any combination thereof;

2. The characteristics of solid waste to be collected, transported, processed or disposed;

3. The number of solid waste transportation vehicles to be operated thereunder;

4. The precise locations of solid waste processing or disposal facilities to be used;

5. Boundaries of the collection area; and

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1. **Cross Reference — As to business licenses, permits and miscellaneous business regulations, ch. 605.**

6. Such other information as required by the Director.

Section 225.160. Issuance — Limitations.

[CC 1990 §8-94; Code 1977 §14.100(6)(d); Ord. No. 11-09 §§1 — 2, 11-1-2011]

If the application shows that the applicant for a permit under this Article will collect, transport, process or dispose of solid wastes without hazard to the public health or damage to the environment and in conformity with the laws of the State and this Chapter, the Director shall issue the permit authorized by this Chapter. The permit shall be issued for a period of one (1) year to the applicant and no fee shall be charged for the permit. If, in the opinion of the Director, modifications can be made to the application regarding service, equipment, or mode of operation, so as to bring the application within the intent of this Chapter, the Director shall notify the applicant in writing setting forth the modification to be made and the time in which it shall be done. The Director shall have the authority to limit the number of annual permits issued under this Section in order to preserve the health, comfort, safety and welfare of the residents, to promote energy conservation with good solid waste management practices.

Section 225.170. Denial.

[CC 1990 §8-95; Code 1977 §14.100(6)(e); Ord. No. 11-09 §§1 — 2, 11-1-2011]

If the applicant for a permit under this Article does not make the modifications pursuant to the notice in Section 225.160 within the time limit specified therein, or if the application does not clearly show that the collection, transportation, processing or disposal of solid wastes will create no public health hazard or be without harmful effects on the environment, the application shall be denied and the applicant notified by the Director, in writing, stating the reason for such denial. Nothing in this Section shall prejudice the right of the applicant to reapply after the rejection of this application provided that all aspects of the reapplication comply with the provisions of this Chapter. Nothing in this Section shall prevent the denial of a permit should the total number of annual permits have already been issued.

Section 225.180. Renewal — Non-Transferable.

[CC 1990 §8-96; Code 1977 §14.100(6)(f); Ord. No. 11-09 §§1 — 2, 11-1-2011]

The annual permit may be renewed simply upon filing an application with the City Clerk a signed application and stating on the application "No change from date of original application", and provided the business has not been modified, the collection vehicles meet the requirements of this Chapter and the renewal is approved by the Director. If modifications have been made, the applicant shall reapply for a permit as set forth in Sections 225.140 and 225.150. No permits authorized by this Article shall be transferable from person to person.

Section 225.190. Inspections.

[CC 1990 §8-97; Code 1977 §14.100(6)(g); Ord. No. 11-09 §§1 — 2, 11-1-2011]

In order to ensure compliance with the laws of this State, 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. In all instances where such inspections reveal a violation 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 found, the time and date and the corrective measure to be taken, together with the time in which such corrections shall be made.

Section 225.200. Suspension — Revocation.

[CC 1990 §8-98; Code 1977 §14.100(6)(h); Ord. No. 11-09 §§1 — 2, 11-1-2011]

In all cases, when the corrective measures have not been taken within the time specified, the Director shall suspend or revoke the permit involved in the violation, however, in those cases where an extension of time will permit correction and there is no public health hazard created by the delay, one (1) extension of time not to exceed the original time period may be given.

Section 225.210. Enforcement.

[CC 1990 §8-99; Code 1977 §14.100(6)(i); Ord. No. 11-09 §§1 — 2, 11-1-2011]

In the event a permit is revoked and the person continues to operate, the Director may request the action of a court of law to enjoin the acts and to enforce compliance with this Chapter or any rule or regulation promulgated thereunder. In any such action, the court may grant to the City such prohibitory or mandatory injunctive relief as the facts may warrant.

Section 225.220. Appeal.

[CC 1990 §8-100; Code 1977 §14.100(6)(j); Ord. No. 11-09 §§1 — 2, 11-1-2011]

Any person aggrieved by any notice of violation or order of the Director issued pursuant thereto may, within ten (10) days of the act for which redress is sought, appeal directly to the Board of Aldermen, in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.

Chapter 230

PARKS AND RECREATION

ARTICLE I
Park Board

Section 230.010. Creation — Composition.

Section 230.020. Appointment, Terms of Members.

Section 230.030. Filling of Vacancy.

Section 230.040. Duties, Functions.

Cross References — City boards and commissions generally, §105.020 et seq; planning and zoning commission, ch. 400; building codes and regulations, ch. 500; motor vehicles and traffic, Title III; subdivision regulations, ch. 410; zoning regulations, ch. 405.

ARTICLE I
Park Board

Section 230.010. Creation — Composition.

[CC 1990 §13-26; Code 1977 §5.100]

There shall be a Park Board consisting of five (5) members who shall be residents of the City and a member of the Board of Aldermen shall be designated to act as liaison between the Park Board and the Board of Aldermen.

Section 230.020. Appointment, Terms of Members.

[CC 1990 §13-27; Code 1977 §5.100]

All five (5) members of the Park Board shall be appointed by the Mayor with the approval of the Board of Aldermen. Members shall serve for terms of five (5) years or until their successors are appointed and qualified.

Section 230.030. Filling of Vacancy.

[CC 1990 §13-28; Code 1977 §5.100]

Any vacancy on the Park Board shall be filled for the unexpired term in the same manner as an original appointment.

Section 230.040. Duties, Functions.

[CC 1990 §13-29; Code 1977 §5.100]

The duties and functions of the Park Board shall be as provided by Revised Statutes of Missouri Sections 67.750 to 67.780, the ordinances of the City and as directed by the Board of Aldermen.

Chapter 235

SEWERS AND SEWAGE DISPOSAL

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ARTICLE I
Generally

Section 235.010. Scope.

[CC 1990 §16-26]

This Chapter shall apply only to property not subject to the St. Louis Metropolitan Sewer District's regulations.

Section 235.020. Definitions. [1]

[CC 1990 §16-27; Code 1977 §12.060(1)]

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:

COMMERCIAL CONNECTION SEWER — That portion of sewer line required to carry the sewage of any commercial establishment from the last point of sewage entry on the premises to a sewer or to carry the discharge from any commercial pretreatment facility to a sewer.

COMMERCIAL WASTE — Any commercial liquid water, garbage or toxic substances from any commercial process.

COMMERCIAL WASTE TREATMENT PLANT — Any treatment plant used or intended to be used for the specific treatment of commercial waste in which other wastes may or may not be present except that a treatment plant in a public sewage system shall not be so designated.

DIRECTOR — The Mayor or City Clerk or other designated officer.

SEWAGE — Any water borne waste, commercial waste, or human excrement which may exist or accumulate on any premises.

SEWAGE TREATMENT PLANT — Any works or device for treatment of sewage.

SEWER — Any public, semi-public or private lateral or main sewer constructed in any street, alley, place or right of way exclusive of a building or commercial connection sewer.

SEWERAGE SYSTEM — Shall include any sewage treatment facility, sewer, appurtenance equipment or an combination thereof used or intended to be used for the purpose of conveying, treating or disposing of any wastewater, commercial waste or human excrement accumulating on any premises within the City.

STORMWATER — Any water resulting from precipitation mixed with the accumulation of dirt, soil, and other debris, precipitation falls or flows.

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1. **Cross Reference — Definitions and rules of construction generally, §100.020.**

Section 235.030. Sewer Approval and Construction Inspection.

[CC 1990 §16-28; Code 1977 §12.060(2)]

Every person, public utility, public agency, or institution desiring to install or enter into a contract for the installation of a public, semi-private or private sewerage system, or commercial sewer, or to make additions or alterations in any sewage, or commercial waste treatment plant shall make application to and shall receive written approval from the Director before proceeding with the proposed work. The Director shall conduct such inspections as may be necessary to ensure compliance with the approved plans. The requirements under this Section are in addition to the requirements under the City Plumbing Code and not in substitution thereof; in the event that a conflict shall exist or arise between the City service contract with the County Health Department, and the County Plumbing and Sewer Inspection Department and/or the Code provisions enacted for either, the more restrictive rule shall prevail. Applications on proposed sewer work are and shall be subject to compliance with the laws and ordinances of the State, County, and City, and plan, specification and inspection approval by City Plumbing and Sewer Inspection Department as well as by the Director is required.

Section 235.040. Plans.

[CC 1990 §16-29; Code 1977 §12.060(3)]

Every application referred to in Section 235.030 shall contain three (3) sets of complete plans and specifications fully describing such sewerage system or additions and alterations, or extension contemplated in the application. One (1) set shall be filed with the Director and approval thereof by the Director may contain such terms and conditions as may be reasonable and necessary to ensure compliance with the provisions of this Section; one (1) set shall be filed with the plumbing inspector and one (1) set with the City Clerk.

Section 235.050. Rules and Regulations.

[CC 1990 §16-30; Code 1977 §12.060(4)]

A. The Director may promulgate rules and regulations to carry out the purposes and intent of this Section to protect the public health. Such rules and regulations shall become effective upon approval of the Board of Aldermen and shall be filed with the City Clerk as a public record. Such rules and regulations shall provide:

1. The minimum standards of design for any sewage system or treatment facility.

2. The minimum standards for operation and maintenance of any sewerage system or treatment facility and to provide for the revocation of any permit for failure to conform with the minimum standards.

3. For the pretreatment of certain wastes which may injuriously affect the operation of sewage treatment plants or cause contamination of surface or ground waters.

4. The size of any sewer, velocity or flow for any sewer or sewage system.

5. The data to be submitted with application for construction of any sewerage system and provide the manner and terms upon which application shall be granted or modified.

6. The detailed specifications for cars, vehicles, cans, tanks, or containers and equipment used for the purpose of removing, transporting, or disposing of any sewage sludge, industrial waste or human excrement by portable or mobile container.

7. The minimum standards for soil porosity, ground water levels, location and area required for installation of an individual home sewage disposal system; and the minimum standards for construction of individual sewage disposal systems where special conditions require higher requirements than contained in the provisions of the County Plumbing Code.

8. The minimum standards necessary to prevent:

   a. Injury to the public health from dangerous and unsanitary conditions resulting from exposed sewage, sludge, effluent or human excreta;

   b. Contamination of drinking water;

   c. Damage to stormwater drains and channels;

   d. Contamination of streams and their beds and margins, underground water, bodies of water, storm or surface or process or cooling water in sanitary sewers;

   e. Greases, chemicals, oils, sludge, and other materials which may clog or interfere with the operation of sewers and commercial wastes in stormwater sewers, by passing around its treatment plant;

   f. Contamination of the surface of the ground with sewage; and

   g. Interference with the proper treatment of sewage in treatment plants.

Any such rule or regulation shall meet the minimum standards of the State Division of Health; provided, nothing herein shall be construed to prevent the County Health Commissioner from requiring compliance with higher requirements than those contained herein where such higher requirements are essential to maintain a sanitary condition.

Section 235.060. Public Hearing.

[CC 1990 §16-31; Code 1977 §12.060(5)]

Prior to presentation of any rule or regulation for approval to the Board of Aldermen, the Director shall publish ten (10) days' notice of the proposed regulations, setting the time and place at any regular public meeting of the Board to discuss the proposed rule or regulation

prior to its adoption by the Board. Any such rule or regulation may be amended or repealed in the same manner as provided for approval.

Section 235.070. Prohibited Acts.

[CC 1990 §16-32; Code 1977 §12.060(6)]

A. The following acts, or the results thereof, in the City are prohibited:

1. No sewage, human excrement or commercial waste may be discharged, deposited, or permitted to flow on, in, or under the surface of the ground or into any surface water or groundwater flowing through, in, or bordering the City, unless such disposal or condition of sewage, human excrement or commercial waste meets the standards and requirements of this Chapter or any rule or regulation adopted hereunder.

2. No person shall remove, transport, or dispose of any sewage sludge, commercial waste or human excrement by any portable or mobile container unless he/she shall possess an unrevoked permit for that purpose from the Director.

3. No sewage, human excrement, commercial waste or other material shall be discharged into any sewer, stormwater sewer, or drain, unless the class of material and/or the said conduit shall conform to the standards and requirements of this Chapter and any rule or regulation adopted hereunder.

4. No person shall injure or cause to be injured any portion of any sewer system or natural or constructed drainway.

5. No person shall open or enter, or cause to be opened or entered any manhole in any sewer to dispose of garbage or other deleterious substance or storm or surface waters, or for any other like purpose not provided for by permits issued under the provisions of this Chapter.

Section 235.080. Sewage Disposal.

[CC 1990 §16-33; Code 1977 §12.060(7)]

Every building in which plumbing fixtures are installed, and every premises having drain piping thereon, shall connect to a public sewer, if available. A sewer shall be deemed available when a sewer line is in place within any street, alley, right-of-way, or easement that adjoins or abuts such premises. When connection is not made to a sewer, the building or premises shall be provided with a sewage disposal system approved by the Director. Such sewage disposal system shall comply with the provisions of the City Plumbing Code and the provisions of this Chapter and any rule or regulation adopted hereunder.

Section 235.090. Building Alteration.

[CC 1990 §16-34; Code 1977 §12.060(8)]

No building or plumbing permit providing for the construction, alteration of or addition to any structure on a premises where the premises is not served by an approved sewer, or where the alteration or addition may affect the volume of sewage, shall be issued by the City Plumbing Or Building Inspector without the prior approval of the sewage disposal plans by the Director, pursuant to this authority granted by the Board of Aldermen.

Section 235.100. Records.

[CC 1990 §16-35; Code 1977 §12.060(9)]

It shall be the duty of every person, public utility, or institution holding a permit to operate a sewage system or sewage treatment plant to furnish records for ascertaining compliance with this Chapter as may be required by the Director.

Section 235.110. General Survey for Compliance.

[CC 1990 §16-36; Code 1977 §12.060(10)]

The Director shall cause to be made such surveys, investigations and studies of sewage, sewerage systems and streams receiving sewage as may be necessary to determine that all sewerage systems are installed, operated and maintained in compliance with the provisions of this Chapter and any rule or regulation adopted hereunder.

Section 235.120. Sewer Plant and System Permit — Bond. [2]

[CC 1990 §16-37; Code 1977 §12.060(11)]

A. Every person who owns, maintains, or operates any sewage treatment plant or sewerage system, except an individual home disposal system, or who removes, disposes, or intends to remove, transport or dispose of any sewage sludge, commercial waste or human excrement by portable or mobile container shall hold an unrevoked permit for that purpose from the Director. Such permit shall be issued by the Director upon application to the City Department of Health and Sanitation, and compliance with the provisions of this Chapter and any rule or regulation adopted hereunder, and payment of the annual fee of twenty-five dollars ($25.00) payable to the City Treasurer for deposit by him/her in the general revenue fund. In addition to the above requirements, the City shall be furnished cash or corporate bond in the amount of one thousand dollars ($1,000.00) to ensure the faithful performance of the conditions under which such permit is issued, to-wit:

1. The permittee, his/her agents and servants shall comply with all of the terms, conditions, provisions, requirements and specifications of this Chapter and the rules and regulations adopted hereunder.

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2. Cross Reference — Business licenses, permits and miscellaneous business regulations, see ch. 605.

2. Before acceptance, all bonds shall be approved by the Board of Aldermen. If a corporate bond is offered, it shall be executed by a surety or guaranty company qualified to transact business in the State. If a cash bond is offered, it shall be deposited with the City Treasurer, who shall give his/her official receipt therefor, reciting that the cash has been deposited in compliance with and subject to the provisions of this Chapter and the rules and regulations adopted hereunder.

Section 235.130. Director to Aid Resident.

[CC 1990 §16-38; Code 1977 §12.060(12)]

In the event that a sewage system plan for a single-family residence is submitted to the Director by any individual and the system will not conform to the established rules, regulations and this Code, the Director, or the plumbing inspector, and their respective departments, shall aid in devising some sewage system which shall comply, and the recommendations shall be submitted to the Board of Aldermen and the individual by the Director.

Section 235.140. Appeal — Variances.

[CC 1990 §16-39; Code 1977 §12.060(13)]

Any person aggrieved by any application of this Chapter or any decision of the Director may appeal in writing, setting forth the reasons for the appeal, to the Board of Aldermen. The Board shall consider such appeal and shall require a four-fifths (4/5) vote of the Board of Aldermen to override any decision of the Director. If the Board of Aldermen so desire to override such officials, the Board shall issue a special permit to the appellant to allow him/her a variance from this Chapter; a variance may be granted only in a case where strict compliance would result in an unreasonable economic expenditure and the alternative will sufficiently protect the public health.

Section 235.150. Offenses.

[CC 1990 §16-40; Code 1977 §12.060(14)]

The act of removing, transporting or disposing of any sewage, sludge, commercial waste, human excrement or liquid putrescible material, or liquid toxic material in a manner that is contrary to the provisions of this Chapter, or the rules and regulations adopted hereunder, shall be deemed to be an offense, and a violation of this Chapter and as a nuisance and danger to the health of the members of the community.

Section 235.160. Penalty.

[CC 1990 §16-41; Code 1977 §12.060(15)]

A violation of any rule or regulation adopted under this Chapter shall constitute a violation of this Chapter, and any person violating any provision of this Chapter or any rule or regulation

of the Director as herein provided, shall upon conviction be subject to punishment as provided in Section 100.100 of this Code.

ARTICLE II
Temporary Non-Sewered Sanitation Systems

Section 235.170. Definitions.

[Ord. No. 00-01 §1, 2-1-2000]

As used in this Section, the following specific definitions apply unless otherwise specifically provided:

HANDWASHING FACILITY — A sink, soap and paper towels.

LOT OWNER — That person(s) or entity who is the owner of record of the land on which the temporary non-sewered sanitation system is to be installed.

TEMPORARY NON-SEWERED SANITATION SYSTEM — A toilet facility where the waste is deposited directly into a container holding a solution of water and chemical housed in a portable structure.

Section 235.180. Sanitation Permit Required.

[Ord. No. 00-01 §1, 2-1-2000]

It shall be unlawful for any person, group or entity to place a temporary non-sewered sanitation system in the City of Clarkson Valley without having first obtained a sanitation permit from the City Clerk after approval of the Board of Aldermen.

Section 235.190. Requirements for Permit Application.

[Ord. No. 00-01 §1, 2-1-2000]

A. Each application for a sanitation permit shall be signed by the lot owner of the property on which a temporary non-sewered sanitation system is to be placed or the owner's designated representative, shall be accompanied by a twenty-five dollar ($25.00) application fee and shall contain the following information:

1. The name, address, and telephone number of the lot owner of the property on which the temporary non-sewered sanitation system facility is to be placed;

2. The location, date(s) and time(s) of the proposed use of the temporary non-sewered sanitation system;

3. The number and location of sewered toilets and handwashing facilities readily available and accessible to the site at which the temporary non-sewered sanitation system is to be used;

4. The number and location of temporary non-sewered sanitation systems items and handwashing facilities to be provided by the lot owner, and the name and address

of the temporary non-sewered sanitation system operator by whom any temporary non-sewered sanitation system will be provided;

5. A description of the provisions which have been made for installation, securing, servicing and maintenance of any temporary non-sewered sanitation systems to be used;

6. Certification of the operator of the temporary non-sewered sanitation system that the requirements of Title III of the Americans With Disabilities Act of 1990 (ADA), if applicable, will be met, as well as certification of compliance with all applicable Federal laws, State of Missouri Statutes and St. Louis County Ordinances;

7. Such additional or supplemental information as may be required by the City Clerk or Board of Aldermen of the City of Clarkson Valley.

Section 235.200. Issuance of Permit.

[Ord. No. 00-01 §1, 2-1-2000]

The City Clerk may issue a sanitation permit after approval by the Board of Aldermen to an applicant who pays the twenty-five dollar ($25.00) application fee and whose application shows compliance by the lot owner and temporary non-sewered sanitation system operator with the requirements of this Chapter.

Section 235.210. Handwashing Facilities to Be Provided.

[Ord. No. 00-01 §1, 2-1-2000]

A. At least one (1) handwashing facility, consisting of a stand alone sink, soap and paper towels, shall be provided for every two (2) temporary non-sewered sanitation systems placed in use.

B. Each handwashing facility shall have a sufficient amount of potable water storage area to accommodate the need for service and shall have a separate holding tank for waste water. Sink waste drains within a temporary non-sewered sanitation system may be connected to the toilet sewage tank.

Section 235.220. Construction of Non-Sewered Facilities.

[Ord. No. 00-01 §1, 2-1-2000]

A. All temporary non-sewered sanitation systems and Handwashing Facilities which are provided shall be of solid, non-porous plastic, metal or fiberglass construction. Each toilet room shall provide shelter and privacy, including an internal latch to prevent inadvertent entry. Each toilet room shall be ventilated to the outside and all ventilation openings shall be covered with No. 16 mesh screen.

B. Waste containers shall be fabricated from solid, impervious materials. Containers shall be watertight and capable of holding the waste in a sanitary manner. Container shall be

adequate in size to be used by the number of persons anticipated to use the temporary non-sewered sanitation system. The container must be recharged with a minimum six (6) inch depth of chemical charge at the time of service.

Section 235.230. Servicing and Maintenance of Temporary Non-Sewered Sanitation Systems.

[Ord. No. 00-01 §1, 2-1-2000]

A. Lot Owners shall ensure that all temporary non-sewered sanitation systems are clean and sanitary throughout the time of use. All temporary non-sewered sanitation systems shall be serviced and maintained in a clean, sanitary, and functional condition in the following prescribed manner:

1. *Service period.* Service shall be performed as often as necessary so that the container does not fill to more than thirty-five percent (35%) of its volume and to avoid sepsis. In no case may a temporary non-sewered sanitation system be used if its container is filled to fifty percent (50%) or more of its volume.

2. *Servicing of systems.* Servicing of Temporary Non-Severed Sanitation Systems shall include the use of a cleaning and sanitizing solution for cleaning urinals and seats, removal of waste from containers, recharging of containers with a minimum of six (6) inches of depth of volume with an odor-controlling solution which keeps waste covered and emulsifies and assists in waste treatment and installation of an adequate supply of toilet tissue. Servicing of Non-Severed Handwashing Facilities shall include filling each sink's water-holding tank with clean potable water, scrubbing the sink and bowl, filling the soap and paper towel dispensers, and emptying the waste water tank and properly disposing it.

3. *Defective system.* Any defective or inadequate temporary non-sewered sanitation system shall be immediately repaired or withdrawn from service and replaced after removal of waste.

Section 235.240. Waste Removal and Disposal.

[Ord. No. 00-01 §1, 2-1-2000]

Providers of Temporary Non-Severed Sanitation Systems shall conduct the removal of waste from temporary non-sewered sanitation system in a clean and sanitary manner by connection of a vacuum hose to a leakproof tank truck with all ports properly valved and capped. Providers of temporary non-sewered sanitation systems shall dispose of all waste from tank trucks in accordance with the Metropolitan St. Louis Sewer District requirements.

Section 235.250. Revocation of Permit.

[Ord. No. 00-01 §1, 2-1-2000]

If the Director of the St. Louis County Department of Health determines, after the issuance of a sanitation permit, that this Chapter or the rules, regulations and standards established herein

or St. Louis County Ordinance 17,461, "Temporary Non-Sewered Sanitation Systems", are being violated, the City Clerk may revoke the sanitation permit.

Section 235.260. Temporary Non-Sewered Sanitation Systems Providers to Be Licensed.

[Ord. No. 00-01 §1, 2-1-2000]

It shall be unlawful for any person or entity to provide or assist in providing temporary non-sewered sanitation systems unless the provider is licensed by the applicable State and local licensing authority.

Section 235.270. Application for License to Provide Temporary Non-Sewered Sanitation Systems.

[Ord. No. 00-01 §1, 2-1-2000]

A. Each application for a license to provide temporary non-sewered sanitation systems shall be signed by the owner of the service and shall contain the following information:

1. The name, address and telephone number of the owner of the temporary non-sewered sanitation systems service;

2. The name, address and telephone number of the owner of the waste transportation vehicle(s) to be used for waste removal and disposal, which vehicle(s) shall be licensed under Section 607.150 et seq. SLCRO 1974, as amended.

B. The City Clerk may issue a one (1) year license to any applicant who provides the above information.

Section 235.280. Penalties.

[Ord. No. 00-01 §1, 2-1-2000]

Any person who shall violate a provision of this Article or shall fail to comply with any of the requirements thereof shall, upon conviction thereof, be subject to a fine of not more than five hundred dollars ($500.00) or imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment. Each day that a violation continues shall constitute a separate and distinct offense.

Chapter 300

GENERAL PROVISIONS

Section 300.010. Model Traffic Code — Adoption.

Section 300.020. Definitions.

Section 300.030. Power of Subdivision Trustees to Exercise Control Over Streets, Easements and Common Ground.

Section 300.040. Fines.

Section 300.010. Model Traffic Code — Adoption.

Chapter 300, RSMo., consisting of Sections 300.010 through 300.600, as herein amended and amended from time to time by the State legislature, commonly known as the "Model Traffic Ordinance" is hereby adopted as and for the traffic ordinance of this City with the exception of the following Sections: 300.295, 300.310 and 300.360.

Section 300.020. Definitions.

[CC 1990 §10-2; Code 1977 §16.010(3), (9), (25), (33); Ord. No. 91-4 §2, 2-5-1991; Ord. No. 05-04 §§1 — 2, 6-7-2005; Ord. No. 06-03 §§1 — 2, 3-7-2006; Ord. No. 06-11 §§1 — 2, 6-26-2006; Ord. No. 06-13 §1, 8-1-2006; Ord. No. 06-20 §2, 11-7-2006; Ord. No. 10-16 §2, 12-7-2010]

The following words and phrases, when used in this Title, mean:

ALLEY or ALLEYWAY — Any street with a roadway of less than twenty (20) feet in width.

ALL-TERRAIN VEHICLE — Any motorized vehicle manufactured and used exclusively for off-highway use which is fifty (50) inches or less in width, with an unladen dry weight of six hundred (600) pounds or less, traveling on three (3), four (4) or more low pressure tires, with a seat designed to be straddled by the operator, and handlebars for steering control.

AUTHORIZED EMERGENCY VEHICLE — 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, Constable or Deputy Sheriff, traffic officer, or any privately owned vehicle operated as an ambulance when responding to emergency calls.

BICYCLE — Every vehicle propelled solely by human power upon which any person may ride, having two (2) tandem wheels, except scooters and similar devices.

BUSINESS DISTRICT — The territory contiguous to and including a highway when within any six hundred (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 and public buildings which occupy at least three hundred (300) feet of frontage on one (1) side or three hundred (300) feet collectively on both sides of the highway.

CENTRAL BUSINESS (OR TRAFFIC) DISTRICT — All streets and portions of streets within the area described by City ordinance as such.

CHILD BOOSTER SEAT — A seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 5710213, as amended, that is designed to elevate a child to properly sit in a federally approved safety belt system.

CHILD PASSENGER RESTRAINT SYSTEM — A seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 5710213, as amended, and which is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system.

COMMERCIAL VEHICLE — Every vehicle designed, maintained or used primarily for the transportation of property.

CONTROLLED ACCESS HIGHWAY — 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 —

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 — The lateral boundaries of that portion of the street designated for the use of vehicles, whether marked with curbstones or not.

CURB LOADING ZONE — A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

DRIVER — Every person who drives or is in actual physical control of a vehicle.

FREIGHT CURB LOADING ZONE — A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight (or passengers).

GOLF CART — Any motorized or electric vehicle manufactured primarily for transporting up to two (2) persons while playing golf. The cart is designed for off-highway use. Carts modified to accommodate more than two (2) passengers are also included. Also included in this definition are utility vehicles such as the Kawasaki Mule and the John Deere Gators.

HIGHWAY — 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.

INTERMEDIATE DRIVER — Persons issued a license between the ages of sixteen (16) and eighteen (18) years.

INTERSECTION —

1. The area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two (2) 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 (2) roadways thirty (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 (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

LANED ROADWAY — A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

MOTOR VEHICLE — Any self-propelled vehicle not operated exclusively upon tracks, except farm tractors and motorized bicycles.

MOTORCYCLE — Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

MOTORIZED BICYCLE — Any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters, which produces less than three (3) gross brake horsepower and is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground.

MOTORIZED PLAY VEHICLE — Includes mini-motorcycles, pocket bikes and any other vehicle that is capable of transporting a person, that is self-propelled by a motor or engine and that is not otherwise defined by Missouri Statutes or the Clarkson Valley Code as a motor vehicle, motorcycle, bicycle or motorized bicycle.

MOTORIZED SCOOTER — See definition of *"MOTORIZED BICYCLE"*.

MOTORIZED SKATEBOARD — A single platform mounted on wheels which has no mechanism or other device with which to steer or to control the movement or direction or velocity of the platform and is powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion.

OFFICIAL TIME STANDARD — Whenever certain hours are named herein, they shall mean standard time or daylight-saving time as may be in current use in the City.

OFFICIAL TRAFFIC CONTROL DEVICES — All signs, signals, markings and devices not inconsistent with this Title placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

PARK or PARKING — 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 — A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

PEDESTRIAN — Any person afoot.

PERSON — Every natural person, firm, co-partnership, association or corporation.

POLICE DEPARTMENT — That department of the City charged with responsibility for enforcing the regulations in this Chapter, or the person or political subdivision with whom the City has contracted for enforcement of the regulations of this Title.

POLICE OFFICER — 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 — 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.

PROPERTY — Any real property within the City.

RESIDENCE DISTRICT — The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business.

RIGHT-OF-WAY — The right of one (1) 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 — 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 (2) 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 — 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 — A space in any street lawfully designated by this Title for the safety of persons going to and returning from public, private or parochial schools.

SIDEWALK — That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for use of pedestrians.

STAND or STANDING — The halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

STOP — When required, 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 — Whether specifically referred to herein or incorporated by reference herein shall mean the entire width between the lines of every way, either publicly or privately maintained, when any part thereof is open to the uses of the public for purposes of vehicular travel. *"State Highway"*, a highway maintained by the State of Missouri as a part of the State Highway system.

THROUGH HIGHWAY — 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 Title.

TRAFFIC — Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for purposes of travel.

TRAFFIC CONTROL SIGNAL — Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

TRAFFIC DIVISION — 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.

VEHICLE — Any mechanical device on wheels designed primarily for use or used on highways, except motorized bicycles, motorized play vehicles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, cotton trailers or motorized wheelchairs operated by handicapped persons.

Section 300.030. Power of Subdivision Trustees to Exercise Control Over Streets, Easements and Common Ground.

[CC 1990 §10-6; Code 1977 §16.600]

Nothing contained in this Title shall preclude or prevent the duly appointed trustees of any subdivision in the City from taking any action with regard to the control or use of the streets, easements or common ground within such subdivision, provided that so long as such streets are open for public use the subdivision trustees shall not take any action to regulate the speed limits, parking or stopping on such streets.

Section 300.040. Fines.

[CC 1990 §10-7; Code 1977 §16.505]

Any person charged with a violation of this Title who enters a plea of guilty and/or who shall be found by the court to be guilty of a violation of one (1) or more provisions of this Chapter shall be convicted of a violation of this Title and shall be subject to punishment as provided in

Section 100.100 of this Code for each violation found by the court in addition to the costs of prosecution.

Chapter 305

TRAFFIC ADMINISTRATION

Section 305.010. Police Administration.

Section 305.020. Duty of Traffic Division.

Section 305.030. Records of Traffic Violations.

Section 305.040. Traffic Division to Investigate Accidents.

Section 305.050. Traffic Accident Studies.

Section 305.060. Traffic Accident Reports.

Section 305.070. Driver Files to Be Maintained.

Section 305.080. Traffic Division to Submit Annual Traffic Safety Report.

Section 305.090. Traffic Division to Designate Method of Identifying Funeral Processions.

Section 305.100. City Traffic Engineer.

Section 305.110. Emergency and Experimental Regulations.

Section 305.120. Traffic Commission Established — Powers and Duties.

Section 305.010. Police Administration.

There is established in the Police Department a Traffic Division to be under the control of an officer of Police appointed by and directly responsible to the Chief of Police.

Section 305.020. 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 City Traffic Engineer 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 Code and the traffic ordinances of the City.

Section 305.030. 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 such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. Said record shall accumulate during at least a five (5) year period and from that time on the record shall be maintained complete for at least the most recent five (5) 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 such records and reports shall be public records.

Section 305.040. Traffic Division to Investigate Accidents.

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 such accidents.

Section 305.050. Traffic Accident Studies.

Whenever the accidents at any particular location become numerous, the Traffic Division shall cooperate with the City Traffic Engineer in conducting studies of such accidents and determining remedial measures.

Section 305.060. 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 City Traffic Engineer.

Section 305.070. 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.

Section 305.080. Traffic Division to Submit Annual Traffic Safety Report.

A. 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.

Section 305.090. Traffic Division to Designate 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.

Section 305.100. City Traffic Engineer.

A. The office of City Traffic Engineer is established. The City Engineer or other designated City Official shall serve as City Traffic Engineer in addition to his/her other functions and shall exercise the powers and duties with respect to traffic as provided in this Title.

B. The City Traffic Engineer 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.

Section 305.110. Emergency and Experimental Regulations.

A. The Chief of Police by and with the approval of the City Traffic Engineer is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances 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 ninety (90) days.

B. The City Traffic Engineer may test traffic control devices under actual conditions of traffic.

Section 305.120. Traffic Commission Established — Powers and Duties.

A. There is established a Traffic Commission to serve without compensation, consisting of the City Traffic Engineer, the Chief of Police or in his/her discretion as his/her representative the Chief of the Traffic Division, the Chairman of the Board of Aldermen Traffic Committee, and one (1) representative each from the City Engineer's office and the City Attorney's office and such number of other City Officers and representatives of unofficial bodies as may be determined and appointed by the Mayor. The Chairman of the Commission shall be appointed by the Mayor and may be removed by him/her.

B. It shall be the duty of the Traffic Commission, and to this end it shall have the authority within the limits of the funds at its disposal, to coordinate traffic activities, to supervise the preparation and publication of traffic reports, to receive complaints having to do with traffic matters, and to recommend to the legislative body of the City and to the City Traffic Engineer, the Chief of the Traffic Division, and other City Officials ways and means for improving traffic conditions and the administration and enforcement of traffic regulations.

Chapter 310

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

Section 310.010. Authority of Police and Fire Department Officials.

Section 310.020. Obedience to Police and Fire Department Officials.

Section 310.030. Persons Propelling Pushcarts or Riding Animals to Obey Traffic Regulations.

Section 310.040. Use of Coasters, Roller Skates, Motorized Play Vehicles, Motorized Skateboards and Similar Devices Restricted.

Section 310.050. Public Employees to Obey Traffic Regulations.

Section 310.060. Authorized Emergency Vehicles.

Section 310.070. Operation of Vehicles on Approach of Authorized Emergency Vehicles.

Section 310.080. Immediate Notice of Accident.

Section 310.090. Written Report of Accident.

Section 310.100. When Driver Unable to Report.

Section 310.110. Public Inspection of Reports Relating to Accidents.

Section 310.120. Leaving Scene of Motor Vehicle Accident.

Section 310.010. 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.

Section 310.020. 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.

Section 310.030. Persons Propelling Pushcarts or Riding Animals to Obey Traffic Regulations.

Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this Title applicable to the driver of any vehicle, except those provisions of this Title which by their very nature can have no application.

Section 310.040. Use of Coasters, Roller Skates, Motorized Play Vehicles, Motorized Skateboards and Similar Devices Restricted.

[Ord. No. 05-05 §§1 — 2, 6-7-2005]

A. No person upon roller skates or riding in or by means of any coaster, toy vehicle or similar device shall go upon any roadway except while crossing a street on a crosswalk and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This Section shall not apply upon any street while set aside as a play street as authorized by ordinance of the City.

B. It shall be unlawful to operate a motorized play vehicle or motorized skateboard upon any street, roadway or sidewalk within the City.

Section 310.050. Public Employees to Obey Traffic Regulations.

The provisions of this Title 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 Title, except as otherwise permitted in this Title.

Section 310.060. Authorized Emergency Vehicles.

A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this Section, but subject to the conditions herein stated.

B. The driver of an authorized emergency vehicle may:

1. Park or stand, irrespective of the provisions of this Title;

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 maximum speed limits so long as he/she does not endanger life or property;

4. Disregard regulations governing direction of movement or turning in specified directions.

C. The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any said 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 (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle.

D. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his/her reckless disregard for the safety of others.

Section 310.070. Operation of Vehicles on Approach of Authorized Emergency Vehicles.

[Ord. No. 05-13 §§1 — 2, 9-6-2005]

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 an audible signal only:

1. 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.

2. Upon approaching a stationary emergency vehicle displaying lighted red or red and blue lights, the driver of every motor vehicle shall:

a. 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 (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

b. 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.

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 highway.

Section 310.080. Immediate Notice of Accident.

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 five hundred dollars ($500.00) or more to one (1) person shall immediately by the quickest means of communication give notice of such accident to the Police Department if such accident occurs within the City.

Section 310.090. Written Report of Accident.

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 five hundred dollars ($500.00) or more to one (1) person shall, within five (5) days after such accident, forward a written report of such 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 such driver was present thereat.

Section 310.100. When Driver Unable to Report.

A. Whenever the driver of a vehicle is physically incapable of giving immediate notice of an accident as required in Section 310.080 and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall give, or cause to be given, the notice not given by the driver.

B. Whenever the driver is physically incapable of making a written report of an accident as required in Section 310.090 and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall within five (5) days after the accident make such report not made by the driver.

Section 310.110. Public Inspection of Reports Relating to Accidents.

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 such identity is not otherwise known or when such person denies his/her presence at such 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 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 such 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.

Section 310.120. Leaving Scene of Motor Vehicle Accident.

A. A person commits the crime of leaving the scene of a motor vehicle accident when being the operator or driver of a vehicle on the highway or on any publicly or privately owned parking lot or parking facility generally open for use by the public and knowing that an injury has been caused to a person or damage has been caused to property, due to his/her culpability or to accident, he/she leaves the place of the injury, damage or accident without stopping and giving his/her name, residence, including city and street number, motor vehicle number and driver's license 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.

Chapter 315

TRAFFIC CONTROL DEVICES

Section 315.010. Authority to Install Traffic Control Devices.

Section 315.020. Manual and Specifications for Traffic Control Devices.

Section 315.030. Obedience to Traffic Control Devices.

Section 315.040. When Official Traffic Control Devices Required for Enforcement Purposes.

Section 315.050. Official Traffic Control Devices — Presumption of Legality.

Section 315.060. Traffic Control Signal Legend — Right Turn on Red Light — When.

Section 315.070. Pedestrian Control Signals.

Section 315.080. Flashing Signals.

Section 315.090. Lane Direction Control Signals.

Section 315.100. Display of Unauthorized Signs, Signals or Markings.

Section 315.110. Interference With Official Traffic Control Devices.

Section 315.120. Authority to Establish Play Streets.

Section 315.130. Play Streets.

Section 315.140. City Traffic Engineer to Designate Crosswalks and Establish Safety Zones.

Section 315.150. Traffic Lanes.

Section 315.010. Authority to Install Traffic Control Devices.

The City Traffic Engineer shall place and maintain traffic control signs, signals and devices when and as required under the traffic ordinances of the City to make effective the provisions of said ordinances and may place and maintain such additional traffic control devices as he/she may deem necessary to regulate traffic under the traffic ordinances of the City or under State law or to guide or warn traffic.

Section 315.020. Manual and Specifications for Traffic Control Devices.

All traffic control signs, signals and devices shall conform to the manual and specifications approved by the State Highways and Transportation Commission or resolution adopted by the legislative body of the City. 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. All traffic control devices so erected and not inconsistent with the provisions of this Title shall be official traffic control devices.

Section 315.030. Obedience to Traffic Control Devices.

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 Title, unless otherwise directed by a traffic or Police Officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this Title.

Section 315.040. When Official Traffic Control Devices Required for Enforcement Purposes.

No provision of this Title 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, such Section shall be effective even though no devices are erected or in place.

Section 315.050. Official Traffic Control Devices — Presumption of Legality.

A. Whenever official traffic control devices are placed in position approximately conforming to the requirements of this Title, such 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 Title and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this Title, unless the contrary shall be established by competent evidence.

Section 315.060. Traffic Control Signal Legend — Right Turn on Red Light — When.

A. Whenever traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one (1) 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 green signal may proceed straight through or turn right or left unless a sign at such 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 such 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 such arrow, or such other movement as is permitted by other indications shown at the same time. Such 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 315.070, 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 immediately 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 315.070, 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 except as provided in paragraph (b) of this Subsection.

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 Highways and Transportation 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, said 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 315.070, 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 those 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 such sign or marking the stop shall be made at the signal.

Section 315.070. Pedestrian Control Signals.

A. Whenever special pedestrian control signals exhibiting the words "Walk" or "Don't Walk" are in place, such signals shall indicate as follows:

1. *"WALK":* Pedestrians facing such 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 such signal, but any pedestrian who has partially completed his/her crossing on the walk signal shall proceed to a sidewalk or safety zone while the wait signal is showing.

Section 315.080. Flashing Signals.

A. 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.

Section 315.090. 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.

Section 315.100. Display of Unauthorized Signs, Signals or Markings.

No person shall place, maintain or display upon or in view of any 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 which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device.

Section 315.110. Interference With Official 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 inscription, shield or insignia thereon, or any other part thereof.

Section 315.120. Authority to Establish Play Streets.

The City Traffic Engineer 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.

Section 315.130. Play Streets.

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 said driver shall exercise the greatest care in driving upon any such street or portion thereof.

Section 315.140. City Traffic Engineer to Designate Crosswalks and Establish Safety Zones.

A. The City Traffic Engineer 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/her opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he/she may deem necessary;

2. To establish safety zones of such kind and character and at such places as he/she may deem necessary for the protection of pedestrians.

Section 315.150. Traffic Lanes.

A. The City Traffic Engineer 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 such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

Chapter 320

SPEED REGULATIONS

Section 320.010. State Speed Laws Applicable.

Section 320.020. Regulation of Speed by Traffic Signals.

Section 320.030. Speed Restrictions.

Section 320.010. 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 which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared when signs are in place giving notice thereof, but no City ordinance shall regulate the speed of vehicles upon controlled access highways of the State.

Section 320.020. Regulation of Speed by Traffic Signals.

The City Traffic Engineer 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.

Section 320.030. Speed Restrictions.

[CC 1990 §10-34; Code 1977 §16.145(2) — (4); Ord. No. 90-12, §4, 10-2-1990; Ord. No. 06-18 §§1 — 2, 11-7-2006]

A. No person other than the operator of an emergency vehicle on an emergency run shall operate a vehicle in the City at a rate of speed in excess of twenty-five (25) miles per hour except on those streets or portions thereof, as designated by the Board of Aldermen from time to time, which have been posted as streets or portions of streets on which a higher speed is permitted, and which are listed in Schedule I, Speed Limits.

B. Fifteen (15) miles per hour speed zones may only be placed on any County, State or Federal marked or maintained highways where approval has been granted by the proper officials of the County Highway Department or State Highway Department.

C. Except when due to a condition of the vehicle which was not reasonably foreseeable when entering upon the street, alley or highway, and while removing such vehicle off the street or highway in the shortest reasonable time and distance, or when reasonably necessary under the conditions existing at the time and place, no person shall drive a vehicle at a rate of speed so slow as to impede, block or endanger the normal, usual and reasonable movement of other traffic in the street, alley or highway.

D. The driver of every vehicle shall, consistent with the requirements of this Section, drive at an appropriate reduced speed when approaching and crossing an intersection, when approaching and going around a curve or right angle turn, when approaching a hillcrest, when traveling upon any narrow or winding roadway and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway and street conditions; infractions thereof shall come under the heading of dangerous and reckless driving.

E. *"Construction" Or "Work Zones".*

1. As used in this Section, the term *"construction zone"* or *"work zone"* means any area upon or around any roadway, which is visibly marked by the State of Missouri, St. Louis County, City of Clarkson Valley or a contractor performing work for one (1) of these entities as an area where construction, maintenance, or other work is temporarily occurring. The term *"work zone"* or *"construction zone"* also includes the lanes of a roadway leading up to the area upon which an activity described in this Subsection is being performed, beginning at the point where appropriate signs directing motor vehicles to merge from one lane into another lane are posted.

2. Upon a conviction or a plea of guilty by any person for a moving violation as defined in Section 302.010, RSMo., or any offense listed in Section 302.302, RSMo., the Municipal Court shall assess a fine of thirty-five dollars ($35.00) in addition to any other fine authorized to be imposed by law, if the offense occurred within a construction zone or a work zone.

3. Upon a conviction or plea of guilty by any person for a speeding violation pursuant to either Chapter 15 Division 3, or a passing violation pursuant to Subsection (E)(6) of this Section, the court shall assess a fine of two hundred fifty dollars ($250.00) in addition to any other fine authorized by law, if the offense occurred within a construction zone or a work zone and at the time the speeding or passing violation occurred there was any person in such zone who was there to perform duties related to the reason for which the area was designated a construction zone or work zone. However, no person assessed an additional fine pursuant to this Subsection shall also be assessed an additional fine pursuant to Subsection (E)(2) of this Section, and no person shall be assessed an additional fine pursuant to this Subsection if no signs have been posted pursuant to Subsection (E)(4) of this Section.

4. The penalty authorized by Subsection (E)(3) of this Section shall only be assessed by the court if the State of Missouri, St. Louis County, City of Clarkson Valley or contractor performing work for the Department of Transportation has erected signs upon or around a construction or work zone which are clearly visible from the roadway and which state substantially the following message: "Warning: $250 fine for speeding or passing in this work zone".

5. During any day in which no person is present in a construction zone or work zone established pursuant to Subsection (E)(3) of this Section to perform duties related to the purpose of the zone, the sign warning of additional penalties shall not be

visible to motorists. During any period of two (2) hours or more in which no person is present in such zone on a day in which persons have been or will be present to perform duties related to the reason for which the area was designated as a construction zone or work zone, the sign warning of additional penalties shall not be visible to motorists. The State of Missouri, St. Louis County, City of Clarkson Valley or contractor performing work for the State of Missouri, St. Louis County, and/or City of Clarkson Valley shall be responsible for compliance with provisions of this Subsection. Nothing in this Subsection shall prohibit warning or traffic control signs necessary for public safety in the construction or work zone being visible to motorists at all times.

6. The driver of a motor vehicle may not overtake or pass another motor vehicle within a work zone or construction zone. This Subsection applies to a construction zone or work zone located upon a roadway divided into two (2) or more marked lanes for traffic moving in the same direction and for which motor vehicles are instructed to merge from one lane into another lane by an appropriate sign erected by the State of Missouri, St. Louis County, City of Clarkson Valley or a contractor performing work for the Department of Transportation. This Section shall not be construed to enhance the assessment of court costs or the assessment of points pursuant to Section 302.302, RSMo.

Chapter 325

TURNING MOVEMENTS

Section 325.010. Required Position and Method of Turning at Intersection.

Section 325.020. Authority to Place and Obedience to Turning Markers.

Section 325.030. Authority to Place Restricted Turn Signs.

Section 325.040. Obedience to No-Turn Signs.

Section 325.050. Limitations on Turning Around.

Section 325.060. Hand and Mechanical Signals.

Cross Reference — Prohibited left turn locations designated, sch. IV.

Section 325.010. Required Position and Method of Turning at Intersection.

A. The driver of a vehicle intending to turn at an intersection shall do so as follows:

1. *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. *Left turns on two-way roadways.* 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. *Left turns on other than two-way roadways.* At any intersection where traffic is restricted to one (1) direction on one (1) 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.

Section 325.020. Authority to Place and Obedience to Turning Markers.

A. The City Traffic Engineer is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such 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 such indications.

Section 325.030. Authority to Place Restricted Turn Signs.

The City Traffic Engineer 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 such intersections. The making of such 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 such turns are permitted.

Section 325.040. 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.

Section 325.050. Limitations on Turning Around.

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

Section 325.060. Hand and Mechanical Signals.

[Ord. No. 03-07 §§1 — 2, 7-15-2003]

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 manner provided herein.

1. An operator or driver when stopping or when checking the speed of the operator's vehicle, if the movement of other vehicles may reasonably be affected by such checking of speed, shall extend such operator's arm at an angle below horizontal so that the same may be seen in the rear of the vehicle;

2. An operator or driver intending to turn the operator's vehicle to the right shall extend such operator's arm at an angle above horizontal so that the same may be seen in front of and in the rear of the vehicle and shall slow down and approach the intersecting highway as near as practicable to the right side of the highway along which such operator is proceeding before turning;

3. An operator or driver intending to turn the operator's vehicle to the left shall extend such operator's arm in a horizontal position so that the same may be seen in the rear of the vehicle and shall slow down and approach the intersecting highway so that the left side of the vehicle shall be as near as practicable to the centerline of the highway along which the operator is proceeding before turning;

4. The signals herein required 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; however, 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. A vehicle shall be considered as so constructed or loaded that a hand and arm signal would not be visible both to the front and rear when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereon exceeds fourteen (14) feet, which limit of fourteen (14) feet shall apply to single vehicles or combinations of vehicles. The provisions of this Subsection shall not apply to any trailer which does not interfere with a clear view of the hand signals of the operator or of the signaling device upon the vehicle pulling such trailer; provided further that the provisions of this Section as far as mechanical devices on vehicles so constructed that a hand and arm signal would not be visible both to the front and rear of such vehicle as above provided shall only be applicable to new vehicles registered within this State after the first (1st) day of January, 1954.

Chapter 330

ONE-WAY STREETS AND ALLEYS

Section 330.010. Authority to Sign One-Way Streets and Alleys.

Section 330.020. One-Way Streets and Alleys.

Section 330.030. Authority to Restrict Direction of Movement on Streets During Certain Periods.

Section 330.010. Authority to Sign One-Way Streets and Alleys.

Whenever any ordinance of the City designates any one-way street or alley, the City Traffic Engineer shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such 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.

Section 330.020. One-Way Streets and Alleys.

Upon those streets and parts of streets and in those alleys described and designated by 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.

Section 330.030. Authority to Restrict Direction of Movement on Streets During Certain Periods.

A. The City Traffic Engineer is hereby authorized to determine and designate streets, parts of streets or specific lanes thereon upon which vehicular traffic shall proceed in one (1) direction during one (1) 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 City Traffic Engineer 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 such markings, signs, barriers or other devices so placed in accordance with this Section.

Chapter 335

STOP AND YIELD INTERSECTIONS

Section 335.010. Through Streets Designated.

Section 335.020. Signs Required at Through Streets.

Section 335.030. Other Intersections Where Stop or Yield Required.

Section 335.040. Stop and Yield Signs.

Section 335.050. Vehicle Entering Stop Intersection.

Section 335.060. Vehicle Entering Yield Intersection.

Section 335.070. Emerging From Alley, Driveway or Building.

Section 335.080. Stop When Traffic Obstructed.

Section 335.010. Through Streets Designated.

Those streets and parts of streets described by ordinances of the City are declared to be through streets for the purposes of Sections 335.010 to 335.080.

Section 335.020. Signs Required at Through Streets.

Whenever any ordinance of the City designates and describes a through street, it shall be the duty of the City Traffic Engineer to place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection a yield sign, on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic control signals; provided however, that at the intersection of two (2) such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of said streets as may be determined by the City Traffic Engineer upon the basis of an engineering and traffic study.

Section 335.030. Other Intersections Where Stop or Yield Required.

The City Traffic Engineer is hereby authorized to determine and designate intersections where particular hazard exists upon other than through streets and to determine whether vehicles shall stop at one (1) or more entrances to any such intersection in which event he/she shall cause to be erected a stop sign at every such place where a stop is required, or whether vehicles shall yield the right-of-way to vehicles on a different street at such intersection as prescribed in Subsection (A) of Section 335.040, in which event he/she shall cause to be erected a yield sign at every place where obedience thereto is required.

Section 335.040. Stop and Yield Signs.

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, in the event 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.

Section 335.050. Vehicle Entering Stop Intersection.

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 as required by Subsection (B) of Section 335.040 and after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

Section 335.060. 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 highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection; provided however, that if such a driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his/her failure to yield right-of-way.

Section 335.070. Emerging From Alley, Driveway or Building.

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such 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 said roadway.

Section 335.080. Stop When Traffic Obstructed.

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/she is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

Chapter 340

MISCELLANEOUS DRIVING RULES

Section 340.010. Following Fire Apparatus Prohibited.

Section 340.015. Stopping for Fire Apparatus.

Section 340.020. Crossing Fire Hose.

Section 340.030. Funeral Processions.

Section 340.040. Driving in Procession.

Section 340.050. Funeral Procession to Be Identified.

Section 340.060. When Permits Required for Parades and Processions.

Section 340.070. Vehicle Shall Not Be Driven on a Sidewalk.

Section 340.080. Limitations on Backing.

Section 340.090. Opening and Closing Vehicle Doors.

Section 340.100. Riding on Motorcycles — Additional Passenger — Requirements.

Section 340.110. Riding Bicycle on Sidewalks, Limitations — Motorized Bicycles Prohibited.

Section 340.120. All-Terrain Vehicles, Prohibited — Exceptions, Operation of Under an Exception — Prohibited Uses — Penalty.

Section 340.130. Riding Bicycles, Sleds, Roller Skates, by Attaching to Another Vehicle — Prohibited.

Section 340.140. Controlled Access.

Section 340.150. Driving Through Safety Zone Prohibited.

Section 340.160. Passenger Limitations.

Section 340.170. Manner of Operation Generally.

Section 340.180. Overtaking and Passing Vehicles.

Section 340.190. Two-Way Left Turn Lanes.

Section 340.200. Stopping for School Bus.

Section 340.210. Turning on a Curve or Crest of a Grade.

Section 340.220. Turns at Intersections — Crossing Private Property Prohibited.

Section 340.230. Following Too Closely.

Section 340.240. Unattended Vehicle.

Section 340.250. Limitations on Use of Handheld Electronic Wireless Communications Devices.

Section 340.010. Following Fire Apparatus Prohibited.

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 five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

Section 340.015. Stopping for Fire Apparatus.

[CC 1990 §10-68; Ord. No. 92-12 §3, 6-2-1992]

A. Drivers of vehicles upon any street, road or highway, upon approaching any firehouse from which any fire truck, apparatus or equipment is then leaving and entering upon such street, road or highway, shall stop his/her vehicle before reaching such firehouse exit at a point upon the street, road or highway designated by a sign posted at the side of the street, road or highway or designated by a white or yellow line painted upon the street, road or highway. If there is any siren sounding or any blinker warning light flashing in front of any such firehouse, drivers of vehicles having stopped shall not proceed until such siren shall stop sounding or until such blinker light shall stop flashing but, in any event, not until such fire truck, apparatus or equipment shall have completed its entry onto such street, road or highway.

B. The Board of Directors of any fire district or the Fire Chief of any Fire Department maintaining any firehouse within the City may, with the approval of the Board of Aldermen:

1. Erect at the side of any street, road or highway an appropriate sign indicating the point of stopping for vehicles thereon when any fire truck or fire equipment may be leaving such firehouse.

2. Paint across the traffic lane of such street, road or highway opposite such sign a white or yellow line further indicating such stopping point.

Such line and sign shall be located at such distance from the exit of such firehouse as the Board of Directors or Fire Chief and the Board of Aldermen may find as an appropriate distance to preserve and protect the safety of drivers of vehicles upon such street, road or highway as well as the operators and passengers upon any such fire truck, apparatus or equipment.

Section 340.020. Crossing Fire Hose.

No vehicle shall be driven over any unprotected hose of a Fire Department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.

Section 340.030. Funeral Processions.

A. *Definitions.* As used in this Section, the following terms shall mean:

FUNERAL DIRECTOR — A person licensed as a funeral director pursuant to the provisions of Chapter 333, RSMo.

FUNERAL LEAD VEHICLE or LEAD VEHICLE — Any motor vehicle equipped with at least one (1) lighted circulating lamp exhibiting an amber or purple light or lens or alternating flashing headlamps visible under normal atmospheric conditions for a distance

of five hundred (500) feet from the front of the vehicle. A hearse or coach properly equipped may be a lead vehicle.

ORGANIZED FUNERAL PROCESSION — Two (2) or more vehicles accompanying the remains of a deceased person from a funeral establishment, church, synagogue or other place where a funeral service has taken place to a cemetery, crematory or other place of final disposition, or a funeral establishment, church, synagogue or other place where additional funeral services will be performed, if directed by a licensed funeral director from a licensed establishment.

B. *Driving Rules.*

1. Except as otherwise provided for in this Section, pedestrians and operators of all other vehicles shall yield the right-of-way to any vehicle which is a part of an organized funeral procession.

2. Notwithstanding any traffic control device or right-of-way provision prescribed by State or local law, when the funeral lead vehicle in an organized funeral procession lawfully enters an intersection, all vehicles in the procession shall follow the lead vehicle through the intersection. The operator of each vehicle in the procession shall exercise the highest degree of care toward any other vehicle or pedestrian on the roadway.

3. An organized funeral procession shall have the right-of-way at all intersections regardless of any traffic control device at such intersections, except that operators of vehicles in an organized funeral procession shall yield the right-of-way to any approaching emergency vehicle pursuant to the provisions of law or when directed to do so by a Law Enforcement Officer.

4. All vehicles in an organized funeral procession shall follow the preceding vehicle in the procession as closely as is practical and safe under the conditions.

5. No person shall operate any vehicle as part of an organized funeral procession without the flashing emergency lights of such vehicle being lighted.

6. Any person who is not an operator of a vehicle in an organized funeral procession shall not:

   a. Drive between the vehicles comprising an organized funeral procession while such vehicles are in motion and have the flashing emergency lights lighted pursuant to Subsection (B)(5), above, except when required to do so by a Law Enforcement Officer or when such person is operating an emergency vehicle giving an audible or visual signal;

   b. Join a funeral procession for the purpose of securing the right-of-way; or

   c. Attempt to pass any vehicle in an organized funeral procession, except where a passing lane has been specifically provided.

7. When an organized funeral procession is proceeding through a red signal light as permitted herein, a vehicle not in the organized funeral procession shall not enter

the intersection unless such vehicle may do so without crossing the path of the funeral procession.

8. No ordinance, regulation or any other provision of law shall prohibit the use of a motorcycle utilizing flashing amber lights to escort an organized funeral procession on the highway.

C. Any person convicted of violating any provision of this Section shall be punished by a fine not to exceed one hundred dollars ($100.00).

Section 340.040. Driving 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.

Section 340.050. Funeral Procession to Be Identified.

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 method as may be determined and designated by the Traffic Division.

Section 340.060. When Permits Required for Parades and Processions.

No funeral, procession or parade containing two hundred (200) or more persons or fifty (50) or more vehicles except the forces of the United States Army or Navy, 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.

Section 340.070. Vehicle Shall Not Be Driven on a Sidewalk.

The driver of a vehicle shall not drive within any sidewalk area except on a permanent or temporary driveway.

Section 340.080. Limitations on Backing.

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

Section 340.090. Opening and Closing 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.

Section 340.100. Riding on Motorcycles — Additional Passenger — Requirements.

[CC 1990 §10-5(c,d); Ord. No. 92-12 §2, 6-2-1992]

A. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) 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 (1) person to ride thereon at the same time, unless the motorized bicycle is designed to carry more than one (1) person. Any motorized bicycle designed to carry more than one (1) person must be equipped with a passenger seat and footrests for the use of a passenger.

C. No person shall operate or ride as a passenger on any motorcycle unless such person is wearing protective headgear at all times the vehicle is in motion.

D. No person shall operate or ride as a passenger on any motorcycle unless such motorcycle is equipped with a windshield, intact and firmly attached, or unless such operator or passenger is wearing shatterproof goggles or glasses that are shielding the eyes from the wind and foreign objects.

Section 340.110. Riding Bicycle on Sidewalks, Limitations — Motorized Bicycles Prohibited.

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, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

C. No person shall ride a motorized bicycle upon a sidewalk.

Section 340.120. All-Terrain Vehicles, Prohibited — Exceptions, Operation of Under an Exception — Prohibited Uses — Penalty.

[Ord. No. 06-02 §§1 — 2, 3-7-2006]

A. No person shall operate an all-terrain vehicle, as defined in Section 300.020, upon the streets and highways of this City, except as follows:

1. All-terrain vehicles owned and operated by a governmental entity for official use.

2. All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation.

3. All-terrain vehicles operated for or utilized for the removal of snow and/or ice accumulations, including the spreading of ice-melting substances. This exception is

limited to the operation of the all-terrain vehicle upon the streets of this City while traveling to a property to remove snow or ice accumulations or from a property on which the operator had previously removed snow or ice accumulations. These all-terrain vehicles are prohibited from operating on Kehrs Mill Road and/or Clarkson Road.

B. No person shall operate an off-road vehicle, as defined in Section 304.001, RSMo., within any stream or river in this City, except that off-road vehicles may be operated within waterways which flow within the boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within the boundaries of land which an off-road vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this State at such road crossings as are customary or part of the highway system. All law enforcement officials or Peace Officers of this State and its political subdivisions shall enforce the provisions of this Subsection within the geographic area of their jurisdiction.

C. A person operating an all-terrain vehicle on a street or highway pursuant to an exception covered in this Section shall have a valid operator's or chauffeur's license 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 thirty (30) miles per hour. When operated on a street or highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven (7) 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 thirty (30) square inches and shall be dayglow in color.

D. No person shall operate an all-terrain vehicle:

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; or

3. Without a securely fastened safety helmet on the head of an individual who operates an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle, unless the individual is at least eighteen (18) years of age.

E. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes.

F. A violation of this Section shall be a misdemeanor.

Section 340.130. Riding Bicycles, Sleds, Roller Skates, by Attaching to Another Vehicle — Prohibited.

No person riding upon any bicycle, motorized bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself/herself to any vehicle upon a roadway.

Section 340.140. Controlled Access.

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.

Section 340.150. Driving Through Safety Zone Prohibited.

No vehicle shall at any time be driven through or within a safety zone.

Section 340.160. Passenger Limitations.

[CC 1990 §10-9; Ord. No. 92-12 §3, 6-2-1992]

It shall be unlawful for any person to operate a motor vehicle which has more than three (3) persons over the age of sixteen (16) years in the front seat, nor shall any person extend any part of his/her body outside the vehicle except the hand and arm for signaling purposes only.

Section 340.170. Manner of Operation Generally.

[CC 1990 §10-32; Code 1977 §16.145(1)]

Every person operating a motor vehicle on the highways of this City or on the private streets open to the public in the 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.

Section 340.180. Overtaking and Passing Vehicles.

[CC 1990 §10-36; Code 1977 §16.450; Ord. No. 96-14 §§1 — 2, 11-5-1996]

A. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations and exceptions hereinafter stated:

1. 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.

2. 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/her vehicle until completely passed by the overtaking vehicle.

B. 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 in the left turning lane.

2. Upon a City street with unobstructed pavement of sufficient room for two (2) or more lines of vehicles in each direction.

3. Upon a one-way street.

In no event shall such movement be made by driving off the paved or main-traveled portion of the roadway. The provisions of this Subsection 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.

C. No vehicle shall at any time 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 street 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 one hundred (100) feet of any bridge, viaduct, tunnel or when approaching within one hundred (100) feet of or at any intersection.

Section 340.190. Two-Way Left Turn Lanes.

[CC 1990 §10-36; Code 1977 §16.450; Ord. No. 96-14 §§1 — 2, 11-5-1996; Ord. No. 10-10 §§1 — 2, 7-6-2010]

Where two-way left turn lanes are designated by pavement markings and signs, drivers of vehicles traveling in either direction may, with caution, utilize these lanes to remove themselves from the traffic stream in preparation for executing left turns within five hundred (500) feet of having entered the lane. Such lanes shall not be used for overtaking or passing another vehicle when no left turning movement is made.

Section 340.200. Stopping for School Bus.

A. The driver of a vehicle upon a highway 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 the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion, or until signaled by its driver to proceed.

B. 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 (8) 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 Sections 304.050 to 304.070, RSMo., shall be equipped with a mechanical and electrical signaling device approved by the State Board of Education, which will display a signal plainly visible from the front and rear and indicating intention to stop.

C. Every school bus operated to transport students in the public school system which has a gross vehicle weight rating of more than ten thousand (10,000) pounds, which has the engine mounted entirely in front of the windshield and the entrance door behind the front wheels, and which is used for the transportation of school children shall be equipped with a crossing control arm. The crossing control arm, when activated, shall extend a minimum of five (5) feet six (6) inches from the face of the front bumper. The crossing control arm shall be attached on the right side of the front bumper and shall be activated by the same controls which activate the mechanical and electrical signaling devices described in Subsection (B) of this Section. This Subsection may be cited as "Jessica's Law" in commemoration of Jessica Leicht and all other Missouri school children who have been injured or killed during the operation of a school bus.

D. Except as otherwise provided in this Section, the driver of a school bus in the process of loading or unloading students upon a street or highway shall activate the mechanical and electrical signaling devices, in the manner prescribed by the State Board of Education, to communicate to drivers of other vehicles that students are loading or unloading. A public school district has the authority pursuant to Section 304.050, RSMo., to adopt a policy which provides that the driver of a school bus in the process of loading or unloading students upon a divided highway of four (4) or more lanes may pull off of the main roadway and load or unload students without activating the mechanical and electrical signaling devices in a manner which gives the signal for other drivers to stop and may use the amber signaling devices to alert motorists that the school bus is slowing to a stop; provided that the passengers are not required to cross any traffic lanes and also provided that the emergency flashing signal lights are activated in a manner which indicates that drivers should proceed with caution, and in such case, the driver of a vehicle may proceed past the school bus with due caution. No driver of a school bus shall take on or discharge passengers at any location upon a highway consisting of four (4) or more lanes of traffic, whether or not divided by a median or barrier, in such manner as to require the passengers to cross more than two (2) lanes of traffic; nor shall any passengers be taken on or discharged while the vehicle is upon the road or highway proper unless the vehicle so stopped is plainly visible for at least five hundred (500) feet in each direction to drivers of other vehicles in the case of a highway with no shoulder and a speed limit greater than sixty (60) miles per hour and at least three hundred (300) feet in each direction to drivers of other vehicles upon other highways, and on all highways, only for such time as is actually necessary to take on and discharge passengers.

E. The driver of a vehicle upon a highway 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 (4) 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.

Section 340.210. Turning on a Curve or Crest of a Grade.

[CC 1990 §10-48; Ord. No. 92-12 §3, 6-2-1992]

No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade or hill, where the vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred (500) feet.

Section 340.220. Turns at Intersections — Crossing Private Property Prohibited.

[CC 1990 §10-50; Ord. No. 96-16 §§1 — 3, 11-5-1996]

The driver of a vehicle shall make all turns at the intersection of roadways in accordance with turning movements of Section 325.010. No person shall drive any vehicle on or across private property to make a turn onto an intersecting roadway, except if such vehicle enters said property and stops on said property to deliver or pick up merchandise, property or persons.

Section 340.230. Following Too Closely.

[CC 1990 §10-51; Ord. No. 97-15 §§1 — 2, 12-2-1997]

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonably safe and prudent having due regard for the speed of such vehicle, his/her ability to stop if necessary, and the traffic upon and condition of the roadway.

Section 340.240. Unattended Vehicle. [1]

[CC 1990 §10-67; Ord. No. 91-4 §3, 2-5-1991]

Any vehicle left unattended in substantially the same location upon any street or highway for more than seventy-two (72) hours shall be deemed illegally parked.

Section 340.250. Limitations on Use of Handheld Electronic Wireless Communications Devices.

[Ord. No. 10-09 §§1 — 2, 7-6-2010]

A. Except as otherwise provided in this Section, no person twenty-one (21) years of age or younger operating a moving motor vehicle upon any roadway in the City shall, by means of a handheld electronic wireless communications device, send, read, or write a text message or electronic message.

B. The provisions of Subsection (A) of this Section shall not apply to a person operating:

1. An authorized emergency vehicle; or

2. A moving motor vehicle while using a handheld electronic wireless communications device to:

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1. **Cross Reference — As to abandoned property, see ch. 215, art. III.**

a. Report illegal activity;

b. Summon medical or other emergency help;

c. Prevent injury to a person or property; or

d. Relay information between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle.

C. Nothing in this Section shall be construed or interpreted as prohibiting a person from making or taking part in a telephone call, by means of a handheld electronic wireless communications device, while operating a motor vehicle upon the highways of this State.

D. As used in this Section, *"electronic message"* means a self-contained piece of digital communication that is designed or intended to be transmitted between handheld electronic wireless communication devices. *"Electronic message"* includes, but is not limited to, electronic mail, a text message, an instant message, or a command or request to access an Internet site.

E. As used in this Section, *"handheld electronic wireless communications device"* includes any handheld cellular phone, palm pilot, blackberry, or other mobile electronic device used to communicate verbally or by text or electronic messaging, but shall not apply to any device that is permanently embedded into the architecture and design of the motor vehicle.

F. As used in this Section, *"making or taking part in a telephone call"* means listening to or engaging in verbal communication through a handheld electronic wireless communication device.

G. As used in this Section, *"send, read, or write a text message or electronic message"* means using a handheld electronic wireless telecommunications device to manually communicate with any person by using an electronic message. Sending, reading, or writing a text message or electronic message does not include reading, selecting, or entering a phone number or name into a handheld electronic wireless communications device for the purpose of making a telephone call.

H. A violation of this Section shall be deemed an infraction and shall be deemed a moving violation for purposes of point assessment under Section 302.302, RSMo.

I. The State pre-empts the field of regulating the use of handheld electronic wireless communications devices in motor vehicles, and the provisions of this Section shall supersede any local laws, ordinances, orders, rules, or regulations enacted by a County, municipality, or other political subdivision to regulate the use of handheld electronic wireless communication devices by the operator of a motor vehicle.

J. The provisions of this Section shall not apply to:

1. The operator of a vehicle that is lawfully parked or stopped;

2. Any of the following while in the performance of their official duties: a Law Enforcement Officer; a member of a Fire Department; or the operator of a public or private ambulance;

3. The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system;

4. The use of voice-operated technology;

5. The use of two-way radio transmitters or receivers by a licensee of the Federal Communications Commission in the Amateur Radio Service.

Chapter 342

DRIVING WHILE INTOXICATED

Section 342.010. Driving While Intoxicated.

Section 342.020. Driving With Excessive Blood Alcohol Content.

Section 342.030. Chemical Test for Alcohol Content — Consent Implied — Administered — When — How — Videotaping of Chemical or Field Sobriety Test Admissible Evidence.

Section 342.040. Driving While Under Influence of Narcotic Drug — Penalty.

Section 342.050. Penalties for Convictions for Violating Provisions of Sections 342.010, 342.020 and 342.040.

Section 342.060. Consumption of Alcoholic Beverages in Motor Vehicles or Transportation of Open Containers of Alcoholic Beverages in Motor Vehicles Prohibited.

Section 342.010. Driving While Intoxicated.

[CC 1990 §10-38; Code 1977 §16.425]

No person shall operate a motor vehicle while in an intoxicated condition or when under the influence of drugs.

Section 342.020. Driving With Excessive Blood Alcohol Content.

[Ord. No. 06-13 §3, 8-1-2006]

A. A person commits the offense of *"driving with excessive blood alcohol content"* if such person operates a motor vehicle or golf cart in this City with eight-hundredths of one percent (.08%) or more by weight of alcohol in such person's blood.

B. As used in this Section, *"percent by weight of alcohol"* in the blood shall be based upon grams of alcohol per one hundred (100) milliliters of blood or two hundred ten (210) liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this Section, the test shall be conducted in accordance with the provisions of Sections 577.020 to 577.041, RSMo.

Section 342.030. Chemical Test for Alcohol Content — Consent Implied — Administered — When — How — Videotaping of Chemical or Field Sobriety Test Admissible Evidence.

[Ord. No. 06-13 §4, 8-1-2006]

A. Any person who operates a motor vehicle or golf cart upon the streets and/or public highways of this City shall be deemed to have given consent to, subject to the provisions of Sections 577.020 to 577.041, RSMo., 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 driving a motor vehicle or golf cart while in an intoxicated or drugged condition;

2. If the person is under the age of twenty-one (21), has been stopped by a Law Enforcement Officer, and the Law Enforcement Officer has reasonable grounds to believe that such person was driving a motor vehicle or golf cart with a blood alcohol content of two-hundredths of one percent (.02%) or more by weight;

3. If the person is under the age of twenty-one (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 of two-hundredths of one percent (.02%) or greater; or

4. If the person is under the age of twenty-one (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 of two-hundredths of one percent (.02%) or greater. The test shall be administered at the direction of the Law Enforcement Officer whenever the person has been arrested or stopped 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 (2) such tests arising from the same arrest, incident or charge.

C. Chemical analysis of the person's breath, blood, saliva or urine to be considered valid pursuant to the provisions of Sections 577.020 to 577.041, RSMo., 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 him/her.

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 Chapter 302, RSMo.

Section 342.040. Driving While Under Influence of Narcotic Drug — Penalty.

[CC 1990 §10-47; Ord. No. 92-12 §3, 6-2-1992]

A. No person who is a habitual user of or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him/her incapable of operating a motor vehicle shall operate a motor vehicle in the City. The fact that any person charged with violation of this Section is or has been entitled to use such drugs under the laws of the State shall not constitute a defense against any charge of violating this Section.

B. Any person convicted of a violation of this Section shall be punished as provided in Section 342.050 (A)(1).

Section 342.050. Penalties for Convictions for Violating Provisions of Sections 342.010, 342.020 and 342.040.

[CC 1990 §10-46; Ord. No. 92-12 §3, 6-2-1992; Ord. No. 92-15 §§1 — 3, 7-7-1992]

A. Any person convicted of violating the provisions of Section 342.010 or Section 342.020 shall be punished as follows:

1. Driving while intoxicated is for the first (1st) offense, a class B misdemeanor. 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 (2) years.

2. For the first (1st) offense, driving with excessive blood alcohol content is a class C misdemeanor.

B. Evidence of prior convictions shall be heard and determined by the Municipal Judge, out of the hearing of a jury prior to the submission of the case to any jury, and the court shall enter its findings thereon.

C. Upon a plea of guilty or a finding of guilty for a first (1st) offense of violating the provisions of Sections 342.020 or 342.040 of the City's municipal ordinance involving alcohol- or drug-related traffic offenses, the court may, in addition to imposition of any penalties provided by law, order the convicted person to reimburse the City of Clarkson Valley for the costs associated with such arrest. Such costs shall include the reasonable cost of making the arrest, including the cost of any chemical test made under this

Chapter to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking and holding such person in custody. The City's Board of Public Safety may establish a schedule of such costs from time to time, however, the Municipal Court for the City may order the costs reduced if it determines that the costs are excessive.

Section 342.060. Consumption of Alcoholic Beverages in Motor Vehicles or Transportation of Open Containers of Alcoholic Beverages in Motor Vehicles Prohibited.

[CC 1990 §10-49; Ord. No. 96-13 §§1 — 3, 10-1-1996]

A. *Definitions.* The following terms shall have the meanings ascribed to them in this Section, except where context indicates a different meaning:

ALCOHOLIC BEVERAGE — Includes alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt or other liquor, or combination of liquors, a part of which is spirituous, vinous or fermented and to also include any beer manufactured from pure hops or pure extract of hops, and pure barley malt or grains or cereals, and yeast and pure water, preservatives and adulterants and having any alcoholic content by weight or volume.

REAR COMPARTMENT — Vehicle trunk, spare tire compartment, or any outside compartment which is not accessible to the driver or any other person while such a vehicle is in motion. In the case of a pickup truck, station wagon, hatchback or other similar vehicle, the area behind the last upright seat shall be considered the rear compartment.

RECREATIONAL MOTOR VEHICLE — Any motor vehicle designed, constructed or substantially modified so that it may be used and is used for the purpose of temporary housing quarters, including therein sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.

B. No person shall consume alcoholic beverages while operating a motor vehicle upon a street, roadway or highway within the City of Clarkson Valley.

C. No person shall knowingly transport an alcoholic beverage, except in the original container which shall not have been opened and the seal upon which shall not have been broken or from which the original cork or cap shall not have been removed, while operating a motor vehicle upon a street, roadway or highway unless the open container is in a rear compartment area of the vehicle.

D. Nothing in this Section shall be construed as to prohibit the otherwise legal consumption of alcoholic beverages by passengers on a privately or publicly owned transit authority vehicle which has been chartered and is not being utilized for conveyance of the general public where the operation and control of such conveyance is by a person not in possession of such alcoholic beverage.

E. This Section shall not apply to the living quarters of a recreational vehicle as defined in this Section.

Chapter 345

PEDESTRIANS' RIGHTS AND DUTIES

Section 345.010. Pedestrians Subject to Traffic Control Devices.

Section 345.020. Pedestrians' Right-of-Way in Crosswalks.

Section 345.030. Pedestrians to Use Right-Half of Crosswalks.

Section 345.040. Crossing at Right Angles.

Section 345.050. When Pedestrian Shall Yield.

Section 345.060. Prohibited Crossing.

Section 345.070. Obedience of Pedestrians to Bridge Signals.

Section 345.080. Pedestrians Walking Along Roadways.

Section 345.090. Drivers to Exercise Highest Degree of Care.

Section 345.100. Pedestrians Soliciting Rides or Business.

Section 345.010. Pedestrians Subject to Traffic Control Devices.

Pedestrians shall be subject to traffic control signals as heretofore declared in Sections 315.060 and 315.070 of this Title, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this Chapter.

Section 345.020. Pedestrians' Right-of-Way in 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. Subsection (A) shall not apply under the conditions stated in Subsection (B) of Section 345.050.

D. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

Section 345.030. Pedestrians to Use Right-Half of Crosswalks.

Pedestrians shall move, whenever practicable, upon the right-half of crosswalks.

Section 345.040. 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.

Section 345.050. When Pedestrian Shall Yield.

[CC 1990 §10-104; Ord. No. 95-10 §3, 8-1-1995]

A. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or other than crossing a roadway 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 345.060 when pedestrians are prohibited from crossing at certain designated places.

Section 345.060. Prohibited Crossing.

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 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.

Section 345.070. Obedience of Pedestrians to Bridge 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 bridge while such gate or barrier is closed or is being opened or closed.

Section 345.080. Pedestrians Walking Along Roadways.

[CC 1990 §10-106; Ord. No. 95-10 §3, 8-1-1995]

A. Where sidewalks are provided, it shall be unlawful for any pedestrian to walk or otherwise move along and upon an adjacent roadway.

B. Where sidewalks are not provided, any pedestrian walking along or otherwise moving along and upon a road or highway shall, when practicable, walk or otherwise move only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

Section 345.090. Drivers to Exercise Highest Degree of Care.

Notwithstanding the foregoing provisions of this Title, 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.

Section 345.100. Pedestrians Soliciting Rides or Business.

[CC 1990 §10-107; Ord. No. 95-10 §3, 8-1-1995]

A. No person shall stand in a roadway for the purpose of soliciting a ride, employment, charitable contribution or business from the occupant of any vehicle.

B. No person shall stand on or in proximity to a road for the purpose of soliciting the watching or guarding of any vehicle parked or about to be parked on a road.

Chapter 350

METHOD OF PARKING

Section 350.010. Standing or Parking Close to Curb.

Section 350.020. Signs or Markings Indicating Angle Parking.

Section 350.030. Obedience to Angle Parking Signs or Markers.

Section 350.040. Permits for Loading or Unloading at an Angle to the Curb.

Section 350.050. Lamps on Parked Vehicles.

Section 350.010. Standing or Parking Close to Curb.

Except as otherwise provided in this Chapter, 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 eighteen (18) inches of the right-hand curb.

Section 350.020. Signs or Markings Indicating Angle Parking.

A. The City Traffic Engineer shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets but such angle parking shall not be indicated upon any Federal-aid or State highway within the City unless the State Highways and Transportation 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.

Section 350.030. Obedience to Angle Parking Signs or Markers.

On those streets which have been signed or marked by the City Traffic Engineer 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 such signs or markings.

Section 350.040. Permits for Loading or Unloading at an Angle to the Curb.

A. The City Traffic Engineer is authorized to issue special permits to permit 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 such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person 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.

Section 350.050. Lamps on Parked Vehicles.

A. Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half (½) hour after sunset and a half (½) hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of five hundred (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 roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half (½) hour after sunset and a half (½) hour before sunrise and there is not sufficient light to reveal any person or object within a distance of five hundred (500) feet upon such highway, such vehicle so parked or stopped shall be equipped with one (1) or more lamps meeting the following requirements: At least one (1) lamp shall display a white or amber light visible from a distance of five hundred (500) feet to the front of the vehicle, and the same lamp or at least one (1) other lamp shall display a red light visible from a distance of five hundred (500) feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one (1) 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 closer to passing traffic. The foregoing provisions shall not apply to a motor-driven cycle.

C. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

Chapter 355

STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES

ARTICLE I
In General

Section 355.010. Stopping, Standing or Parking Prohibited.

Section 355.020. Parking Not to Obstruct Traffic.

Section 355.030. Parking in Alleys.

Section 355.040. Parking for Certain Purposes Prohibited.

Section 355.050. Parking Adjacent to Schools.

Section 355.060. Parking Prohibited on Narrow Streets.

Section 355.070. Standing or Parking on One-Way Streets.

Section 355.080. Standing or Parking on One-Way Roadways.

Section 355.090. No Stopping, Standing or Parking Near Hazardous or Congested Places.

Section 355.100. Leaving Vehicle Over Twenty-Four Hours Prohibited.

Cross Reference — As to removal of vehicles, see ch. 215, art. III.

ARTICLE I
In General

Section 355.010. Stopping, Standing or Parking Prohibited.

[CC 1990 §10-66 (A)(1)(i), (A)(2)(e-g,i), (A)(3)(b); Code 1977 §16.361; Ord. No. 90-12, §6, 10-2-1990; Ord. No. 93-06 §§1 — 3, 3-2-1993; Ord. No. 93-16 §§1 — 2, 10-5-1993; Ord. No. 96-04 §§1 — 3, 3-5-1996; Ord. No. 98-04 §§1 — 2, 3-3-1998; Ord. No. 98-12 §§1 — 2, 12-1-1998; Ord. No. 06-06 §§1 — 2, 4-4-2006]

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:

1. Stop, stand or park a vehicle:

a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

b. On a sidewalk;

c. Within an intersection;

d. On a crosswalk;

e. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the (traffic authority) indicates a different length by signs or markings;

f. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

g. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

h. At any place where official signs prohibit stopping;

i. In such a manner as to occupy more than one (1) delineated parking space or to encroach upon lanes marked, set aside or commonly used for driving motor vehicles upon any parking lot or upon any drive-in or driveway not delineated with marked lanes for parking.

2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

a. In front of a public or private driveway;

b. Within fifteen (15) feet of a fire hydrant;

c. Within twenty (20) feet of a crosswalk at an intersection;

d. Within thirty (30) feet upon the approach to any flashing signal, stop sign or traffic control signal located at the side of a roadway;

e. Within twenty (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 seventy-five (75) feet of said entrance (when properly signposted);

f. At any place where official signs prohibit standing;

g. Within fifteen (15) feet of an intersection;

h. Within eight (8) feet of a public U.S. mailbox;

i. Within eight (8) feet of a mailbox located on or at private property between the hours of 8:00 A.M. and 5:00 P.M. except on Sunday and Federal holidays;

j. In spaces designated for the handicapped unless said vehicle bears a permit sticker issued by a governmental agency or issued pursuant to Section 301.071, RSMo., or Section 301.142, RSMo., as visual evidence of handicap. The penalty for violation hereof shall be set at one hundred dollars ($100.00) and the vehicle shall be immediately removed by the City.

k. In spaces designated as a fire lane.

3. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:

a. At any place where official signs prohibit parking.

4. Park a commercially licensed vehicle or other vehicle bearing commercial advertising in excess of ten (10) square inches in a Zone "A' semi-rural district for a period exceeding two (2) hours unless said vehicle is engaged in loading or unloading at said site and can show intent to deliver or pick up at said site by delivery papers including, but not limited to, cargo bills or bills of lading. Excepted from this Section is the parking of construction vehicles when a valid building permit is in effect for the site.

B. No person shall move a vehicle not lawfully under his/her control into any such prohibited area or away from a curb such a distance as is unlawful.

C. It shall be unlawful for any person to park any vehicle displayed "For Sale" upon any public or private parking lot within the City.

Section 355.020. 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 (10) feet of the width of the roadway for free movement of vehicular traffic.

Section 355.030. Parking in Alleys.

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) 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.

Section 355.040. Parking for Certain Purposes Prohibited.

A. No person shall park a vehicle upon a roadway for the principal purpose of:

1. Displaying such vehicle for sale; or

2. Repair such vehicle except repairs necessitated by an emergency.

Section 355.050. Parking Adjacent to Schools.

A. The City Traffic Engineer 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/her 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.

Section 355.060. Parking Prohibited on Narrow Streets.

A. The City Traffic Engineer is authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet or upon one (1) side of a street as indicated by such signs when the width of the roadway does not exceed thirty (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 any such sign.

Section 355.070. Standing or Parking on One-Way Streets.

The City Traffic Engineer 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 such signs are in place, no person shall stand or park a vehicle upon such left-hand side in violation of any such sign.

Section 355.080. Standing or Parking on One-Way Roadways.

In the event a highway includes two (2) or more separate roadways and traffic is restricted to one (1) direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking. The City Traffic Engineer is authorized to determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.

Section 355.090. No Stopping, Standing or Parking Near Hazardous or Congested Places.

A. The City Traffic Engineer is hereby authorized to determine and designate by proper signs places not exceeding one hundred (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.

Section 355.100. Leaving Vehicle Over Twenty-Four Hours Prohibited.

[CC 1990 §10-69; Ord. No. 92-12 §3, 6-2-1992]

No person shall park a vehicle on any street for an uninterrupted period of time longer than twenty-four (24) hours.

Chapter 360

STOPPING FOR LOADING OR UNLOADING ONLY

Section 360.010. City Traffic Engineer to Designate Curb Loading Zones.

Section 360.020. Permits for Curb Loading Zones.

Section 360.030. Standing in Passenger Curb Loading Zone.

Section 360.040. Standing in Freight Curb Loading Zones.

Section 360.050. City Traffic Engineer to Designate Public Carrier Stops and Stands.

Section 360.060. Stopping, Standing and Parking of Buses and Taxicabs Regulated.

Section 360.070. Restricted Use of Bus and Taxicab Stands.

Section 360.010. City Traffic Engineer to Designate Curb Loading Zones.

The City Traffic Engineer 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.

Section 360.020. Permits for Curb Loading Zones.

The City Traffic Engineer shall not designate or sign any curb loading zone upon special request of any person unless such person makes application for a permit for such zone and for two (2) signs to indicate the ends of each such zone. The City Traffic Engineer upon granting a permit and issuing such signs shall collect from the applicant and deposit in the City Treasury a service fee of ten dollars ($10.00) per year or fraction thereof and may by general regulations impose conditions upon the use of such signs and for 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 such permit shall expire at the end of one (1) year.

Section 360.030. Standing in Passenger Curb Loading Zone.

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 hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three (3) minutes.

Section 360.040. Standing in Freight Curb Loading Zones.

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 pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect.

Section 360.050. City Traffic Engineer to Designate Public Carrier Stops and Stands.

The City Traffic Engineer is hereby authorized and required to establish bus stops, bus stands, taxicab stands and stands for other passenger common carrier motor vehicles on such public streets in such places and in such number as he/she shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs.

Section 360.060. Stopping, Standing and Parking of Buses and Taxicabs Regulated.

A. The operator of a bus shall not stand or park such vehicle 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 such vehicle 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 the right front wheel of such vehicle not further than eighteen (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 such vehicle 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.

Section 360.070. Restricted 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 such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

Chapter 365

STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS

Section 365.010. Application.

Section 365.020. Regulations Not Exclusive.

Section 365.030. Parking Prohibited at All Times on Certain Streets.

Section 365.035. Parking Restricted to Residents and Guests Only.

Section 365.040. Parking Prohibited During Certain Hours on Certain Streets.

Section 365.050. Stopping, Standing or Parking Prohibited During Certain Hours on Certain Streets.

Section 365.060. Parking Signs Required.

Section 365.070. Commercial Vehicles Prohibited From Using Certain Streets.

Section 365.010. Application.

[Ord. No. 03-12 §2, 10-7-2003]

The provisions of this Title 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.

Section 365.020. Regulations Not Exclusive.

[Ord. No. 03-12 §2, 10-7-2003]

The provisions of this Title 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.

Section 365.030. Parking Prohibited at All Times on Certain Streets.

[Ord. No. 03-12 §2, 10-7-2003]

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described by ordinance.

Section 365.035. Parking Restricted to Residents and Guests Only.

[Ord. No. 03-15 §§1 — 2, 12-2-2003]

When signs are erected giving notice thereof, parking will be restricted to residents and guests only on any of the streets described by ordinance.

Section 365.040. Parking Prohibited During Certain Hours on Certain Streets.

[Ord. No. 03-12 §2, 10-7-2003]

When signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours specified by ordinance of any day except Sunday and public holidays within the districts or upon any of the streets described by ordinance.

Section 365.050. Stopping, Standing or Parking Prohibited During Certain Hours on Certain Streets.

[Ord. No. 03-12 §2, 10-7-2003]

When signs are erected in each block giving notice thereof, no person shall stop, stand or park a vehicle between the hours specified by ordinance of any day except Sundays and public holidays within the district or upon any of the streets described by ordinance.

Section 365.060. Parking Signs Required.

[Ord. No. 03-12 §2, 10-7-2003]

Whenever by this Title 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 City Traffic Engineer to erect appropriate signs giving notice thereof and no such regulations shall be effective unless said signs are erected and in place at the time of any alleged offense.

Section 365.070. Commercial Vehicles Prohibited From Using Certain Streets.

[Ord. No. 03-12 §2, 10-7-2003]

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 described except those commercial vehicles making deliveries thereon.

Chapter 370

VIOLATIONS BUREAU

Section 370.010. When Person Charged May Elect to Appear at Bureau.

Section 370.020. Duties of Violations Bureau.

Section 370.030. Violations Bureau to Keep Records.

Section 370.040. Additional Duties of Violations Bureau.

Section 370.010. When Person Charged May Elect to Appear at Bureau.

A. Any person charged with an offense for which payment of a fine may be made to the Violations Bureau shall have the option of paying such fine within the time specified in the notice of arrest at the Violations Bureau upon entering a plea of guilty and upon waiving appearance in court; or may have the option of depositing 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 Bureau shall be deemed an acknowledgement of conviction of the alleged offense, and the Bureau, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment thereof.

Section 370.020. Duties of Violations Bureau.

A. The following duties are hereby imposed upon the 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.

Section 370.030. Violations Bureau to Keep Records.

The Violations Bureau shall keep records and submit to the judges hearing violations of City ordinances summarized monthly reports 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 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. Such records shall be so maintained as to show all types of violations and the totals of each. Said records shall be public records.

Section 370.040. Additional Duties of Violations Bureau.

The Violations Bureau shall follow such procedure as may be prescribed by the traffic ordinances of the City or as may be required by any laws of this State.

Chapter 375

PROCEDURE ON ARREST

Section 375.010. Forms and Records of Traffic Citations and Arrests.

Section 375.020. Procedure of Police Officers.

Section 375.030. Uniform Traffic Ticket to Be Issued When Vehicle Illegally Parked or Stopped.

Section 375.040. Warning of Arrest Sent Upon Failure to Appear.

Section 375.050. Police May Remove Vehicle — When.

Section 375.010. Forms and Records of Traffic Citations and Arrests.

A. The City shall provide books containing uniform traffic tickets as prescribed by Supreme Court Rule. Said books shall include serially numbered sets of citations in quadruplicate in the form prescribed by Supreme Court Rule.

B. Such books shall be issued to the Chief of Police or his/her duly authorized agent, a record shall be maintained of every book so issued and a written receipt shall be required for every book. The judge or judges hearing City ordinance violation cases may require that a copy of such record and receipts be filed with the court.

C. The Chief of Police shall be responsible for the issuance of such books to individual members of the Police Department. The Chief of Police shall require a written receipt for every book so issued and shall maintain a record of every such book and each set of citations contained therein.

Section 375.020. Procedure of Police Officers.

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/her a warning or warning notice and does not take such person into custody under arrest shall issue to him/her a uniform traffic ticket which shall be proceeded upon in accordance with Supreme Court Rule Number 37.

Section 375.030. Uniform Traffic Ticket to Be Issued When Vehicle Illegally Parked or Stopped.

Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by ordinance of the City or by State law, the officer finding such 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/her within five (5) days during the hours and at a place specified in the traffic ticket.

Section 375.040. Warning of Arrest Sent Upon Failure to Appear.

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 (5) days, the Violations Bureau shall send to the owner of the motor vehicle to which the traffic ticket was affixed a letter informing him/her of the violation and warning him/her that in the event such letter is disregarded for a period of five (5) days a warrant of arrest will be issued.

Section 375.050. Police May Remove Vehicle — When.

A. Members of the Police Department are authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the Police Department, or otherwise maintained by the City under the circumstances hereinafter enumerated:

1. When any vehicle is left unattended upon any bridge, viaduct or causeway, or in any tube or tunnel where such vehicle constitutes an obstruction to traffic;

2. When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide its custody or removal;

3. When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.

B. Whenever an officer removes a vehicle from a street as authorized in this Section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

C. Whenever an officer removes a vehicle from a street under this Section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three (3) days, then and in that event the officer shall immediately send or cause to be sent a written report of such removal by mail to the State department whose duty it is to register motor vehicles and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time, and place from which removed, the reasons for such removal, and the name of the garage or place where the vehicle is stored.

Chapter 380

VEHICLE EQUIPMENT

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ARTICLE I
Light Regulations

Section 380.010. When Lights Required.

[Ord. No. 05-02 §§1 — 2, 3-1-2005]

A. "*When lighted lamps are required*" means at any time from a half (½) hour after sunset to a half (½) 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 five hundred (500) feet ahead. Also, when weather conditions require usage of the motor vehicle's windshield wipers or during periods of fog, lighted lamps are required.

B. No person shall drive, move, park or be in custody of any vehicle or combination of vehicles on any street or highway during the times when lighted lamps are required unless such vehicle or combination of vehicles displays lighted lamps and illuminating devices as hereinafter in this Article required. 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.

Section 380.020. Headlamp on Motor Vehicles.

Except as in this Article provided, every motor vehicle other than a motor-drawn vehicle and other than a motorcycle shall be equipped with at least two (2) approved headlamps mounted at the same level with at least one (1) on each side of the front of the vehicle. Every motorcycle shall be equipped with at least one (1) and not more than two (2) approved headlamps. 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.

Section 380.030. Multiple-Beam Headlamps — Arrangement.

A. Except as hereinafter provided, the headlamps or the auxiliary driving lamp or the auxiliary passing lamp 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 projected 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 three hundred fifty (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 one hundred (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.

Section 380.040. Dimming of Lights — When.

Every person driving a motor vehicle equipped with multiple-beam road lighting equipment, during the times 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 five hundred (500) feet, or is within three hundred (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 twenty-five (25) feet ahead, and in no case higher than a level of forty-two (42) inches above the level upon which the vehicle stands at a distance of seventy-five (75) feet ahead.

Section 380.050. Taillamps — Reflectors.

A. Every motor vehicle and every motor-drawn vehicle shall be equipped with at least two (2) rear lamps, not less than fifteen (15) inches or more than seventy-two (72) inches above the ground upon which the vehicle stands, which when lighted will exhibit a red light plainly visible from a distance of five hundred (500) feet to the rear. Either such rear lamp 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 fifty (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 registered in this State, when operated on a highway, shall also carry at the rear, either as part of the rear lamp or separately, at least one (1) 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 three hundred (300) feet to fifty (50) feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps.

C. Every new passenger car, new commercial motor vehicle, motor-drawn vehicle and omnibus with a capacity of more than six (6) passengers registered in this State after January 1, 1966, when operated on a highway shall also carry at the rear at least two (2) approved red reflectors, at least one (1) 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 five hundred (500) to fifty (50) feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps. Every such reflector shall meet the requirements of this Article and shall be mounted upon the vehicle at a height not to exceed sixty (60) inches nor less than fifteen (15) inches above the surface upon which the vehicle stands.

D. Any person who knowingly operates a motor vehicle without the lamps required in this Section in operable condition is guilty of an infraction.

Section 380.060. Auxiliary Lamps — Number — Location.

Any motor vehicle may be equipped with not to exceed three (3) auxiliary lamps mounted on the front at a height not less than twelve (12) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands.

Section 380.070. Cowl, Fender, Running Board and Backup Lamps.

Any motor vehicle may be equipped with not more than two (2) side cowl or fender lamps which shall emit a white or yellow light without glare. Any motor vehicle may be equipped with not more than one (1) running board courtesy lamp on each side thereof which shall emit a white or yellow light without glare. Any motor vehicle may be equipped with a backup lamp either separately or in combination with another lamp; except that no such backup lamp shall be continuously lighted when the motor vehicle is in forward motion.

Section 380.080. Spotlamps.

Any motor vehicle may be equipped with not to exceed one (1) spotlamp but every lighted spotlamp shall be so aimed and used so as not to be dazzling or glaring to any person.

Section 380.090. Colors of Various Lamps — Restriction of Red Lights.

Headlamps, when lighted, shall exhibit lights substantially white in color; auxiliary lamps, cowllamps and spotlamps, when lighted, shall exhibit lights substantially white, yellow or amber in color. 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.

Section 380.100. Limitations on Lamps Other Than Headlamps — Flashing Signals Prohibited Except on Specified Vehicles.

Any lighted lamp or illuminating device upon a motor vehicle other than headlamps, spotlamps, front direction signals or auxiliary lamps which projects a beam of light of an intensity greater than three hundred (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 seventy-five (75) feet from the vehicle. 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 emergency vehicles as defined in Section 300.020 of this Title but are prohibited on other motor vehicles, motorcycles and motor-drawn vehicles except as a means for indicating a right or left turn.

Section 380.110. Limitation on Total of Lamps Lighted at One Time.

At the times when lighted lamps are required, at least two (2) lighted lamps shall be displayed, one (1) 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 headlamps as

in this Article required is also equipped with any auxiliary lamps or a spotlamp or any other lamp on the front thereof projecting a beam of an intensity greater than three hundred (300) candlepower, not more than a total of four (4) of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

Section 380.120. Other Vehicles — How Lighted.

All vehicles, including agricultural machinery or implements, road machinery, road rollers, traction engines and farm tractors not in this Article specifically required to be equipped with lamps, shall be equipped during the times when lighted lamps are required with at least one (1) lighted lamp or lantern exhibiting a white light visible from a distance of five hundred (500) feet to the front of such vehicle and with a lamp or lantern exhibiting a red light visible from a distance of five hundred (500) feet to the rear, and such lamps and lanterns shall exhibit lights to the sides of such vehicle.

Section 380.130. Animal-Driven Vehicles — Lighting Requirements — Penalty.

Any person who shall place or drive or cause to be placed or driven upon or along any State highway of this City any animal-driven vehicle whatsoever, whether in motion or at rest, shall after sunset to one-half (½) 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 (3) inches in diameter of effective area or its equivalent in area. When such device shall consist of reflecting buttons there shall be no less than seven (7) of such buttons covering an area equal to a circle with a three (3) inch diameter. The total subtended effective angle of reflection of every such device shall be no less than sixty degrees (60°) 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 such animal-drawn vehicle from the rear of a distance of not less than five hundred (500) feet. In addition, any person who operates any such animal-driven vehicle during the hours between sunset and one-half (½) hour before sunrise shall have at least one (1) light flashing at all times the vehicle is on any highway of this City. Such light or lights shall be amber in the front and red in the back and shall be placed on the left side of the vehicle at a height of no more than six (6) feet from the ground and shall be visible from the front and the back of the vehicle at a distance of at least five hundred (500) feet. Any person violating the provisions of this Section shall be guilty of an ordinance violation.

ARTICLE II
Other Vehicle Equipment

Section 380.140. Other Equipment of Motor Vehicles.

A. *Signaling Devices.* Every motor vehicle shall be equipped with a horn, directed forward, or whistle in good working order, capable of emitting a sound adequate in quantity and volume to give warning of the approach of such vehicle to other users of the highway and to pedestrians. Such 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.

B. *Muffler Cutouts.* Muffler cutouts shall not be used and no vehicle shall be driven in such 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. 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. Any cutout or opening in the exhaust pipe between the motor and the muffler on 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.

C. *Brakes.* All motor vehicles, except motorcycles, shall be provided at all times with two (2) sets of adequate brakes kept in good working order, and motorcycles shall be provided with one (1) set of adequate brakes kept in good working order.

D. *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.

E. *Projections On Vehicles.* All vehicles carrying poles or other objects, which project more than five (5) feet from the rear of such vehicle, shall, during the period when lights are required by this Chapter, 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 sixteen (16) inches square, shall be displayed at the end of such projection.

F. *Towlines.* When one vehicle is towing another, the connecting device shall not exceed fifteen (15) feet. During the time that lights are required by Sections 307.020 to 307.120, RSMo., the required lights shall be displayed by both vehicles. Every towed vehicle shall be coupled to the towing vehicle by means of a safety chain, cable or equivalent device in addition to the primary coupling device, except that such secondary coupling device shall not be necessary if the connecting device is connected to the towing vehicle by a center-locking ball located over or nearly over the rear axle and not supported by the rear bumper of the towing vehicle. Such secondary safety connecting devices shall be of sufficient strength to control the towed vehicle in the event of failure of the primary coupling device. The provisions of this Subsection shall not apply to wreckers towing vehicles or to vehicles secured to the towing vehicle by a fifth-wheel type connection. The provisions of this Subsection shall also not apply to farm implements, or to any vehicle which is not required to be registered.

G. *Commercial Motor Vehicles And Trailers.* When being operated on any highway, street or road of this City, commercial motor vehicles and trailers shall be equipped with adequate and proper brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control devices, fuel tank and any other safety equipment required by the State in such condition so as to obtain a certificate of inspection and approval as required by the provisions of Section 307.360, RSMo.

H. Devices attached to or towed by motor vehicles for the purpose of transporting hay shall have the protruding parts raised or retracted when not in use to a position which will not

cause injury or damage to persons or property in the vicinity of such device when on the highways, streets or roads of this City.

Section 380.150. Loads Which Might Become Dislodged to Be Secured — Failure — Penalty.

A. All motor vehicles and every trailer and semi-trailer operating upon the public highways, streets or roads of this City and carrying goods or material or farm products which may reasonably be expected to become dislodged and fall from the vehicle, trailer or semi-trailer as a result of wind pressure or air pressure and/or by the movement of the vehicle, trailer or semi-trailer 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 semi-trailer while being transported or carried.

B. Operation of a motor vehicle, trailer or semi-trailer in violation of this Section shall be an ordinance violation, and any person convicted thereof shall be punished as provided by Section 100.100 of this Code.

Section 380.160. Seat Belts.

[Ord. No. 09-04 §§1 — 3, 4-7-2009]

A. As used in this Section, the term *"truck"* means a motor vehicle designed, used or maintained for the transportation of property.

B. As used in this Section, the term *"passenger car"* means every motor vehicle designed for carrying ten (10) persons or less and used for the transportation of persons; except that the term "passenger car" shall not include motorcycles, motorized bicycles, motortricycles and trucks with a licensed gross weight of twelve thousand (12,000) pounds or more.

C. Each driver, except persons employed by the United States Postal Service while performing duties for that Federal agency which require the operator to service postal boxes from their vehicles, or which require frequent entry into and exit from their vehicles, and front seat passengers of a passenger car manufactured after January 1, 1968, operated on a street or highway in the City, and persons less than eighteen (18) years of age operating or riding in a truck, as defined in Subsection (A) of this Section, on a street or highway of this City shall wear a properly adjusted and fastened safety belt that meets Federal National Highway, Transportation and Safety Act requirements; except that, a child less than four (4) years of age shall be protected as required in Section 380.170 of this Chapter. The provisions of this Section shall not be applicable to persons who have a medical reason for failing to have a seat belt fastened about their body, nor shall the provisions of this Section be applicable to persons while operating or riding a motor vehicle being used in agricultural work-related activities. Non-compliance with this Subsection shall not constitute probable cause for violation of any other provision of law. Each person found guilty of violating the provisions of this Section is guilty of an infraction for which a fine not to exceed ten dollars ($10.00) may be

imposed. All other provisions of law and court rules to the contrary notwithstanding, no court costs shall be imposed on any person due to a violation of this Section.

D. Each driver of a motor vehicle transporting a child four (4) years of age or more, but less than sixteen (16) years of age, shall secure the child in a properly adjusted and fastened safety belt.

Section 380.170. Passenger Restraint System Required for Children Under Sixteen Years of Age.

[Ord. No. 06-20 §§1, 3, 11-7-2006]

A. Every person transporting a child under the age of sixteen (16) years shall be responsible, when transporting such child in a motor vehicle operated by that driver on the streets or highways of this City, for providing for the protection of such child as follows:

1. Children less than four (4) years of age, regardless of weight, shall be secured in a child passenger restraint system appropriate for that child;

2. Children weighing less that forty (40) pounds, regardless of age, shall be secured in a child passenger restraint system appropriate for that child;

3. Children at least four (4) years of age but less than eight (8) years of age, who also weigh at least forty (40) pounds but less than eighty (80) pounds, and who are also less than four (4) feet, nine (9) inches tall, shall be secured in a child passenger restraint system or booster seat appropriate for that child;

4. Children at least eighty (80) pounds or children more than four (4) feet, nine (9) inches in height shall be secured by a vehicle safety belt or booster seat appropriated for that child;

5. 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.

6. 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 the Section.

This Subsection shall only apply to the use of a child passenger restraint system or vehicle safety belt for children less than sixteen (16) years of age being transported in a motor vehicle.

B. Any person found guilty of violating any of the provisions of this Section shall be subject to a fine of not more than fifty dollars ($50.00) plus court costs.

C. The provisions of this Section shall not apply to any public carrier for hire.

Section 380.180. Vision-Reducing Material Applied to Windshield or Windows Without Permit Prohibited — Penalty — Rules — Procedure.

[Ord. No. 07-03 §§1 — 2, 2-6-2007]

A. Except as provided herein, no person shall operate any motor vehicle registered in this State 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, decal-comania or informational signs on motor vehicles or the application of tinted or solar-screening material to recreational vehicles as defined in Section 700.010, RSMo., 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. Any person may operate a motor vehicle with a front sidewing vent or window that has a sun-screening device, in conjunction with safety glazing material, that has a light transmission of thirty-five percent (35%) or more plus or minus three percent (3%) and a luminous reflectance of thirty-five percent (35%) or less plus or minus three percent (3%).

B. Any person who violates the provisions of this Section is guilty of an ordinance violation.

Section 380.190. Headgear Required — Motorcycles or Motortricycles.

A. Every person operating or riding as a passenger on any motorcycle or motortricycle, as defined in this Title, upon any highway of this City shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the Director of Revenue.

B. The penalty for failure to wear protective headgear as required by Subsection (A) of this Section shall be deemed an infraction for which a fine not to exceed twenty-five dollars ($25.00) may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to Section 302.302, RSMo., for a failure to wear such protective headgear.

Section 380.200. Studded Tires — Prohibited When.

No person shall operate any motor vehicle upon any road or highway of this City between the first (1st) day of April and the first (1st) day of November while the motor vehicle is equipped with tires containing metal or carbide studs.

Section 380.210. Restriction on Use of Metal-Tired Vehicles.

A. No metal-tired vehicle shall be operated over any of the improved highways of this City, except over highways constructed of gravel or claybound gravel, if such vehicle has on the periphery of any of the road wheels any lug, flange, cleat, ridge, bolt or any projection of metal or wood which projects radially beyond the tread or traffic surface of the tire, unless the highway is protected by putting down solid planks or other suitable material, or by attachments to the wheels so as to prevent such vehicles from damaging the highway, except that this prohibition shall not apply to tractors or traction engines equipped with what is known as caterpillar treads, when such caterpillar does not contain any projection of any kind likely to injure the surface of the road. Tractors, traction engines and similar vehicles may be operated which have upon their road wheels "V" shaped, diagonal or other cleats arranged in such manner as to be continuously in contact with the road surface if the gross weight on the wheels per inch of width of such cleats or road surface, when measured in the direction of the axle of the vehicle, does not exceed eight hundred (800) pounds.

B. No tractor, tractor engine or other metal-tired vehicle weighing more than four (4) tons, including the weight of the vehicle and its load, shall drive onto, upon or over the edge of any improved highway without protecting such edge by putting down solid planks or other suitable material to prevent such vehicle from breaking off the edges of the pavement.

C. Any person violating this Section, whether operating pursuant to a permit or not, or who shall willfully or negligently damage a highway, shall be liable for the amount of such damage caused to any highway, bridge, culvert or sewer, and any vehicle causing such damage shall be subject to a lien for the full amount of such damage, which lien shall not be superior to any duly recorded or filed chattel mortgage or other lien previously attached to such vehicle; the amount of such damage may be recovered in any action in any court of competent jurisdiction.

Section 380.220. Passengers in Trucks.

A. As used in this Section, the term *"truck"* means a motor vehicle designed, used or maintained for the transportation of property.

B. No person shall operate any truck, as defined in Subsection (A) of this Section, with a licensed gross weight of less than twelve thousand (12,000) pounds on any highway which is part of the State or Federal highway system or when such truck is operated within the corporate limits of the City when any person under eighteen (18) years of age is riding in the unenclosed bed of such truck. No person under eighteen (18) years of age shall ride in the unenclosed bed of such truck when the truck is in operation.

C. The provisions of this 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 purpose of participating in a special event and it is necessary that the person ride in such unenclosed bed due to a lack of available seating. *"Special event"*, for the purposes of this Section, is 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 the truck. For the purposes of this Section, the term *"family"* shall mean any persons related within the first degree of consanguinity.

Chapter 385

LICENSING REGULATIONS

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ARTICLE I
Operator's Licenses

Section 385.010. Driving While License Suspended or Revoked.

A person commits the offense of driving while revoked if he/she operates a motor vehicle on a highway when his/her license or driving privilege has been canceled, suspended or revoked

under the laws of this State and acts with criminal negligence with respect to knowledge of the fact that his/her driving privilege has been canceled, suspended or revoked.

Section 385.020. Operation of Motor Vehicle Without Proper License Prohibited — Motorcycles — Special License. [1]

[Ord. No. 06-13 §2, 8-1-2006; Ord. No. 10-16 §§1, 3, 12-7-2010]

A. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by Section 385.040, to:

1. Operate any vehicle upon any highway in this City unless the person has a valid license as required by Chapter 302, RSMo., or a temporary instruction permit issued in compliance with Section 302.130, RSMo., or an intermediate driver's license issued in compliance with Section 302.178, RSMo., in his/her possession;

2. Operate a motorcycle or motortricycle upon any highway of this City unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the Director of Revenue. The Director of Revenue may indicate such upon a valid license issued to such person or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by Section 302.173, RSMo., is conducted on such vehicle;

3. Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;

4. Operate a motor vehicle with an instruction permit, intermediate driver's license or license issued to another person; or

5. Operate a motor vehicle in violation of the provisions of Sections 302.130 and 302.178, RSMo., regarding accompaniment by a qualified driver or stated hours of operation; or

6. Drive a commercial motor vehicle, unless fully licensed in compliance with Chapter 302. RSMo., except when operating under an instruction permit as provided for in Section 302.720, RSMo.;

7. Operate a golf cart upon any street or highway in this City unless the person has a valid license as required by Chapter 302, RSMo.

Section 385.030. Prohibited Uses of License.

A. It shall be unlawful for any person to:

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1. **Note — Under certain circumstances this offense can be a felony under state law.**

1. Display or to permit to be displayed, or to have in his/her possession, any license knowing the same to be fictitious or to have been canceled, suspended, revoked, disqualified or altered;

2. Lend to or knowingly permit the use of by another any license issued to the person so lending or permitting the use thereof;

3. Display or to represent as one's own any license not issued to the person so displaying the same;

4. Fail or refuse to surrender to the Clerk of any Division of the Circuit Court or the Director any license which has been suspended, canceled, disqualified or revoked, as provided by law;

5. Use a false or fictitious name or give a false or fictitious address on any application for a license, or any renewal or duplicate thereof, or knowingly to make a false statement;

6. Knowingly conceal a material fact, or otherwise commit a fraud in any such application;

7. Authorize or consent to any motor vehicle owned by him/her or under his/her control to be driven by any person, when he/she has knowledge that 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 Sections 302.010 to 302.780, RSMo.;

8. Employ a person to operate a motor vehicle in the transportation of persons or property with knowledge that such person has not complied with the provisions of Sections 302.010 to 302.780, RSMo., or whose license has been revoked, suspended, canceled or disqualified; or who fails to produce his/her license upon demand of any person or persons authorized to make such demand;

9. Operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license; or

10. Fail to carry his/her instruction permit, valid operator's license while operating a vehicle and to display instruction permit or said license upon demand of any Police Officer, court official or any other duly authorized person for inspection, when demand is made therefor. Failure to exhibit his/her instruction permit or license as aforesaid shall be presumptive evidence that said person is not a duly licensed operator.

Section 385.040. Exemptions From License Law.

A. The following persons are exempt from license hereunder:

1. Any person while operating any farm tractor or implement of husbandry temporarily operated or moved on a highway;

2. A non-resident who is at least sixteen (16) years of age and who has in his/her immediate possession a valid license issued to him/her in his/her home State or Country;

3. A non-resident who is at least eighteen (18) years of age and who has in his/her immediate possession a valid license issued to him/her in his/her home State or Country which allows such person to operate a motor vehicle in the transportation of persons or property as classified in Section 302.015, RSMo.; or

4. Convicted offenders of the Department of Corrections who have not been convicted of a motor vehicle felony as follows — driving while intoxicated, failing to stop after an accident and disclosing his/her identity, or driving a motor vehicle without the owner's consent — may operate State-owned trucks for the benefit of the correctional facilities, provided that such offender shall be accompanied by a Correctional Officer or other staff person in such truck.

ARTICLE II
Vehicle Licensing

Section 385.050. State Vehicle License Plates Required.

No person shall operate or park any motor vehicle or trailer upon any street or highway of this City, unless such motor vehicle or trailer has properly displayed a valid license plate or plates or temporary permit issued to the lawful owner of the vehicle by the Department of Revenue of the State of Missouri, except that any person who is a non-resident of the State of Missouri may operate or park any motor vehicle or trailer upon any street or highway of this City, provided the motor vehicle or trailer has been duly registered for the current year in the State, Country or other place of which the owner is a resident, provided that at all times such motor vehicle or trailer is being operated or parked upon the streets or highways of this City, the valid license plate or plates or temporary permit is properly displayed on such vehicle or trailer.

Section 385.060. Method of Displaying License Plates.

No motor vehicle or trailer shall be operated on any highway of this City unless it shall have displayed thereon the license plate or set of license plates issued by the Director of Revenue and authorized by Section 301.140, RSMo. Each such plate shall be securely fastened to the motor vehicle in a manner so that all parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not impaired. License plates shall be fastened to all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand (12,000) pounds on the front and rear of such vehicles not less than eight (8) nor more than forty-eight (48) inches above the ground, with the letters and numbers thereon right side up. The license plates on trailers, motorcycles, motortricycles and motorscooters shall be displayed on the rear of such vehicles, with the letters and numbers thereon right side up. The license plate on buses, other than school buses, and on trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand (12,000) pounds shall be displayed on the front of such vehicles not less than eight (8) nor more than forty-eight (48) inches above the ground, with the letters and numbers thereon right side up,

or if two (2) plates are issued for the vehicle pursuant to Subsection (5) of Section 301.130, RSMo., displayed in the same manner on the front and rear of such vehicles. The license plate or plates authorized by Section 301.140, RSMo., when properly attached, shall be prima facie evidence that the required fees have been paid.

Section 385.070. Unauthorized Plates, Tags, Stickers, Signs.

No person shall operate a motor vehicle or trailer on which there is displayed on the front or rear thereof any other plate, tag or placard bearing any number except the plate furnished by the Director of Revenue or the placard herein authorized, and the official license tag of any municipality of this State, nor shall there be displayed on any motor vehicle or trailer a placard, sign or tag bearing the words "license lost", "license applied for", or words of similar import, as a substitute for such number plates or such placard.

Section 385.080. License Plates on Vehicles Displayed for Sale.

No person shall show, exhibit, display or have in possession for the purpose of sale any motor vehicle bearing or displaying thereon any number or license plates, except those of the dealer or owner so displaying said motor vehicle; provided however, that where the motor vehicle is placed on consignment with a dealer by the owner thereof, there may be displayed a number or license plate issued to the owner thereof.

Section 385.090. Certificate of Ownership Required for Registered Vehicle.

It shall be unlawful for any person to operate in this City a motor vehicle or trailer required to be registered as provided by law, unless a certificate of ownership has been issued.

Section 385.100. Transfer of Certificate of Ownership Upon Sale of Vehicle.

It shall be unlawful for any person to buy or sell in this City any motor vehicle or trailer registered under the laws of this State unless at the time of delivery thereof there shall pass between the parties a certificate of ownership with an assignment thereof as provided in Section 301.210, RSMo., as amended, and the sale of any motor vehicle or trailer registered under the laws of this State, without the assignment of such certificate of ownership, shall be fraudulent and void.

Section 385.110. Removal of Plates on Transfer of Vehicle — Use by Purchaser.

Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number plates shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to whom such number plates were originally issued to have the same in his/her possession whether in use or not; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license plates from the trade-in motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty (30) days. As used

in this Section, the term *"trade-in motor vehicle or trailer"* shall include any single motor vehicle or trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid.

Section 385.120. Sale by Dealer.

Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made application for registration, by mail or otherwise, may operate the same for a period of thirty (30) days after taking possession thereof, if during such period the motor vehicle or trailer shall have attached thereto, in the manner required by Section 301.130, RSMo., number plates issued to the dealer. Upon application and presentation of satisfactory evidence that the buyer has applied for registration, a dealer may furnish such number plates to the buyer for such temporary use. In such event, the dealer shall require the buyer to deposit the sum of ten dollars fifty cents ($10.50), to be returned to the buyer upon return of the number plates as a guarantee that said buyer will return to the dealer such number plates within thirty (30) days.

Section 385.130. (Reserved)

ARTICLE III
Miscellaneous Provisions

Section 385.140. Financial Responsibility Required.

A. No owner of a motor vehicle registered in this State or required to be registered in this State shall operate the vehicle, or authorize any other person to operate the vehicle register or maintain registration of a motor vehicle, or permit another person to operate such vehicle, upon the streets or the alleys of this City, unless the owner maintains the financial responsibility as required in this Section which conforms to the requirements of the laws of this State. Furthermore, no person shall operate a motor vehicle owned by another with the knowledge that the owner has not maintained financial responsibility unless such person has financial responsibility which covers the person's operation of the other's vehicle. However, no owner shall be in violation of this Subsection if he or she fails to maintain financial responsibility on a motor vehicle which is inoperable or being stored and not in operation.

B. For purposes of this Section, the term *"financial responsibility"* shall mean the ability to respond in damages for liability on account of accidents occurring after the effective date of proof of said financial responsibility, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of twenty-five thousand dollars ($25,000.00) because of bodily injury to or death of one (1) person in any one (1) accident, and, subject to said limit for one (1) person, in the amount of fifty thousand dollars ($50,000.00) because of bodily injury to or death of two (2) or more persons in any one (1) accident, and in the amount of ten thousand dollars ($10,000.00) because of injury to or destruction of property of others in any one (1) accident.

C. Proof of financial responsibility may be shown by any of the following:

1. An insurance identification card issued by a motor vehicle insurer or by the Director of Revenue of the State of Missouri for self-insurance. A motor vehicle liability insurance policy, a motor vehicle liability insurance binder, or receipt which contains the name and address of the insurer, the name and address of the named insured, the policy number, the effective dates of the policy and a description by year and make of the vehicle, or at least five (5) digits of the vehicle identification number or the word "Fleet" if the insurance policy covers five (5) or more motor vehicles shall be satisfactory evidence of insurance in lieu of an insurance identification card.

2. A certificate of the State Treasurer of a cash or security deposit according to Section 303.240, RSMo.

3. A surety bond according to Section 303.230, RSMo.

D. Proof of financial responsibility shall be carried at all times in the insured motor vehicle or by the operator of the motor vehicle if the proof of financial responsibility is effective as to the operator rather than to the vehicle. The operator of an insured motor vehicle shall exhibit the insurance identification card on the demand of any Peace Officer, commercial vehicle enforcement officer or commercial vehicle inspector who lawfully stops such operator or investigates an accident while that officer or inspector is engaged in the performance of the officer's or inspector's duties.

E. However, no person shall be found guilty of violating this Section if the operator demonstrates to the court that he or she met the financial responsibility requirements of Section 303.025, RSMo. at the time the peace officer wrote the citation.

F. Any person who violates any provisions of this Section shall be guilty of an ordinance violation and shall, upon conviction thereof, be punished by a fine of not less than ten dollars ($10.00) nor more than three hundred dollars ($300.00) for each and every violation.

Section 385.150. Conviction for Failure to Maintain Financial Responsibility or Court-Ordered Supervision — Court to Forward to Director of Revenue.

A. Whenever a court convicts a person of a violation of Section 303.025, RSMo., or enters an order of court-ordered supervision, the Clerk of the court shall within ten (10) days forward a report of the conviction or order of supervision to the Director of Revenue in a form prescribed by the Department of Revenue. In any case where the person charged with the violation fails to appear in court, the procedures provided in Section 302.341, RSMo., shall apply. For the purposes of this Section, the term *"court-ordered supervision"* is used to indicate where a court of record may, upon a plea or finding of guilt, defer further proceedings of a sentence and enter an order for supervision of the defendant if the defendant is charged with a violation, in which case no points shall be assessed.

B. The Department of Revenue shall keep records of such reports. However, reports of court-ordered supervision shall not be released to any outside source, except the affected operator and those entities provided for in Subsection 4 of Section 32.091, RSMo., and

shall be used only to inform the Director and the courts that such operator has previously been assigned court supervision.

Section 385.160. Display of False Evidence of Insurance — Penalty — Confiscation of False Evidence, Misdemeanor.

No person shall display evidence of insurance to a Law Enforcement Officer knowing there is no valid liability insurance in effect on the motor vehicle as required pursuant to this Article, or knowing the evidence of insurance is illegally altered, counterfeit or otherwise invalid as evidence of insurance. If the Law Enforcement Officer issues a citation to a motor vehicle operator for displaying invalid evidence of insurance, the officer shall confiscate the evidence for presentation in court. Any person convicted of violating this Section is guilty of a misdemeanor.

Section 385.170. Alteration, Production or Sale of Invalid Insurance Card, Misdemeanor.

No person shall alter an invalid insurance card to make it appear valid. No person knowingly shall make, sell or otherwise make available an invalid or counterfeit insurance card. Any person who violates this Section is guilty of a misdemeanor.

Schedule I

SPEED LIMITS

Table I-A. Speed Limits.

Table I-A. Speed Limits.

[CC 1990 App. C, Sch. I; Ord. No. 90-12 §7, 10-20-1990]

The operation of a vehicle at rates of speed in excess of twenty-five (25) miles per hour is authorized at specific locations within the City of Clarkson Valley as follows:

Street	Maximum Allowable Speed (MPH)
Highway 340 (Clarkson Road), the entire length	40
Kehrs Mill Road, the entire length	30

Schedule II

STOP INTERSECTIONS

Table II-A. Stop Intersections.

Table II-A. Stop Intersections.

[CC 1990 App. C, Sch, II; Ord. No. 90-12 § 7, 10-20-1990; Ord. No. 90-13 § 2, 11-6-1990; Ord. No. 03-09 §§ 1 — 2, 8-5-2003; Ord. No. 09-19 §§ 1 — 2, 12-1-2009]

In accordance with the Municipal Code and when signs are erected giving notice thereof, traffic at the intersections listed in this Schedule shall be required to stop as specified in this Schedule:

Intersection	**Traffic Shall Stop On Street Listed Below**
Clarkson Road and Forest Club Drive, the northernmost intersection	Forest Club Drive, eastbound traffic
Clarkson Road and Kettington Road	Kettington Road, westbound traffic
Clarkson Road and Trowbridge Road	Trowbridge Road, westbound traffic
Forest Club Drive and Herworth Drive	Forest Club Drive, northbound and southbound traffic, Herworth Drive, eastbound traffic
Kehrs Mill Road and Horseshoe Ridge Road	Horseshoe Ridge Road, southbound traffic
Kettington Road and Whitby Road	Kettington Road, eastbound and westbound traffic and traffic on Whitby Road, northbound and southbound
Clarkson Road and Clarkson Mill Circle	Clarkson Mill Circle, eastbound traffic
Clarkson Road and Forest Club Drive, the southernmost intersection	Forest Club Drive, eastbound traffic
Horseshoe Ridge Road and Quiet Creek Road	Quiet Creek Road, westbound traffic
Horseshoe Ridge Road and Saddle Creek Road	Horseshoe Ridge Road, northbound and southbound traffic and Saddle Creek Road, eastbound traffic
Horseshoe Ridge Road and Blue Roan Court	Blue Roan Court, southbound traffic
Saddle Creek Road and Walnut Rail Road	Walnut Rail Road, northbound and southbound traffic
Saddle Creek Road and the road known as Saddle Creek Court	The road known as Saddle Creek Court, southbound traffic
Saddle Creek Road and Trotting Trail Road	Trotting Trail Road, northbound traffic
Kehrs Mill Road and Saddle Creek Road	Saddle Creek Road, westbound traffic

Intersection	**Traffic Shall Stop On Street Listed Below**
Kehrs Mill Road and Kehrs Mill Estates Drive	Kehrs Mill Estates Drive, eastbound
Kehrs Mill Road and Kehrsgrove Drive	Kehrs Grove Drive, northbound traffic
Valley Road and Ridgley Woods Drive	Ridgley Woods Drive, southbound
Clarkson Road and Clarkson Farm Drive	Clarkson Farm Drive, westbound traffic
Dapple Gray Court and Horseshoe Ridge Road	Dapple Gray Court, southbound traffic
Kehrs Mill Road and entrance to Kingspointe	Kingspointe at entrance onto Kehrs Mill Road, southbound
Kehrs Mill Road and Kehrswood Drive	Kehrswood Drive, southbound
Kingspointe Lake Lane and Kingspointe Drive	Kingspointe Lake Lane, southbound
Kingspointe Drive and Kingspointe entrance	Kingspointe Drive, southbound
Kingspointe entrance and Kingspointe Drive	Kingspointe entrance, eastbound
Kehrsboro Drive and Kehrs Ridge Drive	Kehrsboro Drive, southbound
Kehrspoint Drive and Kehrswood Drive	Kehrspoint Drive, southbound
Kehrs Ridge Drive and Kehrs Mill Estates Drive	Kehrs Ridge Drive, northbound and southbound
Kehrsgrove Drive and Kehrs Mill Road	Kehrsgrove Drive, southbound
Kehrs Mill Road and Marquette High School student parking lot	Egress from high school parking lot onto Kehrs Mill Road
Kehrs Mill Road and Marquette High School delivery exit	Egress from high school delivery exit onto Kehrs Mill Road
Kehrs Mill Road and Forest Hills Ridge Subdivision cul-de-sac	Egress from Forest Hills Ridge Subdivision cul-de-sac onto Kehrs Mill Road
Forest Club Drive and Greenbank Drive	Greenbank Drive, northbound
Forest Club Drive and Fairlake Drive	Fairlake Drive, westbound
Whiting Lane and Forest Club Drive	Whiting Lane, northbound
Fox Chapel Lane and Forest Club Drive	Fox Chapel Lane, northbound
Highgrove Lane and Forest Club Drive	Highgrove Lane, southbound
Kettington Drive and Richborough Drive	Kettington Road, eastbound and westbound, Richborough Drive, northbound
Kehrsgrove and Whitney Pointe Drive	Kehrsgrove Drive, eastbound and westbound traffic, Whitney Pointe Drive, southbound
Horseshoe Ridge Court and Horseshoe Ridge Road	Horseshoe Ridge Court, westbound
Kehrsboro Drive and Kehrsdale Drive	Kehrsboro Drive, eastbound and westbound

Schedule III

RESTRICTED PARKING, PROHIBITED U-TURNS

Table III-A. Restricted Parking, Prohibited U-Turns.

Editor's Note — Ord. no. 03-12 §1, adopted October 7, 2003, repealed sch. III "prohibited parking" and sch. IV "prohibited left turns". Said ordinance set out a new sch. III to be named "restricted parking, prohibited right, left or U-turns" which has been further amended as noted herein. Former sch. III and sch. IV derived from CC 1990 App. C Sch. III — Sch. IV; ord. no. 90-12 §7, 10-20-1990; ord. no. 94-11 §§1 — 2, 8-2-1994; ord. no. 00-09 §§1 — 2, 3-7-2000.

Table III-A. Restricted Parking, Prohibited U-Turns.

[Ord. No. 03-12 §§1, 3, 10-7-2003; Ord. No. 03-15 §§1, 3, 12-2-2003; Ord. No. 05-03 §§1 — 2, 4-5-2005; Ord. No. 05-10 §§1 — 2, 8-2-2005; Ord. No. 05-12 §§1 — 2, 8-9-2005; Ord. No. 06-01 §§1 — 2, 2-7-2006; Ord. No. 09-17 §§1 — 2, 11-3-2009]

In accordance with the Municipal Code and when signs are erected giving notice thereof, parking is prohibited at all times at the locations listed in this Schedule, and signs giving notice thereof shall read as indicated in this Schedule:

Location Where U-Turn Is Prohibited	Notice On Sign Shall Read
Kehrs Mill Road from Clarkson Road (Rte. 340) westwardly to a point one thousand one hundred (1,100) feet east of Kehrsgrove Drive	NO U-TURN

Location Where Parking Is Prohibited	Notice On Sign Shall Read
Kehrs Mill Road, both sides, from Clarkson Road (Rte. 340) westwardly one thousand two hundred (1,200) feet	NO PARKING, STOPPING, STANDING
Kehrs Mill Road, both sides, from a point one thousand two hundred (1,200) feet west of Clarkson Road (Rte. 340) westwardly to a point one thousand one hundred (1,100) feet east of Kehrsgrove Drive	NO PARKING ANY TIME
Forest Hills Ridge Court, both sides	NO PARKING

Streets Where Parking Is Restricted
Clarkson Mill Circle
Devonsbrooke Drive

Streets Where Parking Is Restricted

Dunhill Way Court
Kehrsgrove Drive
Sterling Pointe Court
Sterling Pointe Drive
Whitney Pointe Drive

Location Of Signs Restricting Parking	Notice On Sign Shall Read
2300 Block Sterling Pointe Drive	PARKING FOR DUNHILL RESIDENTS AND GUESTS ONLY
North side of Clarkson Mill Circle at the subdivision entrance	PARKING FOR CLARKSON MILL RESIDENTS AND GUESTS ONLY
Toward the dead-end portion of Kehrsgrove Drive in the 16600 Block	PARKING FOR DUNHILL RESIDENTS AND GUESTS ONLY
West side of Kehrsgrove Drive at the subdivision entrance	PARKING FOR DUNHILL RESIDENTS AND GUESTS ONLY

Chapter 400

PLANNING AND ZONING COMMISSION

Section 400.010. Creation — Composition — Removal.

Section 400.020. Terms of Members — Filling Vacancies.

Section 400.030. Duties and Functions.

Section 400.010. Creation — Composition — Removal.

A. The Planning and Zoning Commission shall consist of not more than fifteen (15) nor less than seven (7) members, including:

1. The Mayor, if the Mayor chooses to be a member;

2. A member of the Board of Aldermen selected by the Board of Aldermen, if the Board of Aldermen chooses to have a member serve on the Commission; and

3. Not more than fifteen (15) nor less than five (5) citizens appointed by the Mayor and approved by the Board of Aldermen. All citizen members of the Commission shall serve without compensation. The term of each of the citizen members shall be for four (4) years, except that the terms of the citizen members first appointed shall be for varying periods so that succeeding terms will be staggered. Any vacancy in a membership shall be filled for the unexpired term by appointment as aforesaid. The Board of Aldermen may remove any citizen member for cause stated in writing and after public hearing.

Section 400.020. Terms of Members — Filling Vacancies.

[CC 1990 §2-272; Code 1977 §5.040; Ord. No. 89-8 §1, 6-6-1989]

The term of office of the Aldermanic members of the Planning and Zoning Commission shall be one (1) year and those of the citizen members shall be for four (4) years, after the expiration of the initial members' terms. Vacancies shall be filled for the unexpired term by appointment as aforesaid.

Section 400.030. Duties and Functions.

[CC 1990 §2-273; Code 1977 §5.040; Ord. No. 89-8 §1, 6-6-1989]

The duties and functions of the Planning and Zoning Commission shall be as provided by State law and the ordinances of the City. The Planning and Zoning Commission shall be the City Planning Commission.

Chapter 405

ZONING REGULATIONS

ARTICLE I
General Provisions

Section 405.010. Purpose.

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Section 405.100. Additional Height and Area Regulations.

ARTICLE III
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Section 405.110. Non-Conforming Uses.

ARTICLE IV
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Section 405.120. Special Use Regulations.

Section 405.130. Special Use Regulations — Alcohol and Drug Abuse Treatment Facilities.

Section 405.140. Special Use Regulations — Telecommunications Towers and Antennae.

Section 405.145. Special Use Regulations — Certain Fences and Driveway Entrance Monuments.

ARTICLE V
Occupancy Permits

Section 405.150. Occupancy Permits.

ARTICLE VI
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Section 405.160. Board of Adjustment.

ARTICLE VII
Interpretation, Purpose and Conflict

Section 405.170. Interpretation, Purpose and Conflict.

ARTICLE VIII
Amendments

Section 405.180. Amendments of Zoning Regulations.

ARTICLE IX
Enforcement, Violation and Penalty

Section 405.190. Enforcement, Violation and Penalty.

Exhibit B and Exhibit C - PC District Boundaries

Cross References — Planning and zoning commission, ch. 400; building codes and regulations, ch. 500; cable television franchising regulations, ch. 620; motor vehicles and traffic, Title III; parks and recreation, ch. 230; sign regulations, ch. 505; sewers and sewage disposal, ch. 235; subdivision regulations, ch. 410.

ARTICLE I
General Provisions

Section 405.010. Purpose.

[CC 1990 §18.010]

This Chapter is adopted for the purpose of developing the land usage of the City of Clarkson Valley in an orderly manner, affording protection to property values, preserving the characteristics of the City, regulating and restricting the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards and other open spaces, the density of population; the locations, erection, construction, reconstruction, alteration and use of buildings, structures and land for trade, residence or other purposes, and promoting the health, safety, convenience, comfort, morals, prosperity and general welfare of its inhabitants.

Section 405.020. Interpretation.

[CC 1990 §18.020]

The provisions of this Chapter constitute the minimum requirements for the promotion of the public health, safety, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Chapter to interfere with, abrogate or annul any ordinances, rules, regulations, or permits heretofore or hereafter issued which are not in conflict with this Chapter, except as specifically provided herein; nor is it intended by this Chapter to interfere with, abrogate or annul any easements, covenants, or other agreements between parties with respect to the use of buildings or premises, except that if this Chapter imposes greater restrictions the provisions of this Chapter shall control.

Section 405.030. Standards.

[CC 1990 §18.030]

A. In determining the usage of land and buildings, the restrictions thereon, any exceptions thereto, and otherwise in applying, interpreting, and enforcing this Chapter, the following standards shall be taken into consideration:

   1. In general, it shall be considered whether the proposed use will promote or endanger the public health, safety, convenience, comfort, morals, prosperity and general welfare of the inhabitants of the City of Clarkson Valley.

2. The location, size, and characteristics of the City and its relationship to other communities in the Greater St. Louis Metropolitan Area shall be considered. In particular, account shall be taken of the relatively small size of the City and that it is predominantly a rural and residential area of farms and single-family homes located outside the commercial and industrial zones of the St. Louis metropolitan area.

3. The present use of the land area of the City, and the preservation of existing property values, shall be considered. In particular, account shall be taken of the fact that the development of the City has been primarily through small subdivisions of private homes, under provisions for private maintenance of streets serving the subdivisions, and consideration shall be given to the effect of any proposed use of land and buildings upon investments made in homes and the assumption of liability for the private maintenance of streets.

4. The safety of inhabitants of the City and, in particular, the dangers arising from the congestion of public or private streets shall be considered. Account shall be taken of the fact that sidewalks are seldom provided along the streets of the City and that streets are used for pedestrian as well as for vehicular traffic. Consideration shall be given to the limited number of thoroughfares maintained by public authority and to the necessity of avoiding congestion on the thoroughfares and the extensive use thereof by pedestrians.

5. The providing of adequate police and fire protection to the City and to its inhabitants and other persons shall be considered and, in particular, the necessity of affording access at all times along public and private streets to the homes, institutions and other structures in the City. Account shall be taken of any disproportionate burden upon police and fire personnel, facilities, and equipment which will arise from any proposed use of land or buildings.

6. The maintenance of a clean, quiet, orderly and pleasant community shall be considered and, in particular, the desirability of avoiding unnecessary or undue noise, noxious or unpleasant odors, fumes, and smoke, and unsightly grounds and buildings.

7. The avoidance of overcrowding of land and undue concentration of population shall be considered and in particular, the maintenance of approximately uniform ratios of population to land area in the developed portions of the City.

8. The furnishing of transportation, water, storm drainage, sewer disposal and public utility services shall be considered and, in particular, the effect upon such services, and the cost thereof, of any proposed use of land or buildings.

9. The suitability of land within the City for any proposed use shall be considered and, in particular, its relationship to the surrounding area, its terrain and drainage, its size and proximity to public transportation, its effect upon pedestrian and vehicular traffic, the adequacy of access to the property, the effect thereof upon the value of other properties, and other factors pertaining thereto in light of the standards set forth above.

Section 405.040. Definitions.

[CC 1990 §18.040; Ord. No. 92-6 §2, 3-19-1992; Ord. No. 96-11 §§1 — 2, 9-3-1996; Ord. No. 00-08 §§1 — 2, 3-7-2000; Ord. No. 02-02 §1, 2-5-2002; Ord. No. 02-08 §§1 — 2, 7-16-2002; Ord. No. 02-11 §§1 — 2, 10-1-2002; Ord. No. 04-11 §§1 — 2, 7-13-2004; Ord. No. 04-16 §§1 — 2, 9-7-2004; Ord. No. 04-18 §§1 — 2, 9-7-2004; Ord. No. 05-06 §§1 — 2, 6-7-2005; Ord. No. 06-15 §§1 — 2, 9-5-2006; Ord. No. 07-04 §§1 — 2, 3-6-2007; Ord. No. 07-09 §§1 — 2, 6-5-2007]

Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word *"building"* shall include the word *"structure"* and *"premises"* and the word *"shall"* is always mandatory and the word *"may"* is always permissive. The following definitions shall apply to the respective terms and words when used in, or in connection with, this Chapter:

ACCESSORY BUILDING — A subordinate building or portion of the main building, the use of which is incidental to that of the main building or to the use of the premises.

ACCESSORY STRUCTURE — Any structure, the use of which is incidental to the principal use of another structure on the same premises.

ACCESSORY USE — A use incidental and subordinate to the principal use of the premises or land.

ADDITION — Any structure containing one (1) or more rooms, or living areas, whether fully enclosed or not, added to an existing building.

ALLEY — A way which provides a secondary means of access to abutting property.

ANTENNA STRUCTURE — Unless otherwise defined in any Section of this Chapter, the term *"antenna structure"* shall mean all fixed antennas, including but not limited to all radio and television towers and antennas, satellite master antenna systems, television antennas and satellite receiving dishes.

ATTACHED GARAGE — A building designed or used for the storage of motor vehicles owned by the occupants of the main building and which is either an integral part of the main building or connected to the first (1st) story of the main building with a connecting roof element that includes continuous roof lines.

1. ROOF ELEMENT — The roof structure and material for an attached garage and the connecting element shall be of the same material and structural system as the main residential building and incorporate the same pitch and slope ratio. The underside of the connecting element shall be completely enclosed, utilizing workman-like finishing material as approved by the Architectural Review Board.

2. EXTERIOR ELEVATION — The exterior elevations of the attached garage and connecting elements shall be constructed of similar material, fenestration and structural material of the main residential building. The attached garage and connecting element shall be located within the allowable building lines and be constructed in compliance with the building codes of the City of Clarkson Valley and St. Louis County.

BASEMENT — A story having part of its height below grade, and the word shall include cellar.

BUFFER AREA — An area not to exceed two hundred (200) feet in depth which is maintained in parklike condition for recreational or scenic purposes, although not open to the general public.

BUILDING — Any structure for the shelter, support, protection or enclosure of persons, animals, chattels or property of any kind.

BUILDING, HEIGHT OF — The vertical distance from the grade to the top of the highest roof beams of a flat roof, or to the mean level of the highest gable or slope of a hip roof. When a building faces on more than one (1) street, the height shall be measured from the average of the grades at the center of each street front.

BUILDING LINE — The line established by law, beyond which no building, nor any part thereof, nor any structure shall extend, except:

1. Those structures or portions thereof specifically allowed within the yard requirements herein; or

2. As otherwise specifically provided by law.

CEMETERIES — Burial grounds for human remains.

CHURCH — A building designed or used primarily for religions worship, including activities customarily incidental thereto, such as rooms for nurseries, instruction, recreation, and ministerial residence. The word *"church"* as used herein shall include the word temple.

CLUB — A building, or portion thereof, or premises used primarily by members for social or recreational purposes, including services to members customarily incidental thereto.

COURT — An open space with or without direct street access around which is arranged a single building or group of related buildings.

DEVELOPMENT — The act of changing a tract of land and the state of a tract of land after its function has been purposefully changed by man including, but not limited to, structures on the land and alterations to the land.

DISTRICT — An area within which the regulations governing the use of premises and buildings are uniform.

DWELLING — Any building, or portion thereof, designed or used for residential purposes.

DWELLING, SINGLE-FAMILY — A building designed for or occupied by one (1) family.

EDUCATION INSTITUTION WITH ANCILLARY SALES THAT ARE USED IN ONLY THE EDUCATIONAL INSTITUTIONS — A facility, public or private, utilized primarily for the education of individuals in a generally accepted field of study or knowledge at the elementary, secondary, collegiate, graduate, or post-graduate level. Institutions providing adult continuing education shall also be deemed an education institution.

Minimum Requirements

1. All education institutions shall employ instructors who are members of recognized State and/or national professional associations. All education institutions shall provide documentation of the same to the City upon request therefor.

2. All education institutions shall maintain a monthly class schedule and must provide a minimum of one hundred (100) hours of classroom instruction to students and the public every month. The institution shall maintain records regarding its classroom instruction, including the name of the instructor, the names of all students attending, and the time, date, topic, and duration of each class. The institution shall allow the City the right to inspect its classroom instruction records upon request therefor.

Limitations on Ancillary Sales

1. As part of the institution's operations it shall be allowed to display, and its staff shall be allowed to demonstrate, products related to its field of study for sale to the general public, provided however that:
   a. Such sales activity is ancillary to the educational activities of the institution;
   b. Such sales activity is limited to the hours of 10:00 A.M. to 8:00 P.M. on weekdays; to the hours of 10:00 A.M. to 5:00 P.M. on Saturdays; and on Sundays, the hours of 12:00 P.M. to 3:00 P.M. are limited to plays, recitals, etc., and not sales or instructions; and
   c. The institution shall not keep and maintain on premises for purposes of sales inventory more than three (3) additional examples of any product displayed for sale during any twenty-four (24) hour period.
2. As part of the institution's educational operations, it shall also maintain a maintenance/service department that services equipment used by the institution and products displayed for sale to the public, provided however, that the maintenance/service department must be in operation a minimum of thirty (30) hours per week within the hours of operation as stated above.

FAMILY — One (1) or more persons who are related by blood, marriage or legal adoption living together as a single household unit; a group of not more than eight (8) persons not related by blood, marriage or adoption living together as a single household unit as defined under Section 89.020, RSMo.

FARM — An area which is used for the growing of the usual farm products, such as vegetables, fruit, trees, and grain, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep, and swine and the normal buying and selling of livestock. The terms *"farms"* and *"farming"* include: the operating of such an area for one (1) or more of the above uses, including accessory uses for treating or storing the produce; provided however, that the operation of any such accessory uses shall be secondary to that of the normal farming activity, and provided further that farming does not include the extraction of minerals or the commercial feeding of garbage or offal to swine or other animals.

FLOOR AREA — Floor area in the following districts:

1. *Zone "A" Semi-Rural District.* The gross horizontal areas of the several floors of a dwelling, institution or other building, exclusive of garages, basements, cellars and open porches, measured from the exterior faces of the exterior walls of a dwelling.

2. *Zone "C" Office District.* The area of the building, exclusive of penthouses and basements, as measured from the inside face of exterior walls.

FLOOR AREA RATIO — The floor area of the building or buildings on a lot divided by the horizontal area of the lot.

FRONTAGE — The linear distance which property abuts a public or private street or place.

GARAGE, PRIVATE — An accessory building or portion of the main building designed or used for the storage of motor vehicles owned or used by the occupants of the main building.

GRADE — That line formed by the intersection of the finished fill with all the outside walls of the structure.

GROUP HOME — A structure which provides residential, non-institutional housing for a group of six (6) or more unrelated individuals or related and unrelated individuals, where physical assistance and/or other supportive services are provided by professional support persons at least one (1) of whom lives in the residence. A group home shall have no more than ten (10) residents, inclusive of supervisory personnel, except as otherwise provided in this Code. A *"group home"* is further defined as Type A or Type B according to its client population as listed below.

1. GROUP HOME — TYPE A — A group home serving no more than eight (8) handicapped individuals. A Type A group home may be further defined as follows:

    a. *Group home for developmentally disabled persons.* A State-licensed group home exclusively for the care of persons with developmental disabilities as defined and regulated by the Missouri Department of Human Services or other authorized agency.

    b. *Group home for elderly persons.* A group home of persons sixty (60) years of age or older who do not require medical attention associated with a residential health care facility. Group homes for elderly persons shall be licensed as an assisted living residence or alternative care facility by the Missouri Department of Public Health or other authorized agency.

    c. *Group home for mentally ill persons.* A State-licensed group home exclusively for the care of persons with mental illness as defined and regulated by the Missouri Department of Public Health or other authorized agency.

2. GROUP HOME — TYPE B — A group home that does not meet the definition of a Type A group home whose residents are not handicapped or protected under Federal or State fair housing legislation. A Type B group home shall also include a Type A group home which exceeds eight (8) handicapped residents subject to the provision for reasonable accommodation set forth herein.

HANDICAP — A physical or mental impairment which substantially limits one (1) or more of a person's major life activities. A person with a handicap includes the following:

1. A physical or mental impairment which substantially limits one (1) or more of such person's major life activities;

2. A record of having such an impairment; or

3. An individual who can be regarded as having such impairment.

HOME OCCUPATION — Any occupation, trade or profession carried on by a member of the immediate family, residing on the premises, in which:

1. No person is employed other than a member of the immediate family residing on the premises,

2. No goods are stored on the premises or shipped from the premises except those prepared on the premises,

3. No mechanical equipment is installed or used except such as is permissible for purely domestic or household purposes,

4. No pedestrian or vehicular traffic is generated near the residential dwelling as a direct result of the occupation, trade or profession, other than immediate family members residing on the premises,

5. No exterior display, no exterior alteration of the property including expansion of parking, no exterior sign, no exterior storage of materials and no other exterior indication of a home occupation or variation from the residential character of the premises,

6. No use shall require structural alterations to the interior or exterior of the building which changes the residential character thereof, and

7. There shall be no demand for parking beyond that which is normal to the neighborhood and no visual or excessive traffic to and from the premises.

Provided further, that no display or other activity shall be permitted to indicate from the exterior that the residential dwelling is being utilized in whole or in part for any purpose other than that of a residential dwelling.

HOSPITAL — An institution providing medical treatment and overnight bed care for the sick or injured other than for the insane, aged, feebleminded, alcoholics or drug addicts. The term *"hospital"* shall not be construed in any manner to include a mental institution, sanitorium or convalescent home.

INSTITUTION — A building, portion thereof, or premises used or occupied by any person, organization or corporation for a service to the public which is not for profit, including religious, educational, and medical institutions.

LOADING SPACE — A paved off-street space used for the loading and unloading of vehicles, except passenger vehicles, in connection with the use of the property on which such space is located.

LOT — Lot in the following districts:

1. *Zone "A" Semi-Rural District.* A parcel of land occupied or intended for occupancy by one (1) main building together with its accessory buildings, including the open spaces required by this Chapter and having its principal frontage upon a street or road or upon an officially approved place. A lot shall not include any land described in or included in any easement for a street, place or road. In the event a lot includes any portion of a lake or pond, said lot shall have a minimum dry area of two (2) acres.

2. *Zone "C" Office District.* A parcel consisting of at least five (5) acres for use as permitted in the Zone "C" District.

LOT, CORNER — A lot abutting upon two (2) or more streets at their intersection.

LOT, DEPTH OF — The mean horizontal distance between the front and rear lot lines.

LOT, INTERIOR — A lot other than a corner lot.

LOT LINES — The lines bounding a lot.

LOT, THROUGH/LOT, DOUBLE FRONTAGE — An interior lot having a frontage on each of two (2) streets approximately parallel to each other.

LOT OF RECORD — A lot which is part of a subdivision, the map of which has been recorded in the office of the Recorder of Deeds of St. Louis County, or a lot described by metes and bounds, the description of which has been recorded in the office of the Recorder of Deeds of St. Louis County.

NON-CONFORMING USE — Any building, land or premises lawfully occupied by a use at the time of passage of this Chapter or amendments thereto, which does not conform after the passage of this Chapter or amendments thereto with the use regulations of the district in which it is situated.

NURSERIES — A place where trees and other plants are propagated for sale and use in landscape, garden, orchard or forest. The term shall include tree farms.

OPEN STORAGE — The keeping of any goods, materials or equipment in any yard, or on any open lot, other than for vehicular parking in compliance with this Chapter or the temporary storage of construction materials on a construction site.

PARKING AREA — An area of land used or intended for off-street parking facilities for motor vehicles.

PARKING SPACE — A surfaced area, enclosed in the main building or in an accessory building, or unenclosed, having an area in the following districts:

1. *Zone "A" Semi-Rural District.* Not less than one hundred eighty (180) square feet exclusive of driveways, permanently reserved for the temporary storage of one (1)

automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.

2. *Zone "C" Office District.* As specified in the "C" Office District Regulations.

PENTHOUSE — Rooftop mechanical equipment attached to a structure.

PLACE — Any open unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.

PREMISES — A continuous area of land, including any buildings or structures thereon, under single ownership or operation, containing one (1) lot, or two (2) or more adjacent lots or fractions of lots.

PRIVATE CLUB — A building and area used for social purposes only, including the serving of food, refreshments, and any intoxicating beverage, whose normal use is limited to members of the club and their guests, and which club does not provide a service customarily carried on as a business.

PRIVATE GOLF COURSE — An area consisting of a golf course containing at least nine (9) holes, which may include other recreational facilities and accessory buildings incidental thereto, with usage limited to social purposes for members and their guests. The serving of food, refreshments and intoxicating beverages to the members and their guests may be authorized in said area, but no service customarily carried on as a business may be provided.

RETAINING WALL — A wall or similar structure designed for the retention of dirt, gravel, sand, soil or other landscaping, natural or manmade material. Retaining walls constructed to a height of four (4) feet or less do not require a building permit as long as the retaining wall is constructed entirely within the front, side and rear building lines. All other walls require a building permit. If an existing retaining wall over four (4) feet in height is replaced, the property owner shall obtain a building permit prior to any reconstruction of the retaining wall. If a property owner desires to replace an existing retaining wall which is located outside the building line and/or desires to modify the height and/or length of the retaining wall, the Board of Adjustment must approve such replacement or modifications before any such construction may commence.

ROAD — All property dedicated or intended for a public or private road, street, alley, highway, freeway, or roadway purposes or to public easements therefore [therefor], and which affords the principal means of access to abutting property.

SCHOOL — A building, or portion thereof, the primary use of which is for education, together with services customarily incidental thereto.

SCHOOL, INSTITUTIONAL — Any school, other than a public school, which is not operated for profit.

SCHOOL, PRIVATE — Any school which is operated for profit.

SCHOOL, PUBLIC — Any school owned or operated by public authority.

SIGHT DISTANCE TRIANGLE — The triangular area:

1. Of a corner lot bounded by the property lines and a line connecting the two points on the property lines thirty (30) feet from the intersection of the property lines.

2. Formed by connecting two points on the respective intersecting right-of-way lines thirty (30) feet from the intersection of said right-of-way lines for any roads, streets or entrances.

SIGN — Any panel, painted or illuminated, advertising the name of a person, firm or product, or having any form of inscription thereon.

SIGN, BUSINESS — A sign which gives only basic information concerning the existence of a commercial enterprise, service, or other activity, conducted or offered on the premises upon which the sign is erected.

SIGN, DIRECTIONAL — A sign identifying entrances, exits, aisles, ramps, and similar traffic-related information.

SIGN, FLAT — Any sign, painted on or attached to, and erected parallel to the face of a wall of a building, or a boundary wall or fence, and supported solely by the structure to which it is affixed, and not extending more than six (6) inches from the face of the structure to which it is attached.

SIGN, INFORMATION — A sign which conveys cautionary and similar information.

SIGN, TEMPORARY — A sign intended for use for only a limited period of time.

SPECIAL EVENTS — Any social, athletic or charitable engagement, activity or event of a limited time duration requiring the issuance of a special permit for parking or requiring the issuance of any other permit by any other governmental regulatory authority.

STORY — That portion of a building, other than a basement or cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

STREET — A public or private way which affords the principal means of access to abutting property.

STREET LINE — The dividing line between a lot, tract, or parcel of land and the right-of-way of a contiguous street.

STRUCTURE — Anything, with the exception of swingsets located within the building lines, constructed, erected or located thereon, the use of which requires permanent locations on the ground or which, though movable, is used for a purpose which usually and customarily involves permanent location on the ground (including, but without limiting the generality of the foregoing, advertising signs, billboards, poster panels, back stops for tennis courts, pergolas and buildings for the housing of animals and fowls).

STRUCTURAL ALTERATION — Any change in 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.

SWIMMING POOL —

1. Any manmade structure or prefabricated device, being portable or non-portable, designed for the storage, containment, retention, collection or circulation of water having a depth greater than twenty-four (24) inches and which shall be designed or used for swimming and/or wading purposes.

2. All swimming pools shall be constructed so that the pool is installed below the existing grade of the surrounding yard and shall otherwise be installed into the ground. Above-ground and on-ground swimming pools are prohibited.

THOROUGHFARE — A major through street maintained by public authority.

TRUCK GARDENING — A tract of ground cultivated for producing and raising vegetables, fruits, flowers and herbs for sale on the ground or delivery to the market.

YARD — An open space on the same lot with a building unoccupied and unobstructed by any portion of a structure from the ground upward, except driveways for ingress and egress and except as otherwise provided herein.

YARD, FRONT — A yard extending across the front of a lot between the side lot lines and having a depth equal to the minimum horizontal distance between the street line and the main building or any projection thereof, other than the projection of the usual steps or entranceway.

YARD, REAR — A yard extending across the rear of a lot between the side lot lines and having a depth equal to 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 both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

YARD, SIDE — A yard extending from the front yard to the rear yard, and having a width equal to the minimum horizontal distance between the side lot line and the side of the main building or any projections thereof.

YARDS, CORNER LOTS — The front, rear and side yards on corner lots shall be determined and designated with reference to that street on which the lot has the least amount of linear frontage. The front yard shall be that part of the lot abutting and parallel to the street on which the lot has the least linear frontage and the rear yard shall be that part of the lot opposite to the front yard and farthest removed from the street with the least linear frontage. The designation of front, rear and side yards on corner lots as herein provided may be incompatible with other lots in the area because of the size or shape or location of the corner lot in which case the determination and designation of front, rear and side yards shall be made in the discretion of the City authority having jurisdiction of the matter.

Section 405.050. City Plan — Annexation.

[CC 1990 §18.050]

A. The Planning and Zoning Commission shall make and adopt a plan for the physical development of any territory that may be annexed or in any other manner acquired by the City. The plan, with accompanying maps, charts and descriptive and explanatory matter,

shall show the Commission's recommendations for the physical development and uses of land within the City; the general location, character and extent of streets, bridges, parks, and other public ways, grounds, places and spaces; the general location of public buildings and other public property; and the general location and extent of public utilities and terminals.

B. In the preparation of the plan the 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.

C. Before adoption, amendment, or extension of the plan the Commission shall hold at least one (1) public hearing. At least fifteen (15) days' notice of the time and place of the hearing shall be published in a newspaper having general circulation within the City. The hearing may be adjourned from time to time. The adoption of the plan shall require a majority vote of the full membership of the Commission. The resolution shall refer expressly to the maps, descriptions, and other matters intended by the Commission to constitute the plan. The action taken shall be recorded on the plan by identifying signature of the Secretary of the Commission. The plan shall be filed in the office of the Commission identified by appropriate file number. A copy of the plan shall be certified to the Board of Aldermen and the City Clerk.

D. The Board of Aldermen shall consider any adoption, amendment or extension of the plan at a regular or special meeting in accordance with Sections 89.010 through 89.490, RSMo., as amended, and as provided in this Chapter. If the Board approves the plan the City Clerk shall be instructed to file a copy of it with the official records of the City. If the Board of Aldermen does not approve the plan it shall be returned to the Commission with appropriate comments from the Board. The Commission shall reconsider the plan and resubmit it to the Board with such modifications or changes as it deems appropriate in light of the comments of the Board.

E. After approval of the plan by the Board of Aldermen the subdividing of any land within the City of Clarkson Valley shall be coordinated with the City Plan in accordance with the provisions of Chapter 410, Subdivision Regulations.

F. After approval of the plan by the Board of Aldermen no street or other public facility or facility of a public utility, the location, extent and character of which has been included in the plan, 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 Board of Aldermen which may overrule the Commission by a vote of two-thirds (2/3) of its entire membership. Failure of the Commission to act within sixty (60) days after the date of official submission to it shall be deemed approval of the improvement.

G. No owner, or agent of the owner, of any land located within the platting jurisdiction of the City shall knowingly, or with intent to defraud, transfer, sell, agree to sell, or negotiate the sale of the 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 Board of Aldermen and recorded in the office of the County Recorder of St. Louis County, under penalty of forfeiture to the City of the sum of three hundred dollars ($300.00) for each lot transferred or sold, or agreed or negotiated to be sold. The City may enjoin or vacate the transfer, sale, or agreement to sell, by appropriate legal action, and may recover the penalty in any such action.

H. The Commission is authorized and empowered to prepare a zoning plan for the regulation of the height, area, bulk, location and use of private, nonprofit, and public buildings, structures, and premises, and of population density, consistent with the provisions of this Chapter, and may, from time to time, recommend to the Board of Aldermen changes in, or modifications of, district boundaries, classifications, and regulations thereunder.

ARTICLE II
Districts and District Regulations

Section 405.060. Districts Designated and Boundaries Thereof.

[CC 1990 §18.060]

A. In order to regulate and restrict the location and use of private, nonprofit and public buildings, structures and land for trade, residence, and other purposes, to regulate and determine the area of yards and other open spaces surrounding buildings, to regulate and limit the height of buildings hereafter erected or altered, to provide adequate parking spaces, to regulate the use of signs and bulletin boards, and to regulate and limit the intensity of the use of lots and premises including floor area, the City is hereby placed in two (2) zoning districts as follows:

1. Zone "A" Semi-Rural District; and

2. Zone "C" Office District.

B. The boundaries of the districts are shown upon the map attached hereto and made a part of this Chapter, which map is designated as the "District Map." The District Map, and all notations, references and other information shown thereon, shall have the same force and effect as if fully set forth and described herein. The District Map shall be properly attested by the City Clerk and shall be filed with the City Clerk. The District Map, marked Exhibit "A", on file in the City offices, and made a part herein by reference, shall reflect that all of the territory now located in the City of Clarkson Valley shall be in Zoning District "A" Semi-Rural District except that part of the territory in Zoning District "C" Office District which is described in Exhibit "B" at the end of this Chapter 405.

C. All territory which may hereafter be annexed to the City shall be classified as lying within the Zone "A" Semi-Rural District until such initial classification shall have been changed by amendment of this Chapter.

D. Whenever any road, street or other public or private way is vacated by the Board of Aldermen or by adjoining property owners, the zoning districts adjoining each side of

such road, street or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

E. Except as hereinafter provided:

1. No building shall be erected, converted, enlarged, reconstructed or structurally altered nor shall any building or land be used for any purpose other than is permitted in the district in which such building or land is located.

2. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which such building is located.

3. No building shall be erected, converted, enlarged, reconstructed or structurally altered so as to intrude upon the area required for the front, side and rear yards as herein established, nor shall any building be erected that does not meet minimum floor areas or off-street parking requirements.

4. No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this Chapter, nor shall the density of population be increased in any manner except in conformity with the area regulations herein established.

5. No building shall hereafter be erected, converted, enlarged, reconstructed or structurally altered unless located on a lot as herein defined, and in no case shall there be more than one (1) building on one (1) lot except as hereinafter provided.

6. No parking shall be permitted on any lot within the City of Clarkson Valley except parking incidental to a building or structure located on such lot and then only when such building or structure is located entirely within the boundaries of the City of Clarkson Valley.

Section 405.070. Boundaries of Districts.

[CC 1990 §18.130]

A. *Rules Where Uncertainty May Arise.* Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this Chapter, the following rules apply:

1. The district boundaries are either roads or streets, unless otherwise shown, and where the districts designated on the map accompanying and made a part of this Chapter are bounded approximately by street or road lines, the street or road shall be construed to be the boundary of the district.

2. Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map accompanying and made a part of this Chapter are bounded approximately by lot

lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.

3. In unsubdivided property, the district boundary lines on the map accompanying and made a part of this Chapter shall be determined by use of the scale appearing on the maps.

Section 405.080. "A" Semi-Rural District Regulations.

[CC 1990 §18.070; Ord. No. 92-7 §2, 3-19-1992; Ord. No. 96-02 §2, 3-5-1996; Ord. No. 96-06 §2, 6-4-1996; Ord. No. 97-03 §1, 3-4-1997; Ord. No. 02-03 §3, 2-5-2002; Ord. No. 05-06 §§3 — 4, 6-7-2005]

A. The regulations set forth in this Section or set forth elsewhere in this Chapter when referred to in this Section are the district regulations in the Zone "A" Semi-Rural District.

B. *Use Regulations.* A building or premises shall be used only for the following purposes:

1. Single-family dwellings.

2. Churches.

3. Farms, but no livestock shall be housed or maintained in a fenced or enclosed area that is located nearer than one hundred (100) feet from any single-family residence, except that this requirement shall not apply to residences located upon the farm.

4. Truck gardening.

5. Public schools, elementary and high, and private educational institutions having a curriculum the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping except such quarters as are necessary for custodians.

6. Institutions of an educational, religious, charitable, or philanthropic nature, provided however, that such buildings shall not be located upon sites containing an area of less than five (5) acres, may occupy not over ten percent (10%) of the total area of the lot, that the buildings shall be set back from all lot lines a distance established by the Commission, but not less than those building lines set forth in Subsection (E) herein relating to "Area Regulations and Building Lines", taking into consideration the size of the lot and the improvements, building plans and design, terrain, surrounding properties and similar factors, and ample off-street parking space will be provided.

7. Removal of dirt, topsoil or clay.

8. Nurseries.

9. Private golf courses, except miniature courses or practice driving tees operated for commercial purposes.

10. Home occupations.

11. Accessory buildings, accessory structures and accessory uses including the usual farm buildings; but excluding any buildings, structures or uses provided for in Section 405.120 hereof.

12. (Reserved) **[Repealed by Ord. No. 02-03 §3, 2-5-2002]**

13. (Reserved) **[Repealed by Ord. No. 02-03 §3, 2-5-2002]**

14. Antenna structures.

15. Temporary structures, as set forth below, which are to be used in connection with the development and sale of a tract of land may be erected or located on said tract prior to and may remain thereon during the construction or development period.

    a. A temporary building or a trailer may be used as a construction office, field office, or for storage of materials to be used in connection with the development of said tract, provided that said temporary structure is removed from said tract within thirty (30) days after completion of the project development. The temporary building or trailer must also be removed from said tract within thirty (30) days after voluntary suspension of work on the project or development or after revocation of building permits, or on order by the Building Commissioner upon a finding by him/her that said temporary structure is deemed hazardous to the public health and welfare.

    b. Temporary real estate offices or sales offices may be established in a display dwelling unit or a temporary building. Said offices must be closed and the operation discontinued and all temporary structures and facilities must be removed from the tract

        (1) Within thirty (30) days after all lots or dwelling units have been sold, rented, or leased; or

        (2) After the passage of thirty (30) days from the date of the last transaction after ninety percent (90%) of the development has been sold, rented, or leased.

    c. No temporary building or trailer shall at any time be located closer than twenty-five (25) feet to a property line of any adjacent property, notwithstanding the required setbacks of the zoning district in which such temporary building or trailer is located.

    d. Any other provisions of the law notwithstanding, a building permit or an occupancy permit shall not be required for buildings or trailers permitted in Subparagraph (a) of this Subsection (B)(15).

16. *Group home*. The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. No group home shall be located within one (1) mile of another group home. Group homes shall be eleemosynary or not-for-profit in nature.

C. *Parking Regulations.* Off-street parking space shall be provided as follows:

1. *Single-family dwelling.* Attached garage for each dwelling providing for not less than two (2) parking spaces. Garage opening must not be visible from any spot in the street or in the front yard between the parallel lines running along each side of the main structure located on a normal or interior lot and extending across said front yard into the street. The applicant for a building permit shall furnish a certified survey of lot with improvements and parallel lines and shall locate the parallel lines on the lot at the point where the extension of the parallel lines intersect said street.

2. *Church.* One (1) parking space for each five (5) seats in the main auditorium.

3. *School and public building.* One (1) parking space for every ten (10) seats in the main auditorium, stadium or other place of public assembly, and one (1) parking space for each classroom in a school building.

4. *Handicapped parking spaces.* Where parking is provided on any church, school, public or commercial premises, handicapped parking spaces shall be provided in compliance with Chapter 500 of this Code.

D. *Height Regulations.* No building shall exceed two (2) stories or thirty-five (35) feet in height except as hereinafter provided.

E. *Area Regulations And Building Lines.*

1. *Front yard and front building line.* There shall be a front yard having a depth of not less than seventy-five (75) feet. The line drawn parallel to and seventy-five (75) feet distance from the street line shall be the front building line. On through lots (double frontage) there shall be a front yard and a rear yard each having a depth of not less than seventy-five (75) feet.

2. *Side yard and side building line.* Except as hereinafter provided, there shall be a side yard on each side of a building having a width of not less than twenty-five (25) feet. The line drawn parallel to and twenty-five (25) feet distant from side lot line shall be the side building line.

3. *Rear yard and rear building line.* Except as hereinafter provided there shall be a rear yard having a depth of not less than fifty (50) feet. The line drawn parallel to and fifty (50) feet distant from the rear lot line shall be the rear building line.

4. *Floor area.* Every single-family dwelling hereafter erected shall contain a floor area exclusive of area over open porches, breezeways or garage space as follows:

   a. All one-story houses shall contain a minimum of two thousand four hundred (2,400) square feet of floor space completely above grade.

   b. All two-story houses shall contain a minimum of two thousand eight hundred (2,800) square feet of floor space completely above grade. This includes multi-level houses.

c. A multi-level house, with living space below the highest point of grade, shall contain a minimum of two thousand eight hundred (2,800) square feet with at least two thousand two hundred fifty (2,250) square feet completely above grade. Any space below grade, to qualify as living space must have at least one (1) wall completely above grade at that wall, and this wall to be at least twenty (20) feet long.

5. *Intensity of use.* Every lot or tract of land upon which a single-family dwelling is erected shall have an area of not less than one (1) acre and a minimum width at the front building line of not less than one hundred twenty-five (125) feet, except that if a lot or tract has less area or width than herein required and was of record at the time of the passage of this Chapter, that lot may be used for any of the uses permitted by this Section provided that no single-family dwelling which utilizes a self-contained sewage treatment system shall be permitted on a lot with less than two (2) acres of dry land area.

F. *Group Homes.*

1. *Group home regulations — findings and intent.*

a. *Findings.* The Board of Aldermen finds and determines that the policy of the City is to:

(1) Provide handicapped persons who are protected under Federal and State fair housing legislation equal opportunities to live within all residential zone districts within the City;

(2) Disperse the location of group homes throughout the City through reasonable separation requirements;

(3) Comply with the principles, policies and regulations of Federal and State fair housing legislation; and

(4) Support and enhance the viability and quality of neighborhoods and residential communities for the benefit of all City residents.

b. *Intent.* The intent of these regulations is to enable Type A group homes to locate in residential communities and to increase opportunities for integration of these homes in residential neighborhoods. For classes or groups of individuals not protected under Federal and State fair housing legislation or for Type A group homes exceeding the occupant limit specified in Section 405.080, these regulations are intended to provide a review process whereby the intended use of a group home is evaluated to determine its compatibility with the surrounding land uses and its conformance with applicable criteria of approval as more fully set forth herein.

2. *General provisions.* Unless otherwise expressly stated, a Type A or Type B group home must meet the following minimum requirements:

a. *Licensing.* The applicant is or will be licensed by the State of Missouri to operate the facility or is not required to be licensed.

b. *Separation.* No group home may be located within a one (1) mile radius of any other group home, as measured by a straight line from the closest point of property line to property line.

c. *Density.* Each group home shall maintain a minimum living area equal to one hundred sixty (160) square feet per occupant exclusive of kitchen areas, dining areas and a common living area. Additionally, each such group home shall a minimum of one (1) full bathroom per three (3) residents.

d. *Parking.* The group home must have adequate off-street parking.

e. *Building, fire and safety codes.* The proposed occupancy of the group home complies with or will comply with the requirements of the currently adopted building, fire and safety codes of the City as well as all applicable requirements of the zone district or planned unit development.

f. *Threats to public safety.* As authorized by 42 U.S.C. Section 3604(f)(9), no group home shall provide housing to any individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical danger to the property of others.

g. The group home has no officer or staff member in its operating agency that has ever been convicted of a felony or misdemeanor involving moral turpitude.

h. The person granted a license under this Subsection has not had a license revoked under this Subsection in the last five (5) years.

i. The person granted a license under this Subsection has not been denied a license during the preceding three (3) years.

j. *Exterior appearance.* Any group home shall comply to all architectural standards and exterior appearance requirements required under the City Code.

3. *Specific provisions.*

a. *Special use permit.* Any Type A or Type B group home as defined in this Code shall file an application and obtain a special use permit from the Board of Aldermen prior to occupancy. The policies and procedures for obtaining the necessary special use permit are detailed in Section 405.080(F)(3)(d) herein.

b. *Reasonable accommodations.* The Federal Fair Housing Act, 42 U.S.C. Section 3601, et seq., as amended, requires that local governments be prepared to make "reasonable accommodations" in order to permit housing for certain protected individuals to occur in residential areas. In response to a written application identifying the type of housing being provided and the portions of the Fair Housing Act that require reasonable accommodations be made for such housing, the City Building Inspector, or his or her designee, in consultation with the Board of Aldermen, is authorized to approve minor modifications of building setbacks, height, lot coverage or occupancy limits

in order to provide reasonable accommodations without the need for an additional approval process.

The Building Inspector, or his or her designee, may approve a type of reasonable accommodation different from that requested by the applicant if the Building Inspector concludes that a different form of accommodation would satisfy the requirements of the Federal Fair Housing Act with fewer impacts on adjacent neighborhoods. The decision of the Building Inspector shall be accompanied by written findings of fact as to the applicability of the Fair Housing Act, the need for reasonable accommodations and the authority for any reasonable accommodations approved.

c. *Occupancy limits.* If an applicant for a Type A group home seeks to house more than eight (8) individuals (excluding support personnel) or is denied a reasonable accommodation to increase the number of occupants within the group home, it may seek approval for a Type B group home permit in conformance with Subsection (F)(3)(d) herein.

d. *Special use permit — type A and type B group homes.*

(1) *General.* In addition to the general requirements for all group homes specified in Section 405.080(F)(2)above, all Type A or Type B group home shall not locate or operate within the City unless it has received approval by the City in the form of a written special use permit in conformance with this Section.

(2) *Purpose.* The Type B group home review and approval procedure provides a discretionary approval process for group homes with potentially widely varying operating characteristics. The procedure encourages public review, agency referral and evaluation of a Type B group home's operating characteristics and site development features and is intended to ensure that a proposed group home will not have a significant adverse impact on surrounding uses and neighborhoods within the City.

(3) *Pre-application conference.* An applicant of a Type A or Type B group home shall schedule and attend a pre-application conference with appropriate City staff before filing a group home permit application. The purpose of the pre-application conference is to inform the applicant of applicable procedures, submittal requirements and other pertinent matters to assist the applicant in completing an application. Staff opinions offered during a pre-application conference are informational only and do not represent a commitment on behalf of the City regarding the acceptability of the application.

(4) *Application filing.*

(a) Applications for a Type A or B group home shall be submitted on forms provided by the City in such numbers as required by the City.

(b) At a minimum, the application must include the following information:

(i) Letter of intent fully describing the intended use and character of the group home;

(ii) Name of property owner;

(iii) Property address and legal description;

(iv) Evidence of title;

(v) Letter of authorization from property owner if property owner is not the applicant;

(vi) Site plan including the following information:

i) Legal description of property;

ii) Location and dimension of existing and proposed structures, gross floor area, square footage of habitable space and locations of entrances;

iii) Provision for parking;

iv) Graphic description of any proposed physical alterations or additions to the property and/or structures located thereon.

(5) *Incomplete applications.* An application shall be considered substantially complete if it is submitted in the required form, including all required submittal information and all items or exhibits specified in this Section or requested by the City during a pre-application conference and is accompanied by the applicable application fee. Any application that is not accompanied by the required fees shall be deemed incomplete.

(6) *Notice.* If the City determines that the application is incomplete, the appropriate City staff shall notify the applicant of that fact and specify the specific ways in which the application is deficient. No further processing of the incomplete application shall occur until the deficiencies are corrected.

(7) *Planning and zoning review.* Upon acceptance of a complete application and satisfaction of the referral process, the application shall be forwarded to the Planning and Zoning Commission. The Planning and Zoning Commission shall hold a public hearing on the application, and within sixty (60) days from the date of receipt of a complete application make a recommendation to the Board of Aldermen based on the approval criteria. Notice of Planning and Zoning Commission and Board of Aldermen public hearings shall be mailed and posted in accordance with City Code.

(8) *Burden of proof.* The burden of demonstrating that a Type B group home permit application complies with applicable review and approval criteria set forth in this Section is on the applicant. The burden shall not be on the City or other parties to show that the criteria have not been met.

(9) *Board of Aldermen review and decision.* After receiving the recommendation of the Planning and Zoning Commission, the Board of Aldermen shall consider the group home permit application at a public hearing and at the close of the public hearing, the Board of Aldermen shall act to approve, approve with conditions or deny the proposed group home special use permit application.

(10) *Approval criteria.* A Type B group home permit application may be approved only if the City Council finds that all of the following criteria have been met:

(a) The applicant is or will be licensed by the State of Missouri or other applicable licensing agency to operate the facility or is not required to be licensed.

(b) The proposed occupancy of the group home complies with or will comply with the requirements of the currently adopted building, fire and safety codes of the City.

(c) The individuals intended to reside within the group home would not constitute a direct threat to the health or safety of other individuals or would not result in substantial physical danger to the property of others.

(d) The proposed group home is compatible with the character of the surrounding uses and the general architectural designs found in the surrounding neighborhood.

(e) The residents of the group home will not require ongoing or daily medical or psychiatric treatment normally associated with a hospital or medical clinic.

(f) The group home will not contain more than ten (10) residents, including resident supervisory personnel.

(g) The structure in which the group home operates provides a reasonable allocation of square footage of habitable space consistent with the surrounding residential uses.

(h) There is adequate on- and off-street parking to accommodate the use and needs of the group home and the number of vehicles used by its occupants.

(i) The group home shall be eleemosynary or not-for-profit in nature.

(11) *Term of permit.* A special use group home permit may be granted for the term of the group home's license or for such shorter period as the Board of Aldermen shall find appropriate and reasonable under the circumstances of a particular application, but in no event for a period greater than two (2) years. At the expiration of its term, a special use group home permit shall automatically renew under the same conditions, including duration, as the original approval, unless any City department or group home's licensing agency has received written complaints concerning the operation of the group home.

(12) *Prohibition of permit transfer.* A group home special use permit is issued to a specific operator or organization and shall not be transferable to another individual or party for the same location during the term of the permit. If any such complaint has been received, the application for renewal must be heard by the Planning and Zoning Commission and Board of Aldermen under the same requirements for a new Type B group home permit application.

(13) *Severability.* If any provision of this Section should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Section that can be given effect without the invalid portion, provided that such remaining portions or applications of this Section are not determined by the court to be inoperable. The Board of Aldermen declares that it would have adopted this Section and each Subsection, sentence, clause, phrase or portion thereof despite the fact that any one (1) or more Section, Subsection, sentence, clause, phrase or portion would be declared invalid or unconstitutional.

Section 405.090. "C" Office District Regulations.

[CC 1990 §18.071; Ord. No. 96-03 §2, 3-5-1996; Ord. No. 96-06 §3, 6-4-1996; Ord. No. 02-03 §3, 2-5-2002]

A. The regulations set forth in this Section or set forth elsewhere in this Chapter when referred to in this Section are the district regulations in the Zone "C" Office District.

B. *Permitted Land Uses And Developments.* The following land uses and developments permitted in this District:

1. Offices or office buildings.

2. Business and professional services wholly accessory to office operations and activities.

3. Employee and guest dining facilities or cafeterias for the specific use of a designated office or group of offices under the same ownership or management.

4. Streets, access drives, alleys, parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise

damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours.

5. Local public utilities, subject to the following requirements:

a. Any public utility facility shall be:

(1) Adequately screened with landscaping, fencing or wall, or any combination thereof; or

(2) Placed underground; or

(3) Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

b. All plans for screening or enclosing public utility facilities shall be submitted to the City Planning and Zoning Commission for its review and recommendation. No building permit or installation permit shall be issued until these plans have been approved by the City Board of Aldermen.

c. Antenna structures.

C. *Accessory Land Uses And Developments.* Accessory buildings, structures, and uses are permitted in conjunction with a permitted land use or development when such accessory building, structure or use is customarily found in conjunction with the primary use, is a reasonably necessary incident to the primary use, is clearly subordinate to the primary use, and serves only to further the successful utilization of the primary use. Accessory uses include the following:

1. Cafeteria for employees and guests only.

2. Devices for the generation of energy, such as solar panels and similar devices.

3. Individual sewage treatment facilities serving an individual building or use, as approved by the appropriate regulatory agency. The sewage treatment facility shall not exceed six thousand (6,000) gallons per day flow.

4. Signs (business, directional, and information) as authorized for this district and by the Municipal Code, as amended, or other ordinances. In the event of a conflict between the "C" Office District regulations and the Municipal Code, as amended, or other ordinances, the "C" Office District regulations shall prevail.

5. Solid waste management shall be in accordance with Chapter 225 of the Municipal Code, as amended.

D. *Performance Standards.* The Performance Standard Regulations establish standards for noise, odor and smoke to minimize negative effects on adjacent land uses and developments.

1. *Noise.* Every use shall be so operated that no sound or noise is generated which exceeds the pressure level limitations of the St. Louis County Air Pollution Code, Chapter 612 SLCRO.

2. *Odor.* Every use shall be so operated that no offensive or objectionable odor is emitted which exceeds the limitations of the St. Louis County Air Pollution Code, Chapter 612 SLCRO.

3. *Smoke.* Every use shall be so operated that no smoke from any source shall be emitted which exceeds the emission level limitations of the St. Louis County Air Pollution Code, Chapter 612 SLCRO.

E. *Lot Area Requirements And Development Limitations.*

1. Buildings and related parking areas together with associated accessory uses and developments shall be situated on tracts of land at least five (5) acres in area. This shall not preclude more than one (1) building being located on a single lot.

2. All permitted structures shall not exceed three (3) stories or forty-five (45) feet in height, excluding basement and penthouse, whichever is less, but in no event shall total height, including penthouse, exceed fifty-five (55) feet. The penthouse shall not occupy an area in excess of twenty percent (20%) of the total square footage at grade per structure. The penthouse shall be adequately screened.

3. Each permitted structure must have a minimum of ten thousand (10,000) square feet at grade and a maximum of one hundred thousand (100,000) square feet at grade as measured from the inside walls.

4. No dwelling units shall be permitted in structures containing offices.

F. *Minimum Yard Requirements.*

1. *Buffer area.* Buffer areas may be required as determined by the Board of Aldermen to preserve land uses in the area. No structure of any kind or description shall be erected upon a buffer area with the exception of such manholes, landscaping, berms, underground piping, cables and stormwater control devices, including retention and detention ponds, as are required for adequate storm and sanitary sewers and such other structures as shall be approved by the Board of Aldermen after having been submitted to the Clarkson Valley Planning and Zoning Commission for its study and recommendation. The owner of the buffer area shall execute a deed for recording in St. Louis County which deed shall restrict the use of the buffer area to the terms and conditions set out in this Subparagraph and elsewhere in the Municipal Code, as amended, or other ordinances.

2. *Front yard.*

a. No structure is allowed within seventy-five (75) feet of the right-of-way line of any road or street except as provided in this Chapter.

b. Notwithstanding any other provision of this Chapter, no structure or plant material exceeding three (3) feet in height above the elevation of the street pavement is allowed within a sight distance triangle at the corner of any road or street and at all entrances to the District.

c. Permitted information and business signs, six (6) feet in height or less, are allowed within the minimum front yard setback.

d. Permitted directional signs, ten (10) feet in height or less, are allowed within the minimum front yard setback.

e. Light standards for street lighting or at points of ingress and egress are allowed within the minimum front yard setback when approved by the Board of Aldermen as part of the Final Site Development Plan Approval.

3. *Side and rear yards.*

a. No office building is allowed within a minimum of seventy-five (75) feet of a property line adjoining property in the "A" Semi-Rural District.

b. Boundary walls or fences, six (6) feet in height or less, are permitted within the minimum side and rear yard setbacks.

c. Light standards for parking lot lighting are allowed no closer than fifteen (15) feet from any side or rear yard line which adjoins property in the "A" Semi-Rural District.

G. *Street, Alley, Access Drive, Off-Street Parking And Loading Requirements.*

1. *Scope of provisions.* The regulations contained in this Subsection (G) shall govern the size, number, location, and design of all street, alley, access drives, and off-street parking and loading facilities in Zone "C" Office District.

2. All streets, alleys and access drives shall be paved with an all weather, dustless material suitably designed for the intended use upon approval by the Board of Aldermen as part of the Final Site Development Plan Approval.

3. *Minimum parking and loading requirements.* Minimum parking requirements are 3.9 spaces for every one thousand (1,000) square feet of floor area. A maximum of thirty percent (30%) of said spaces may be allocated for compact cars. Minimum loading requirements are one (1) ten (10) foot by forty (40) foot loading space with a height clear of obstruction of not less than fourteen (14) feet for each one hundred thousand (100,000) square feet or fraction thereof in a building.

4. A parking space dimension shall be nine (9) feet by nineteen (19) feet for all cars with the exception that parking spaces for compact cars may be eight and one-half (8½) feet by eighteen (18) feet.

5. Curbed islands are required at ends of aisles where necessary for traffic control or drainage.

6. A minimum of one (1) handicapped parking space for every twenty thousand (20,000) square feet of floor area shall be provided as near as possible to every entrance to every office building.

7. *Supplementary off-street parking and loading requirements.* In addition to the above parking and loading requirements, the following standards shall apply:

a. All parking and loading areas, including driveways, shall be paved with an all weather, dustless material suitably designed for the intended use upon approval by the Board of Aldermen as part of the Final Site Development Plan Approval.

b. All areas for off-street parking and loading shall be so arranged that vehicles at no time shall be required to back into any street or roadway to gain access thereto.

c. Off-street parking areas must provide for ingress and egress to abutting roadways as approved by the Board of Aldermen as part of the Final Site Development Plan Approval.

d. No parking or loading space or internal drive except for ingress and egress drives, shall be closer to the street right-of-way than thirty (30) feet. The space within thirty (30) feet of the street right-of-way shall be landscaped and contain a sidewalk of concrete construction which shall be four (4) feet wide and four (4) inches thick and shall be maintained by owner.

e. No parking or loading space or internal drive shall be closer than twenty (20) feet to any adjoining "A" Semi-Rural District.

f. All parking spaces required by this Chapter shall be located on the same parcel of land as the use to be served.

g. No off-street parking space required under this Chapter shall be used for any other purpose. Where a change in use creates greater parking requirements than the amount being provided, an occupancy permit shall not be issued until provision is made for the increased amount of required off-street parking.

h. Where an addition is made to an existing use which does not comply with the parking requirements cited for such use, additional parking shall be provided in proportion to the addition.

i. Where parking is provided on any church, school, public or commercial premises, handicapped parking spaces complying with Chapter 500 of this Code.

H. *Sign Regulations.*

1. Basic sign regulations are set forth in Chapter 505 of the Municipal Code, as amended.

2. (Reserved) **[Repealed by Ord. No. 02-03 §3, 2-5-2002]**

3. (Reserved) **[Repealed by Ord. No. 02-03 §3, 2-5-2002]**

4. (Reserved) **[Repealed by Ord. No. 02-03 §3, 2-5-2002]**

5. (Reserved) **[Repealed by Ord. No. 02-03 §3, 2-5-2002]**

6. (Reserved) **[Repealed by Ord. No. 02-03 §3, 2-5-2002]**

7. (Reserved) **[Repealed by Ord. No. 02-03 §3, 2-5-2002]**

I. *Preliminary Site Development Plan Approval.*

1. Any person seeking approval under this Section shall confer with the City Clerk or his/her assistants in order to become thoroughly familiar with the regulations and requirements of the City affecting the territory in which the land in question lies and shall become familiar with the zoning plan and regulations.

2. After fulfilling the requirements of the preceding paragraph, a preliminary site development plan shall be prepared which is drawn to scale of not less than one (1) inch to one hundred (100) feet showing the topography of the land and the existing or proposed locations of the following:

   a. Streets, alleys and access drives;

   b. Parking areas and loading spaces;

   c. Lot lines;

   d. Building lines;

   e. The area in square feet of each structure;

   f. Surrounding streets;

   g. Surrounding lots;

   h. Accessory structures;

   i. Watercourses;

   j. Retention and detention ponds;

   k. Sewers;

   l. Water mains;

   m. Buffer areas; and

   n. All easements.

Three (3) copies of the preliminary site development plan shall be submitted to the Planning and Zoning Commission, unless this requirement shall be waived by resolution of the Board of Aldermen in its sole discretion. Such waiver may be granted in the event plans or documents have been submitted to the City which contain information equivalent to the foregoing. In the event such a waiver is granted the one hundred dollar ($100.00) fee and compliance with paragraph (3) of this Subsection (I), "Preliminary Site Development Plan Approval," shall not be required. If a waiver is granted, the equivalent of the preliminary site development plan shall be deemed approved for the purposes of proceeding in accordance with Subsection (J) herein, "Final Site Development Plan Approval." A fee of one hundred dollars ($100.00) shall be paid to the City Clerk for the purpose of providing funds for administrative costs incidental to the processing of the preliminary site development plan by the City. Said amount shall not be returned upon failure to meet the requirements of this Section or to submit a final site development plan in proper form.

3. The Planning and Zoning Commission shall study the preliminary site development plan to determine whether it conforms with the minimum standards and requirements of this Chapter, and shall approve or reject such plan within thirty (30) days after the date of submission thereof to the Commission. If the Commission does not act within such period of time the preliminary site development plan shall be deemed approved. Such approval does not constitute approval of the proposed site development, but merely an authorization to proceed with the preparation of the final site development plan.

J. *Final Site Development Plan Approval.*

1. After the preliminary site development plan is approved, a final site development plan consisting of a final map on tracing cloth and three (3) prints thereof shall be prepared and submitted to the Planning and Zoning Commission showing:

   a. The grades and land elevations; boundaries of the property; the lines of all proposed parking areas including the number of spaces, loading spaces, streets and alleys (with their width and names); and any other areas intended to be open for public use.

   b. The lines of adjoining streets and alleys (with their width and names).

   c. All linear dimensions, necessary for locating boundaries of any lots, streets, alleys, access drives, easements and building line setbacks, buffer areas, retention and detention ponds, and any other similar public or private uses. The linear dimensions shall be expressed in feet and decimals of a foot.

   d. Radii, arcs and chords, points of tangency, central angles for all curvilinear streets, and radii for all rounded corners.

   e. All monuments and signs together with their descriptions.

f. Title and description of the property, showing its location and extent, points of compass, scale of plan, and name of owner, developer and of engineer staking the property.

g. Profiles may be required of any streets.

h. Any private restrictions shall be shown on the plan or reference made to them thereon and if contained in a separate document, three (3) copies thereof shall be furnished to the Planning and Zoning Commission, and plats shall contain proper acknowledgements of owners and mortgages (mortgagees) accepting said platting and restrictions.

i. The location of all drainage facilities, sanitary sewers, storm sewers, retention and detention ponds, water mains, and watercourses.

j. The location, size and description of all landscaped space.

k. The geometrical elevations, location, and approximate dimensions of all proposed structures and accessory structures.

l. The location and height of all proposed illumination structures.

m. Such additional information as may be required by the Board of Aldermen for approval of the Final Site Development Plan Approval.

2. A certificate shall accompany the final site development plan showing that all taxes due shall have been previously paid.

3. After the final site development plan has been approved by the Planning and Zoning Commission, it shall initial or sign a copy of such final site development plan and deliver to the City Clerk the original tracing and a print thereof. If the Zoning Commission does not approve the final site development plan, the Board of Aldermen may approve said plan only by a four-fifths (4/5) vote of the membership of the Board. The final site development plan must be approved by the Board of Aldermen. A copy of all final plans shall be filed in the office of the City Clerk after approval by the Board of Aldermen.

4. The final site development plan shall be reviewed and approved by the City Engineer for compliance with all applicable codes and ordinances relating to grading, landscaping, drainage, storm sewer devices, sanitary sewers, water mains, setback requirements, streets, alleys, access drives, parking, loading, signs and lighting requirements before final approval shall be given by the Board of Aldermen. No development of the property shall be performed and no permit for construction shall be issued by the Building Commissioner unless such development or construction is consistent with the final site development plan as approved by the Board of Aldermen.

K. *Miscellaneous Regulations.*

1. No accessory land use or development shall be established until a primary structure or use is established on the same lot. No accessory land use or development shall

be allowed to continue after termination of the primary use or development on a lot.

2. Where a right-of-way line has been established or has been reasonably publicized for future widening or opening of a street upon which a lot abuts, the required yard space shall be measured from the established future street right-of-way line.

3. Each corner lot shall have a rear yard and a side yard with appropriate minimum setback requirements. The side and rear yards shall be identified by the owner of the corner lot when plans are submitted for the first building on the property.

4. All illumination structures, except for approved street lights, shall be so arranged as not to cast light directly from any source of illumination on any public right-of-way or on adjacent properties in the Zoning District "A" Semi-Rural District.

5. No permits shall be issued for grading, building, or use of a site which are not in accordance with the final site development plan as approved.

6. Notwithstanding the additional Height and Area Regulations in Section 405.110, every part of a required yard in Zoning District "C" Office District shall be open to the sky, unobstructed except as follows:

   a. Ordinary projections of skylights, sills, belt courses, cornices and ornamental features projecting not to exceed twelve (12) inches;

   b. Ordinary projecting of chimneys and flues, not to exceed twenty-four (24) inches in width, projecting not to exceed twenty-four (24) inches;

   c. Roof overhangs projecting not to exceed eighteen (18) inches, except roof overhangs over the main entrance of a building may project a reasonable distance as approved by the Board of Aldermen as part of the Final Site Development Plan Approval;

   d. Slab type porches or paved terraces as approved by the Board of Aldermen as part of the Final Site Development Plan Approval may project into any yard;

   e. Driveways, ramps, sidewalks, and parking lots as otherwise permitted by the Chapter.

7. Temporary structures, as set forth below, which are to be used in connection with the development and sale of a tract of land may be erected or located on said tract prior to and may remain thereon during the construction or development period.

   a. Temporary buildings or trailers may be used as construction offices, field offices or for storage of materials to be used in connection with the development of said tract, provided that said temporary structures are removed from said tract within thirty (30) days after completion of the project development. Temporary buildings or trailers must also be removed from said tract within thirty (30) days after voluntary suspension of work on the project or development after revocation of building permits, or on order

by the City Building Commissioner upon a finding by him/her that said temporary structure is deemed hazardous to the public health and welfare. A bond in the amount of one thousand dollars ($1,000.00) for their removal shall be posted with the City of Clarkson Valley.

b. No temporary buildings or trailers shall at any time be located within the designated buffer area or closer than twenty-five (25) feet to a property line of any adjacent property, notwithstanding the required setbacks of the district in which such temporary building or trailer is located.

c. Any other provisions of the law notwithstanding, a building permit or an occupancy permit shall not be required for buildings or trailers permitted in Paragraph (a) of this Subsection (K)(7).

8. In each instance in which approval of a use or development of property in a Zone "C" Office District development is made subject to conditions by the City, a copy of the approved ordinance, resolution, order or permit shall be furnished by the property owner or owners or petitioner to the operator, owner, and manager of the property, including successor operators, owners, and managers. Each successor shall forward to the City Clerk an acknowledgment that he or she has read and understood each of the conditions relating to the use and development of the property affected by the ordinance, resolution, order or permit and agrees to comply therewith.

9. *Litter.*

a. In this Subsection, the word *"litter"* means and includes, garbage, trash, refuse, junk, brush, inoperative machinery, discarded or unused construction materials or other waste material.

b. No person shall throw or deposit litter on any vacant or occupied property whether owned by such person or not.

c. The owner or person in control of any private property shall at all times, maintain the premises free of litter.

10. *Landscaping.*

a. Landscaped space shall be open space having recreational, scenic and health value and which is devoted to plants rooted directly in the ground or in permanent planters or to fountains, pools or statutory [statuary] and none of which is used for drives or parking spaces for automobiles.

b. All open space shall be adequately landscaped.

11. *Development inspection.* The Mayor is authorized to employ a competent registered professional engineer:

a. To examine said preliminary site development plan and final site development plan and report to the Board of Aldermen, Planning and Zoning Commission and such other City Officials as the Board of Aldermen shall

determine whether or not the design, improvements for paving, stormwater facilities, sanitary sewerage facilities, and all other site development improvements are reasonably adequate and in proper condition to function effectively;

b. To inspect construction of the site development and report to the Board of Aldermen and other City Officials concerning the construction;

c. The developer shall pay to the City Treasurer the reasonable charges of the registered professional engineer employed by the City for engineering review of site development details and construction inspection services. The registered professional engineer employed by the developer to design the improvement plans shall be responsible for the submission of improvement design details, specifications, staking out and supervising the installation of said improvements.

Section 405.095. "PC" Planned Commercial District Regulations.

[Ord. No. 04-07 §§1 — 2, 7-13-2004; Ord. No. 07-08 §§1 — 3, 6-5-2007; Ord. No. 09-06 §1, 5-5-2009; Ord. No. 10-06 §1, 5-4-2010]

A. *Purpose.* The Planned Commercial District (the "PC" District) is intended to provide for office, medical office and professional services office buildings and developments that warrant special consideration due to their scale or potential impacts or for certain sites due to their location or environmental characteristics. The major objectives of a "PC" District are:

1. To promote flexibility in the design and location of structures.

2. To promote the efficient use of land and to facilitate a more economic arrangement of buildings, circulation systems, land uses and utilities.

3. To ensure compatibility with surrounding areas.

4. To encourage a higher quality of landscaping and sign control.

B. *Permitted Uses.* The "PC" District shall include and allow all of those uses included in the zone "C" Office District as set forth in Article II, Section 405.090 (the "C" District) of the Code of the City of Clarkson Valley (the "Code") and also the following uses:

1. Office buildings used for the administrative functions of businesses, professions, companies, corporations and social, philanthropic, eleemosynary or governmental organizations or societies.

2. Offices for professional, medical and business use involving the sale or providing of professional services including, but not limited to:

a. Lawyers, engineers, planners, architects, real estate agents, accountants, insurance agents, brokers, professional firms, finance and accounting firms, consultants and other professionals in similar or related businesses.

b. Physicians, businesses, persons and/or establishments engaged in furnishing medical, testing, surgical and/or other health services to persons including, but not limited to, diagnosis, treatment and/or rehabilitation of human diseases, pain, injuries or physical or mental conditions, including but not limited to:

(1) Physicians engaged in the practice of general or specialized medicine including, without limitation, internal medicine, obstetrics, gynecology, pediatrics, family medicine, orthopedics, plastic and reconstructive surgery, anesthesiology, cardiology, general surgery, ears, nose and throat, dental medicine, urology, psychiatry, neurology, dermatology, ophthalmology, therapy, rehabilitation specialists, gastro-intestinal, maternal fetal medicine, pain management, pathology, radiology, dentistry, oral pathology, orthodontics, osteopathic medicine, chiropractics, optometry and/or podiatry.

(2) Imaging (including, without limitation, computerized tomography scan (CT scan), magnetic resonance imaging (MRI), X-ray, bone density scan and/or mammography).

(3) Laboratory and laboratory-related services (including, without limitation, medical and dental laboratories and gastro-intestinal laboratories).

(4) Diagnosis (including, without limitation stress testing, electrocardiogram (EKG), echocardiogram (Echo)).

(5) Outpatient surgery with no stay longer than twenty-three (23) hours.

3. Pharmacy, provided that such use:

a. Shall not exceed five percent (5%) of the gross square footage of the building in which the use is located; and

b. Shall have no exterior signage or advertising on the building.

4. Treatment, rehabilitation or fitness facility, provided that the users or patrons of such facility are utilizing the facility for the treatment or rehabilitation of a disease, pain, injury and/or physical or mental condition under the care, direction or oversight of a physician or rehabilitation provider. Memberships to a fitness facility shall not be sold to the general public.

5. Customary ancillary/accessory uses subject to the provisions of Article II, Section 405.090(C), Accessory Land Uses and Developments of the Code.

6. Educational institutions with ancillary sales, including lecture or recital halls, but having no rooms regularly used for housing and sleeping except such quarters as may be necessary for a custodian.

C. *Conditional Uses.* The following uses shall be permitted in the "PC" District only after the issuance of a special use permit pursuant to the provisions of Article IV, Sections 405.120 through 405.140 of the Code:

1. Urgent care clinic/facility.

2. Drive-thru window for retail sales or sales of services.

D. *Standards And Criteria.* The following standards and criteria shall apply to all "PC" District developments:

1. *Lot size.* Except as specified below, there is no minimum acreage or size requirement for a tract of land in the "PC" District on which buildings and related parking areas and improvements, together with associated accessory uses and developments, are situated. However, if a tract of land situated in the "PC" District ("Tract I") is adjacent to another tract of land that:

   a. Is located in the "PC" District; and

   b. Contains four (4) acres or less of area, then the minimum lot size for Tract I shall be six (6) acres.

   In summary, in the case of two (2) or more adjacent lots in the "PC" District, only one (1) of the lots may be four (4) acres or less and the other adjacent lot(s) in the "PC" District must be a minimum of six (6) acres.

2. *Yards.* Yards shall be as follows:

   a. Meet the minimum requirements as contained in the "C" District;

   b. Any building must be at least fifteen (15) feet from the property line of an adjacent tract of land situated in the "PC" District;

   c. Any building must be at least fifteen (15) feet from the property line of an adjacent tract of land situated in the "C" District; and

   d. Any building must be at least fifteen (15) feet from the edge of a private roadway located in the "PC" District encumbered by an easement agreement granting ingress and egress access to those public roads known as Clayton Road and Clarkson Road.

   e. Any building used for educational purposes must be:

      (1) At least one hundred (100) feet from the property line of an adjacent tract of land situated in the "A" zoning district being used for single-family dwelling residential purposes; and

      (2) At least thirty (30) feet from the property line of an adjacent tract in the "A" zoning district being used for public or private school purposes.

3. *Building height.* Each permitted structure shall not exceed the lesser of three (3) stories or fifty (50) feet in height, excluding basement and penthouse, but in no event shall the height of any single structure, including penthouse, exceed sixty (60) feet. The penthouse shall not occupy an area in excess of thirty percent (30%) of the total square footage at grade per structure. The penthouse shall be adequately screened.

4. *Vision clearance.* On any corner lot no wall, fence, sign or other structure or no plant growth of a type which would interfere with traffic visibility across the corner shall be permitted or maintained higher than three (3) feet above the curb level, within fifteen (15) feet of the intersection of the street right-of-way lines.

5. *Roadway, parking and loading requirements.*

   a. All streets, alleys, parking areas, loading areas and access drives shall be paved with an all-weather dustless material.

   b. The minimum parking requirements are three and nine-tenths (3.9) spaces for every one thousand (1,000) square feet of floor area in a building. A maximum of thirty percent (30%) of such parking spaces may be allocated for compact cars. A parking space dimension shall be nine (9) feet by nineteen (19) feet for all cars with the exception that parking spaces for compact cars may be eight and one-half (8½) feet by eighteen (18) feet.

   c. A minimum of one (1) handicapped parking space for every twenty thousand (20,000) square feet of floor area shall be provided as near as reasonably possible to every building entrance.

   d. Curbed islands are required at ends of aisles where necessary for traffic control or drainage.

   e. All areas for off-street parking and loading shall be arranged so that vehicles are not required to back into any public street to gain access thereto.

   f. No parking space, loading space or internal drive except for ingress and egress drives shall be closer than thirty (30) feet to a public street right-of-way.

   g. All parking spaces required by this Subsection (D)(5) shall be located on the same parcel of land as the use to be served.

   h. Minimum loading requirements are one (1) ten (10) foot by forty (40) foot loading area for each one hundred thousand (100,000) square feet or fraction thereof in a building.

   i. The Board of Aldermen of the City of Clarkson Valley (the "Council") may allow some of the required parking to be deferred. This shall be done by noting such parking spaces on the plan as "future parking if needed".

6. *Screening.* A permanent screen consisting of landscaping material at least eight (8) feet in height shall be required where a lot in the "PC" District abuts residentially

zoned land. The required screening shall have opacity of at least eighty percent (80%) year around; and the eighty percent (80%) opacity and eight (8) foot minimum height shall be achieved within four (4) full growing seasons. The required landscaping screening shall be maintained in good order and not allowed to exist in a state of disrepair or death. Failure to maintain the required landscaping screening shall be considered a violation of this Chapter. The Planning and Zoning Commission of the City of Clarkson Valley (the "Commission") may recommend and the Council may approve less stringent screening requirements if, after considering topography, surrounding uses and other relevant factors, less stringent screening requirements are deemed appropriate.

7. *Drainage.* A drainage system shall be designed to minimize the possibility of soil erosion and flood damage.

8. *Circulation.* The traffic circulation system shall provide for the safe, convenient and efficient movement of goods and people with a minimum of conflict between various modes of travel. Provisions shall be made for pedestrian travel within the development and shall connect with existing pedestrian systems or allow for future extensions to activity centers outside the development (i.e., schools, parks, shopping areas, etc.).

9. *Sign regulations.* The sign regulations for the "PC" District shall be the same as those certain sign regulations for the "C" District, which regulations are set forth in Article II, Section 405.090(H) of the Code. Exterior building signage advertising a fitness facility in the building for use by the general public is not permitted.

10. *Performance standards for noise, odor and smoke.* Every use shall be so operated that:

    a. No sound or noise is generated which exceeds the pressure level limitations set forth in Article II, Section 405.090(D)(1) of the Code;

    b. No offensive or objectionable odor is emitted which exceeds the limitations set forth in Article II, Section 405.090(D)(2) of the Code; and

    c. No smoke from any source shall be emitted which exceeds the emission level limitations set forth in Article II, Section 405.090(D)(3) of the Code.

11. *Miscellaneous regulations.*

    a. No accessory land use or development shall be established on a property until a permitted use under Section 405.095(B) is established on such property. No accessory land use or development shall be allowed to continue after termination of all permitted uses.

    b. Every part of a required yard in the "PC" District shall be unobstructed and open to the sky, except as follows:

        (1) Ordinary projections of skylights, sills, belt courses, cornices and ornamental features projecting not to exceed twelve (12) inches in height;

(2) Ordinary projections of chimneys and flues not to exceed twenty-four (24) inches in width and twenty-four (24) inches in height;

(3) Roof overhangs not to exceed eighteen (18) inches, except roof overhangs over the main entrance of a building may project as shown on the plan;

(4) Slab type porches or paved terraces shown on the plan; and

(5) Driveways, ramps, sidewalks and parking lots as otherwise permitted by the Code.

c. Temporary structures, as specified below, to be used in connection with the development and/or sale of property may be erected or located on said property before and during the construction or development period. Temporary buildings or trailers may be used as construction offices, field offices, storage facilities for materials to be used in connection with the development of the property or other related purposes, provided that such temporary structures are removed from the property within thirty (30) days after the earlier of:

(1) Completion of the project development,

(2) Voluntary suspension of work on the project or development after revocation of building permits, or

(3) On order by the Building Commissioner of the City of Clarkson Valley upon a finding by him/her that the temporary structure is deemed hazardous to the public health and welfare.

Upon request, a bond in the amount of one thousand dollars ($1,000.00) shall be posted with the City of Clarkson Valley to be used for the removal of a temporary structure remaining after the permitted time period. Such bond shall be promptly refunded by the City of Clarkson Valley if the temporary buildings are removed in compliance with this Subsection. No temporary buildings or trailers shall be located in the two hundred (200) foot buffer zone as shown on the plat recorded at Book 7862, page 1163 in the office of the Recorder of Deeds in St. Louis County, Missouri, or closer than twenty-five (25) feet to a property line of any adjacent property located outside of the "PC" District. Notwithstanding any other contrary provisions of the Code, a building permit or an occupancy permit shall not be required for buildings or trailers permitted in this Subsection.

d. No person shall throw or deposit garbage, trash, refuse, junk, brush, inoperative machinery, discarded or unused construction materials or other waste material (collectively "litter") on any vacant or occupied property whether owned by such person or not. The owner or person in control of any private property shall at all times maintain its property free of litter.

e. Landscaped space shall be in accordance with the landscape plan (hereinafter defined) as approved by the Council.

f. The City of Clarkson Valley may employ a competent registered professional engineer to inspect construction of the site development and report to the Council and other officials of the City of Clarkson Valley concerning the construction. The developer shall pay to the City of Clarkson Valley the reasonable charges of the registered professional engineer employed by the City for engineering review of site development details and construction inspection services. The registered professional engineer employed by the developer to design the plan shall be responsible for the submission of improvement design details, specifications, staking out and supervising the installation of said improvements.

E. *Procedure For Review And Approval Of "PC" District Zoning, The Plan, Subdivision Request, The Landscape Plan And/Or Architectural Review.*

1. To apply for a rezoning change for property (the "property") to "PC" District, an applicant shall prepare and submit a request for "PC" District zoning to the Commission for its review (the "rezoning application"). If desirable by the applicant, then at the same time the applicant submits the rezoning application, the applicant may (but is not obligated to) also submit to the Commission:

   a. A final site development plan for the property as described in Subsection (E)(5) below (the "plan"),

   b. An application for a subdivision of the property (the "subdivision request"),

   c. A plan for the landscape on the property (the "landscape plan"), and/or

   d. An application for approval for architectural review of the proposed property improvements (the "architectural review").

   Collectively the plan, the subdivision request, the landscape plan and the architectural review shall be referred to herein as the "approval package".

2. Within sixty (60) days of the submission of the rezoning application and, if applicable, the approval package, the plan, the subdivision request, the landscape plan and/or the architectural review, the Commission shall forward a recommendation to the Council on the rezoning application and each additional submission.

3. The Council will conduct a public hearing as soon as possible after all public notice requirements are satisfied. The Council shall take action on the rezoning application and each additional submission and give notice to the applicant of the Council's decision within forty-five (45) days after the Commission forwards its recommendation to the Council, unless the applicant agrees to extend such forty-five (45) day period.

4. Reasonable costs associated with giving public notice hereunder, if required, shall be at the applicant's expense.

5. The plan shall include the following:

   a. The name of the "PC" District.

   b. A north arrow, scale, small location map and the size of the site to the nearest one-tenth (0.1) of an acre. The scale of the drawing shall be not less than one (1) inch equals fifty (50) feet.

   c. The name and address of the record owners of the land.

   d. Names of adjacent property owners of unsubdivided land and the names of adjacent subdivisions.

   e. The location of the boundary lines of the site in relation to any section line or quarter-section line and any immediately adjacent corporate boundaries of the City of Clarkson Valley (the "City").

   f. The existing topography of the site with contour intervals no greater than five (5) feet and the specific location of the 100-year floodplain, if applicable.

   g. The location and height of all proposed buildings. The minimum distance from proposed buildings to perimeter property lines shall be shown or stated on the plan.

   h. The location and number of proposed parking spaces, drives, walkways and the parking ratio.

   i. The location and width of existing street rights-of-way, alleys, roads, railroad rights-of-way and recorded easements; and the proposed location, width, name and grade for any new street.

   j. The location and size of existing and proposed sanitary sewers, water mains, storm sewers and natural gas mains within or adjacent to the site and any proposed easements.

   k. Signature blocks for the Council approvals on all exhibits considered part of the plan.

   l. A stormwater management plan which shall include provisions for erosion control during construction.

   m. The landscape plan.

   n. The proposed location and general description of signs attached or not attached to the structures on the site.

   o. The proposed type and location of all exterior freestanding on-site lighting. Exterior lighting that is adjacent to a property in the Zone "A" Semi-Rural District, Article II, Section 405.080 of the Code or adjacent to a public road

shall contain a back-shield on such lighting fixture(s) to minimize light emanating to adjacent property owners or public traffic.

6. Approval by the Council of the rezoning application, the approval package, the plan, the subdivision request, the landscape plan and/or the architectural review shall constitute full and complete satisfaction by the applicant of any and all City requirements with respect to such submissions or the subject matter of such applications and/or requests. Without limiting the foregoing, it is specifically acknowledged that approval by the Council of the subdivision request shall satisfy all requirements of the City to submit a preliminary subdivision plat and/or final subdivision plat; and the City shall be obligated to provide such signatures as are required to allow such subdivision plats of the resubdivided property to be recorded by the appropriate authorities.

7. No building permit shall be issued until the plan has been approved by the Council.

8. No building permit shall be issued until the property has been platted.

9. No building or footing and foundation permit shall be issued until the site plan filed with the application for a building permit has been reviewed by the Building Commissioner of the City of Clarkson Valley for compliance with the approved plan.

10. From and after five (5) years following the date of approval of a plan by the Council, the Council may, by a majority vote, withdraw approval of such plan, provided no portion of the development has commenced. Written notice of the Council's withdrawal must be forwarded to the applicant within thirty (30) days of such action by the Council, or such withdrawal shall be null and void. Notwithstanding the foregoing, if the development commences before such notice is delivered to the applicant, then the Council's withdrawal of approval shall be null and void and the applicant may proceed with the development and use of the property as approved.

11. If the applicant proposes any material changes to the approval package, the plan, the subdivision request, the landscape plan and/or the architectural review, then such changes shall be subject to review and approval of the Commission and the Council.

12. By requesting an amendment to the ordinance approving the "PC" District, the owners of property in "PC" District may apply for a change in the permitted uses of their property.

F. *"PC" District Boundaries.* The territory now located within the City of Clarkson Valley that shall be in zoning district Planned Commercial District is described on Exhibit "C" to this Chapter 405 and incorporated herein, which Exhibit "C" is included at the end of this Chapter 405 of the Code. Exhibit B at the end of Chapter 405 of the Code is hereby amended to delete the property shown on Exhibit "C".

Section 405.100. Additional Height and Area Regulations.

[CC 1990 §18.100; Ord. No. 88-20 §1, 11-1-1988]

A. The district regulations hereinafter set forth in this Section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Chapter.

1. Public, semi-public or public service buildings, hospitals, institutions, or schools, when permitted in a district, may be erected to a height not exceeding fifty (50) feet, and churches and temples may be erected to a height not exceeding sixty (60) feet, if the building, or the portion thereof exceeding the height limit, is set back from each lot line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is built.

2. Except as hereinafter provided, chimneys, ornamental towers and spires, church steeples, radio towers, silos, farm buildings and retaining walls may be erected to any lawful and safe height.

3. Every part of a required yard shall be open to the sky unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projections of sky lights, sills, belt courses, cornices and ornamental features projecting not to exceed twelve (12) inches. This requirement shall not prevent the construction of fences not exceeding six (6) feet in height. This requirement shall not apply to any retaining wall located in a required yard.

4. Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a rear yard not more than five (5) feet and the ordinary projections of chimneys and flues are permitted.

5. An open unenclosed porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet.

ARTICLE III
Non-Conforming Uses

Section 405.110. Non-Conforming Uses.

[CC 1990 §18.080]

A. The lawful use of a building existing at the time of the effective date of this Chapter may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not be thereafter changed to a less restricted use.

B. Whenever the use of a building becomes non-conforming through a change in this Chapter or district boundaries, such use may be continued and, if no structural alterations are made, it may be changed to another non-conforming use of the same or of a more restricted classification.

C. No existing building or premises devoted to a use not permitted by this Chapter in the district in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, converted, reconstructed or structurally altered, unless such use is changed to a use permitted in the district in which such building or premises is located.

D. When a building or structure the use of which does not conform to the provisions of this Chapter, is damaged by fire, explosion, act of God, or the public enemy, to the extent of more than sixty-five percent (65%) of its value, it shall not be restored except in conformity with the regulations of the district in which the building or structure is situated.

ARTICLE IV
Special Use Regulations

Section 405.120. Special Use Regulations.

[CC 1990 §18.090; Ord. No. 02-06 §§1 — 2, 6-4-2002; Ord. No. 04-12 §§1 — 2, 7-13-2004; Ord. No. 10-07 §1, 5-4-2010; Ord. No. 12-03 §§1 — 2, 1-3-2012]

A. It is recognized that in applying this Chapter it may be necessary or desirable, consistent with the general purposes of this Chapter and the standards by which it is to be construed, to permit a building or structure to be located, constructed or structurally altered or the premises to be used for a purpose which is not included in the use regulations for the district in which the building or structure or premises may be located. The Board of Aldermen, subject to the procedures hereinafter set forth, shall have the power to issue permits for such special uses provided that each such permit is granted in accordance with the standards set forth in Section 405.030 above and that appropriate conditions and safeguards are imposed or provided to preserve property values and to protect the public welfare.

B. The following buildings, structures or uses may be permitted by special permit issued in accordance with the procedures set forth below:

1. Any public building erected and used by any department of Municipal, County, State or Federal Government.

2. Hospitals and institutions other than penal institutions, mental institutions, sanitariums, convalescent care institutions, aged care institutions, institutions for the care of alcoholics or drug addicts and institutions for contagious diseases, provided however, that such buildings may occupy not more than ten percent (10%) of the total area of the lot or tract and will not have any serious and depreciating effect upon the value of the surrounding property; and provided further, that the buildings shall be set back from all lot lines heretofore established such distance as shall be established by the Planning and Zoning Commission, taking into consideration the size of the lot and the improvements, building plans and design, terrain, surrounding properties and similar factors, and that ample off-street parking space will be provided.

3. Cemeteries.

4. Public or private preschool training or education including kindergarten, prekindergarten and nursery schools, other than part of and in connection with an elementary school located and functioning within the City of Clarkson Valley.

5. Riding academy or stables either in connection with private clubs or otherwise, where horses are kept, boarded, cared for or rented for remuneration.

6. Removal of gravel, sand, stone, or other raw materials.

7. Libraries.

8. Airports and landing fields.

9. Private clubs.

10. Signs larger than four (4) square feet in outline area per facing in "C" Office Districts, provided that there is a demonstrable need.

11. Trailers or temporary buildings for special events may be approved by the Board of Aldermen. The location, length of time to remain on site, and all other conditions regarding the construction, erection, maintenance, or removal of the trailer or temporary building for said special event shall be at the discretion of the Board of Aldermen.

12. For any parcel located within a "PC" District, more than one (1) freestanding or attached business sign per lot as limited by Section 505.090(A).

13. For any parcel located within a "PC" District, more than one (1) freestanding or attached informational sign per lot as limited by Section 505.090(B).

14. For any parcel located within a "PC" District, more than one (1) freestanding or attached business sign per building as limited by Section 505.090(D).

15. Solar energy systems may be approved by the Board of Aldermen. The location and appearance and all other conditions regarding the construction, erection, maintenance, or removal of the solar energy systems shall be at the discretion of the Board of Aldermen.

C. Whenever the owner or owners of a new subdivision containing not less than twenty-five (25) acres provides for the preservation of a portion of the area for a park, playground, or similar recreation use or as open space, which area or open space is solely for the use and benefit of residents of said subdivision or City of Clarkson Valley or of members of an organization operating the area, the Board of Aldermen may issue a special permit in accordance with the procedures hereinafter set forth, for the balance of the new subdivision to contain lots having less area than the minimum lot area required in the District within which the new subdivision is located, but only when the following conditions are fully observed:

1. The maximum number of lots that can be obtained in such new subdivision is determined by subtracting fifteen percent (15%) of the total area being subdivided

and dividing the remaining area by the minimum lot area requirement of the zoning district within which the new subdivision is located.

2. No lot shall contain an area that is less than seventy-five percent (75%) of the minimum lot area requirement of the district within which it is located.

3. Reasonable assurance or guarantee is furnished the Board of Aldermen that the recreational area or open space will remain as such and will not be subdivided.

4. The location, extent and treatment of the open space as well as the design of the new subdivision is approved by the Planning and Zoning Commission of the City of Clarkson Valley.

D. All permits for special uses shall be issued by the Board of Aldermen. Applications for such permits shall be filed in writing with the Board accompanied by a fifty dollar ($50.00) filing fee payable to the City Treasurer. The Board shall promptly refer the application to the Planning and Zoning Commission. (The Commission shall set the matter for hearing. Written notices of the time and place of the hearing and the nature of the application shall be mailed by the Commission to all property owners of the City of Clarkson Valley within five hundred (500) feet of the property described in the application at least fifteen (15) days in advance of the meeting at which the application is considered.) Similar notice shall be mailed to the applicant. The Commission shall carefully review the application upon its merits in light of the standards set forth in Section 405.030 above, and shall file its report and recommendations thereof with the Board of Aldermen. In the event the Commission shall fail to submit its report within ninety (90) days after the application has been referred to it by the Board, the Board shall consider the application as if forwarded to it by the Commission without recommendation.

E. The Board of Aldermen shall set the application for public hearing at a regular or special meeting. The Board shall cause notice of the time and place of said hearing to be published at least fifteen (15) days in advance of the hearing in a newspaper of general circulation in the City. After such public hearing, and upon consideration of any additional facts or information which may be brought before the Board, and in light of the report and recommendations of the Commission, the Board shall decide whether to grant the application and, if so, upon what terms and conditions it deems essential in the public interest. The action of the Board shall be transmitted to the applicant either at a hearing of the Board at which representatives of the applicant are present or in writing. In arriving at its decision the Board shall consider the merits of the application in light of the standards set forth in Section 405.030 above.

Section 405.130. Special Use Regulations — Alcohol and Drug Abuse Treatment Facilities.

[CC 1990 §18.091; Ord. No. 90-16 §1, 12-4-1990]

A. In the Zone "A" Semi-Rural District a facility including buildings, structures, and land, for the residential or outpatient treatment of alcohol and/or other drug abuse may be located as a special use, if the facility meets all of the following conditions:

1. If a residential facility, not more than six (6) persons residing in the building at one time.

2. The exterior appearance of the treatment facility shall reasonably conform to the exterior appearance of other dwellings in the vicinity.

3. A treatment facility shall not be located closer than fifteen hundred (1,500) feet to any other substance abuse facility.

B. A special use permit shall be issued based upon the foregoing and after application and hearings as set forth in Subsections (D) and (E) of Section 405.120 of this Chapter.

Section 405.140. Special Use Regulations — Telecommunications Towers and Antennae.

[CC 1990 §18.092; Ord. No. 97-08 §1, 4-15-1997]

A. *Purposes.* The general purpose of this Section is to regulate the placement, construction and modification of telecommunications towers, support structures, and antennae 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 of Clarkson Valley. Specifically, 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 of Clarkson Valley;

2. Minimize adverse visual impacts of communications antennae and support structure through careful design, siting, 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 co-location of facilities on any new support structures;

5. Ensure that any new telecommunications tower or structure is located in an area compatible with the neighborhood or surrounding community to the extent possible; and

6. Ensure that regulation of telecommunications 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. *Legislative Findings.*

1. 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 provision of a more competitive environment for wired and wireless telecommunication services in the United States.

2. 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.

3. The City has been granted the authority to enact legislation to regulate the construction, placement, and operation of telecommunications towers and antennae pursuant to its zoning powers established in Chapter 89 of the Revised Statutes of Missouri 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 of its citizens.

4. The Federal Communications Commission (FCC) has exclusive jurisdiction over:

   a. The regulation of the environmental effects of radio frequency emissions from Telecommunications Facilities, and

   b. The regulation of radio signal interference among users of the radio frequency spectrum.

5. Consistent with the Telecommunications Act of 1996, the regulations of this Section 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 antennae with prompt approval by the City. The Chapter does not attempt to regulate in areas within the exclusive jurisdiction of the FCC.

6. The uncontrolled proliferation of towers in the City of Clarkson Valley is threatened without adoption of new regulations, and would diminish property values, the aesthetic quality of the City, and would otherwise threaten the health, safety and welfare of its citizens.

C. *Definitions.* As used in this Section, the following terms shall have the meanings and usages indicated:

AGL — Above ground level. Ground level shall be determined by the average elevation of the natural ground level within a radius of fifty (50) feet from the center location of measurement.

ANTENNA(AE) — Any device taller or wider than four (4) feet that transmits and/or receives radio waves for voice, data or video communications purposes including, but not limited to, television, AM/FM radio, microwave, cellular telephone and similar forms of communications. The term shall exclude satellite earth station antennae less that one (1) meter in diameter (mounted within twelve (12) feet of the ground or building-mounted) and any receive-only home television antennae.

CABINET — A structure for the protection and security of communications equipment associated with one (1) or more antennae where direct access to equipment is provided from the exterior and that has horizontal dimensions that do not exceed four (4) feet by six (6) feet, and vertical height that does not exceed six (6) feet.

CERTIFICATE OF AUTHORIZATION — The Certificate issued by the Tower Commission or Planning and Zoning Commission authorizing the erection or replacement of an antenna or tower. Said certificate shall be subject to cancellation upon notice to applicant of failure to comply with this Section.

COMMUNICATION TOWER MULTI-USE INTEREST AREA — An area as designated by the map of the same title indicating general locations in which more than one (1) wireless service provider may potentially seek to locate an antenna facility and in which the construction of co-locatable towers will be required. The map may be periodically revised in response to new information received regarding tower sites sought by wireless providers. A multi-use interest area shall be designated as appropriate for towers within one (1) mile of each other, unless the applicant demonstrates to the contrary.

DISGUISED SUPPORT STRUCTURE — Any free-standing, man-made structure designed for the support of antennae, the presence of which is camouflaged or concealed as an appropriately placed architectural or natural feature. Such structures may include but are not limited to clock towers, campaniles, observation towers, water towers, light standards, flag poles and artificial trees.

FAA — The Federal Aviation Administration.

FCC — The Federal Communications Commission.

HEIGHT — The vertical distance measured from the average grade of the base of the structure at ground level to its highest point and including the main structure and all attachments thereto.

MODIFICATION — Any addition, deletion, or change, including the addition or replacement of Antennae, or any change to a structure requiring a building permit or other governmental approval.

NOTIFICATION — Written notice delivered by certified mail to all known potential tower users and City Clerk.

SHELTER — A building for the protection and security of communications equipment associated with one (1) or more antennae and where access to equipment is gained from the interior of the building. Human occupancy for office or other uses or the storage of other materials and equipment not in direct support of the connected antennae is prohibited.

SUPPORT STRUCTURE — A tower or disguised support structure.

TOWER — A structure designed for the support of one (1) or more antennae and including guyed towers, self-supporting (lattice) towers or monopoles but not disguised support structures or buildings. The term shall also not include any support structure including attachments of sixty-five (65) feet or less in height owned and operated by an amateur radio operator licensed by the Federal Communication Commission.

TOWER COMMISSION — A Commission made up of the Mayor of the City of Clarkson Valley and two (2) residents of the City appointed by the Mayor with the

advice and consent of the Board of Aldermen responsible for issuing a certificate of authorization. Terms of the appointment shall be two (2) years.

D. *General Requirements.* The requirements set forth in this Section shall be applicable to all towers, antennae and other support structures installed, built or modified after the effective date of this Section, April 15, 1997, to the full extent permitted by law.

1. *Principal or incidental use.* Antennae and support structures may be either a principal use in all zoning districts or an incidental use to existing multiple family, institutional or non-residential uses, subject to any applicable district requirement relating to yard or setback.

2. *Building codes, safety standards, and zoning compliance.* 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, and the BOCA National Building Code. In addition to any other approvals required by this Section, no antenna, tower, or support structure shall be erected prior to receipt of a certificate of authorization and the issuance of a building permit.

3. *Regulatory compliance.* All antennae and support structures shall meet or exceed current standards and regulations of the FAA, FCC and any other State or Federal agency with the authority to regulate communications antennae 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 Section shall be granted for any applicant having an uncured violation of this Section or any other governmental regulatory requirement related to such antenna or structures within the City.

4. *Security.*

a. All antennae 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 submitted to the Tower Commission or Planning and Zoning Commission to install, build or modify antennae or support structures. Additional measures may be required as a condition of the issuance of a certificate of authorization or a building permit as deemed necessary by the Tower Commission or by the Planning and Zoning Commission.

b. Any applicant for construction of a new or replacement antenna, cabinet, disguised support structure, shelter, support structure or tower shall agree to indemnify and hold harmless the City of Clarkson Valley from any and all liability extending from the placement of said structure within the City of Clarkson Valley and shall name the City of Clarkson Valley as an additional named insured in applicants liability insurance policy.

5. *Lighting.* Antennae 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 antennae or support structure. Equipment cabinets and shelters may have lighting only as approved by the Tower Commission or Planning and Zoning Commission pursuant to the certificate of authorization.

6. *Advertising.* Unless a disguised antenna support structure in the form of an otherwise lawfully permitted pylon sign, the placement of advertising on any antenna, cabinet, disguised support structure, shelter, support structure or tower regulated by this Section is prohibited.

7. *Design.*

   a. Towers shall maintain a galvanized steel finish or, subject to the requirements of the FAA or any applicable State or Federal agency, be painted a neutral color consistent with the natural or as-built environment of the site.

   b. Equipment shelters or cabinets shall have an exterior finish compatible with the natural or as-built environment of the site and shall also comply with any design guidelines as may be applicable to the particular zoning district in which the facility is located.

   c. Towers shall not exceed the height limitation of any airport overlay zone as may be adopted by the City.

   d. Antennae attached to a building or disguised antenna support structure shall be of a color identical to or closely compatible with the surface to which they are mounted.

   e. All towers shall be surrounded by a minimum six (6) foot high decorative wall constructed of brick, stone or comparable masonry materials and a landscape strip of not less than ten (10) feet in width and planted with materials which will provide a visual barrier to a minimum height of six (6) feet. The landscape strip shall be exterior to any security wall. In lieu of the required wall and landscape strip, an alternative means of screening may be approved by the Tower Commission or by the Planning and Zoning Commission in the case of a new construction upon demonstration by the applicant that an equivalent degree of visual screening will be achieved.

   f. All towers shall be separated from any off-site residential structure a distance equal to the height of the tower. Towers on parcels adjacent to residentially-zoned property shall meet the setbacks of the applicable zoning district as are required for a principal structure along the adjoining property line(s). Where adjacent to non-residentially zoned property, towers shall maintain setbacks as are required for structures in said zoning district.

   g. Ground anchors of all guyed towers, if permitted, shall be located on the same parcel as the tower and meet the setbacks of the applicable zoning district.

h. Vehicle or outdoor storage on any tower site is prohibited, unless otherwise permitted by the zoning district.

i. On-site parking for periodic maintenance and service shall be provided at all antenna or tower locations consistent with the applicable zoning district.

8. *Shared use.*

a. Prior to the issuance of any certificate of authorization to alter or modify any tower existing on the effective date of this Section, April 15, 1997, the owner shall provide to the City a written and notarized agreement committing to make said tower available for use by others subject to reasonable technical limitations and reasonable financial terms. The willful and knowing failure of a tower owner to agree to shared use or to negotiate in good faith with potential users shall be unlawful and shall, among other remedies of the City, be cause for rescinding a certificate of authorization, or the withholding of future certificate of authorization to the same owner to install, build or modify antennae or towers within the City.

b. Prior to the issuance of any certificate of authorization to install, build or modify any tower, the tower owner shall furnish the City Clerk an inventory of all of that owner's towers in or within one-half (½) mile of the City limits of Clarkson Valley. The inventory shall include the tower's reference name or number, the street location, latitude and longitude, structure type, height, type and mounting height of existing antennae and an assessment of available ground space for the placement of additional equipment shelters.

c. Any new tower approved at a height of sixty (60) feet AGL or higher shall be designed and constructed to accommodate at least one (1) additional user unless a larger number is indicated by the response to the notification provisions herein. A written agreement committing to shared use as required by this Section shall be submitted by the tower applicant. The willful and knowing failure of the owner of a tower built for shared use to negotiate in good faith with potential users shall be unlawful and shall, among other remedies of the City, be cause rescinding a certificate of authorization for the withholding of future certificates of authorization to the same owner to install, build or modify antennae or towers within the City.

d. Any new tower approved within a communication tower multi-use interest area as designated by the map of the same title, shall be designed and constructed to accommodate the number of users indicated by the plan to the extent feasible. The willful and knowing failure of the owner of a tower built for shared use to negotiate in good faith with potential users shall be cause for rescinding an issued certificate of authorization, the withholding of future certificates of authorization to the same owner to install, build or modify antennae or towers within the City.

e. Prior to any application for the construction of a new tower or disguised support structure, a copy of the application or a summary containing the height, design, location and type and frequency of antennae shall be delivered

by certified mail to all known potential tower users as identified by a schedule maintained by the City Clerk. Proof of such delivery shall be submitted with the application to the City. Upon request, the City Clerk shall place on a list the name and address of any user of towers or prospective user to receive notification of applications. The City Clerk shall, before forwarding it to the Tower Commission or the Planning and Zoning Commission for consideration, allow all persons receiving notice at least ten (10) business days to respond to the City and the applicant that the party receiving notice be permitted to share the proposed Tower or locate within one (1) mile of such area. Where two (2) or more parties seek to locate within one (1) mile of each other, or such other distance as is demonstrated to the Tower Commission to be reasonable, the Tower Commission shall designate such area as a multi-use interest area on the map. The failure of the receiving party to use this process or respond to any such notice shall be considered cause for denying requests by such party for new towers or antennae.

f. Any party seeking shared use of a tower subject to this provision shall after responding to Notification, negotiate with the applicant for such use. The applicant may on a legitimate and reasonable business basis choose between multiple requests for shared use on the same tower or structure, and may reject any request where legitimate technical obstacles cannot be reasonably overcome or where the party requesting shared use will not agree to reasonable financial terms. Any party believing that the applicant has breached its duty to negotiate in good faith for shared use shall immediately notify the applicant and the City Clerk in writing. The City Clerk shall immediately forward same to the Tower Commission or Planning and Zoning Commission as appropriate. The Tower Commission or Planning and Zoning Commission as appropriate may reject the application upon a finding that shared use has been improperly denied. A notice of breach of duty shall explain the precise basis for the claim and shall be accompanied by payment of an administrative review fee of five hundred dollars ($500.00) to the City to offset the cost of review. After the applicant's receipt of the notice, the applicant shall have ten (10) calendar days to provide a written submission to the City Clerk responding to the alleged violation of the shared use requirement. If deemed necessary by the Tower Commission or Planning and Zoning Commission, it may engage, at the cost of the party alleging the violation, a neutral, qualified technical consultant to provide an opinion on feasibility or costs of the shared use request. If the City Clerk receives a notice alleging a violation of the shared use requirement, the time for a decision on a certificate of authorization is automatically extended for up to thirty (30) days until it has been determined that the applicant has complied.

E. *Replacement Antennae And Towers.* The replacement as follows of antenna and towers are permitted in all zoning districts:

1. The attachment of additional or replacement of antennae or shelters to any tower existing on the effective date of this Section or subsequently approved in

accordance with these regulations, provided that additional equipment shelters or cabinets are located within the existing tower compound area.

2. The mounting of antennae on any existing building or structure such as a building, provided that the presence of the antennae are concealed by architectural elements or satisfactorily camouflaged by painting a color identical surface to which they are attached.

3. The mounting of antennae on or within any existing high voltage electric transmission tower, but not exceeding the height of such tower by more than ten (10) feet.

F. *Authorization By Administrative Permit.* The replacement as follows of antenna and towers are permitted in all zoning districts by Administrative Permit approved by the Tower Commission:

1. The attachment of additional or replacement antennae or shelters to any tower existing on the effective date of this Section, April 15, 1997, or subsequently approved in accordance with these regulations and requiring the enlargement of the existing tower compound area as long as all other requirements of this Section and the underlying zoning district are met.

2. The one-time replacement of any tower existing on the effective date of this Section or subsequently approved in accordance with these regulations so long as the purpose of the replacement is to accommodate shared use of the site or to eliminate a safety hazard. The new tower shall be of the same type as the original except that a guyed or self-supporting (lattice) tower may be replaced by a monopole. If the guyed or lattice tower to be replaced is one hundred eighty (180) feet or less in height, it shall be replaced only with a monopole. The height of the new tower may exceed that of the original by not more than twenty (20) feet. Subsequent replacements shall require the approval of the Planning and Zoning Commission.

3. The construction of a disguised support structure provided that all related equipment shall be placed underground or concealed within the structure. Equipment may be placed in a cabinet if the disguised support structure is incidental to an industrial, commercial, institutional or other non-residential use.

4. Towers erected and maintained for a period not to exceed thirty (30) days for the purpose of replacing an existing tower, testing an existing or proposed network, or special events requiring mobile towers.

5. *Application procedures.* Applications for certificates of authorization shall be made on the appropriate forms to the City Clerk and accompanied by payment of three thousand dollars ($3,000.00) to be used to reimburse the City for its costs in monitoring construction and installation, plus appropriate BOCA, FCC and FAA certification. Any amount not expended for said costs shall be returned to applicant within thirty (30) days of completion of construction and certification.

a. 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 rights-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 AGL of the existing or proposed tower.

b. The application shall be reviewed by the City Clerk to determine compliance with the above requirements and then transmitted the application to the Tower Commission or Planning and Zoning Commission as appropriate.

c. The Tower Commission or Planning and Zoning Commission shall issue a decision on the application within forty-five (45) days of the date of application or the application shall be deemed approved unless the time period for review and action was extended pursuant to the FCC, as defined in Subsection (C). The Tower Commission or Planning and Zoning Commission may deny the application or approve the application as submitted or with such modifications as are, in its judgment, reasonably necessary to protect the safety or general welfare of the citizens consistent with the purposes of this Section. The Tower Commission or Planning and Zoning Commission may consider the purposes of this Section and the factors established herein for granting a certificate of authority as well as any other considerations consistent with this Section. A decision to deny an application shall be made in writing, and state the specific reasons for the denial.

Appeals. Appeals from the decision of the Tower Commission or Planning and Zoning Commission shall be made to the Board of Aldermen which shall have authority to confirm the decision or remand the decision to the appropriate administrative body with additional comments.

G. *New Antennae Or Tower Installations.* All proposals to install, build or modify an antenna or support structure not permitted by Subsections (E) or (F) above, shall require the issuance of a certificate of authorization by the Tower Commission following a duly advertised public hearing by the Planning and Zoning Commission.

1. Applications for certificates of authority for new antennae or towers shall be filed and processed pursuant to Subsection (D) herein. A decision by the Planning and Zoning Commission shall be accompanied by competent and 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.

2. *Additional minimum requirements.* No certificate of authority shall be issued unless the applicant has clearly demonstrated by competent and substantive evidence that placement of an antenna or support structure pursuant to Subsection (E) "Permitted Uses" or Subsection (F) "Administrative Permits" of this Section is not technologically or economically feasible. The Tower Commission and the Planning

and Zoning Commission may consider current or emerging industry standards and practices, among other information, in determining feasibility.

3. *Findings required.* In addition to the determination or limitations specified herein for the consideration of certificates of authority, the Tower Commission and Planning and Zoning Commission shall also base its decision upon, and shall make findings as to, the existence of the following conditions:

   a. The proposed tower is not and cannot be located within a communications tower multi-use interest area as designated by such map, or if so located, meets the co-location requirements of this Section.

   b. No existing towers, structures or buildings within the necessary geographic area for the applicant's tower meet the applicant's necessary engineering requirements considering

      (1) Height,

      (2) Structural strength,

      (3) Resulting signal interference,

      (4) Feasibility of retrofitting,

      (5) Feasibility of redesigning the applicant's tower network, or

      (6) Other limiting conditions that render existing towers, structures or buildings within the applicant's required geographic area unsuitable.

   c. The design of the tower or structure, including the antennae, shelter and ground layout maximally reduces visual degradation and otherwise complies with provisions and intent of this Section. New towers shall be of a monopole design, unless it is shown that an alternative design would equally or better satisfy this provision.

   d. The proposal minimizes the number and/or size of towers or structures that will be required in the area.

   e. The applicant has not previously faded to take advantage of reasonably available shared use opportunities or procedures provided by this Section or otherwise.

   If any one, but not more than one (1), of the first six (6) determinations is not satisfied, approval may be granted only on a finding of unique circumstances otherwise necessitating approval to satisfy the purposes of this Section.

4. *Additional limitations.*

   a. No tower shall be approved at a height exceeding one hundred fifty (150) feet AGL unless the applicant clearly demonstrates that such height is required for the proper function of the applicant's system or that of a public

safety communications system of a governmental entity sharing the tower. Such showing must also be supported by the opinion of a telecommunications consultant hired by the City at the expense of the applicant. The opinion of the consultant shall include a statement that no available alternatives exist to exceeding the height limit or the reason why such alternatives are not viable.

b. If the City has by ordinance agreed to participate in a multi-municipality commission to coordinate new tower or structure applications, an application made pursuant to this Section shall also be submitted to such Commission simultaneous with the filing of the request with the City. The Tower Commission or the Planning and Zoning Commission may consider any comments from such Commission but shall not allow a delay in receiving such comments to significantly delay a decision on the certificate of authorization.

H. *Obsolete Non-Complying Tower Structures.* Any upper portion of a tower which is not occupied by active antennae for a period of twelve (12) months, and any entire tower which is not so occupied for a period of six (6) months, shall be removed at the owner's expense. Removal of upper portions of a tower manufactured as a single unit shall not be required. Failure to comply with this provision shall constitute a nuisance that may be remedied by the City at the tower or property owner's expense. Any applicant for a new tower or disguised support structure not built as disguised part of another existing or permitted structure shall place a bond or other security with the City prior to any final approval for the purpose of removing any tower or disguised structure as required herein and to compensate the City for performing proper maintenance of such towers or disguised support structures to ensure such structures do not become unsafe or otherwise fail to comply with the requirements of this Section. The bond or security shall be in the form approved by the Tower Commission or the Planning and Zoning Commission, and in the amount of fifteen thousand dollars ($15,000.00) or such other amount as is determined by the Tower Commission or the Planning and Zoning Commission to satisfy the requirements hereof with regard to the specific tower or structure to which it would apply.

I. *Commercial Operation Of Unlawful Tower Or Antennae.* 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 any new antenna, tower or disguised support structure in violation of any provision of this Section, regardless of whether such antenna or disguised support structure is located on land owned by a governmental entity.

J. *Penalty.* Any person violating this Section shall be subject to a fine of not more than five hundred dollars ($500.00) or ninety (90) days in jail, or both. Each day the violation continues shall constitute a separate offense.

Section 405.145. Special Use Regulations — Certain Fences and Driveway Entrance Monuments.

[Ord. No. 99-08 §1, 9-7-1999]

A. No variance, if applicable, or Building Permit shall be required and a Special Use Permit shall be issued for any fence or driveway monument which meets both of the following criteria:

1. Said fence or driveway monument was in existence in its current form on April 7, 1992; and

2. The current owner(s) of the property on which said fence or driveway monument exists shall affirm under oath that said fence or driveway monument was in existence on April 7, 1992.

ARTICLE V
Occupancy Permits

Section 405.150. Occupancy Permits.

[CC 1990 §18.110]

A. No land shall be occupied or used, except for truck gardening or farming purposes and no building hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose until an occupancy permit has been issued by the Building Commissioner stating that the building and use comply with the provisions of this Chapter and of the building and health ordinances of the City of Clarkson Valley. No change of use shall be in any building or part thereof, now or hereafter erected or structurally altered, until an occupancy permit has been issued by the Building Commissioner. No occupancy permit shall be issued for a change in use unless such change is in conformity with the provisions of this Chapter.

B. The application for an occupancy permit for a new building or the structural alteration of an existing building shall be applied for from the Building Commissioner before any excavation or construction shall be begun.

C. *Occupancy Permit Regulations.*

1. Applications for occupancy permits shall be made to the Building Commissioner and shall be accompanied by a permit fee. Where a building permit is required, the application for the occupancy permit shall be made coincidentally with the application for the building permit. Each such application shall be accompanied by a drawing or plat, in triplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and location of the building or structure to be erected, architectural plans and specifications, the use to be made of the building or structure upon completion, and such other information as may be necessary for the enforcement of this Chapter and the other ordinances of the City of Clarkson Valley. The Building Commissioner may issue a certificate of tentative occupancy to the applicant giving conditional approval of the application provided

the proposed location, erection or structural alteration complies with the provisions of this Chapter, in duplicate; one (1) copy to be placed on file in the office of the Building Commissioner and the other copy to be posted in a conspicuous place on the building during the construction or alteration; stating that the proposed location, construction or structural alteration is in conformity with the provisions of this Chapter.

2. Such a certificate of tentative occupancy shall be issued for a period not exceeding one (1) year, but may be extended for a similar period if construction or structural alteration is not completed within one (1) year from date of issuance, and shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the City, relating to the use or occupancy of the land or building or any other matter covered by this Chapter and such certificate of tentative occupancy shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

3. An occupancy permit will be issued by the Building Commissioner upon completion of the building in compliance with the conditional approval within seven (7) days after the completion of the structure and after application for same has been filed by the owner of the property in writing with the Building Commissioner. The occupancy permit shall state that the building complies with all the provisions of this Chapter.

4. No building or premises shall be occupied or used until the occupancy permit shall have been issued, unless occupancy is specifically permitted under a certificate of tentative occupancy during the alteration or construction of an existing building.

5. A permit fee of forty-five dollars ($45.00) shall be charged for each occupancy permit required herein and said permit fee shall be payable to the City Treasurer.

D. Whenever both a building permit and approval of the Architectural Board are required pursuant to the ordinances of the City, the provisions of Chapter 500, Article IV, of the Municipal Code requiring the approval of the Architectural Board shall first be complied with before the issuance of any building permit, or certificate of tentative occupancy or occupancy permit under this Chapter.

E. An occupancy permit shall be required for all non-conforming uses. Applications for such permits shall be filed by the owner or lessee of the land or building occupied by such non-conforming use within six (6) months after the effective date of this Chapter or any amendment hereof which results in a non-conforming use. No filing fee shall be required for such applications.

F. A record of all occupancy permits shall be kept on-file in the office of the Building Commissioner and copies thereof shall be furnished on request to any person having a proprietary or tenancy interest in the building.

G. It shall be the duty of the Building Commissioner to cause an inspection to be made of the premises to determine that any new use or occupancy complies with all provisions of this Chapter.

ARTICLE VI
Board of Adjustment

Section 405.160. Board of Adjustment.

[CC 1990 §18.120; Ord. No. 99-10 §§1 — 2, 9-7-1999]

A. *Creation And Membership.*

1. A Board of Adjustment is hereby established. The word *"Board"* when used in this Section shall be construed to mean the Board of Adjustment. The Board shall consist of five (5) members who shall be residents appointed by the Mayor and approved by the Board of Aldermen. The term of office of the members of the Board of Adjustment shall be for five (5) years, excepting that the five (5) members first (1st) appointed shall serve respectively for terms of one (1) year; two (2) years, three (3) years, four (4) years, and five (5) years each. Vacancies shall be filled for the unexpired term only. Three (3) alternate members may be appointed to serve in the absence of or the disqualification of the regular members. All members and alternates shall be removed for cause by the Mayor with the approval of the Board of Aldermen upon written charges and after public hearing.

2. The Board shall elect its own Chairman and Vice-chairman, who shall serve for one (1) year. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Chapter.

B. *Meetings.* Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his/her absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board 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 and shall be a public record. All testimony, objections thereto and rulings thereon, shall be taken down by a reporter employed by the Board for that purpose.

C. *Appeals.*

1. Appeals to the Board may be taken by any person aggrieved, by any neighborhood organization as defined in Section 32.105, RSMo., representing such person, or by any officer, department, board or bureau of the City of Clarkson Valley, affected by any decision of the Building Commissioner in the enforcement of the Zoning Ordinance. Such appeal shall be taken by filing with the Building Commissioner and with the Board of Adjustment within ten (10) days of notice to the appellant of the affecting decision a notice of appeal specifying the grounds thereof, and by paying to the City Clerk, at the time the notice is filed, a filing fee of fifty dollars ($50.00) which the City Clerk shall forthwith pay over to the City Treasurer to the credit of the General Revenue Fund of the City of Clarkson Valley. The Building Commissioner shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken.

2. An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Commissioner certifies to the Board, 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/her opinion, cause immediate peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board, or by a court of record on application or notice to the Building Commissioner and on due cause shown.

3. The Board 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.

4. Before proceeding with the hearing of the appeal or the publication of notice thereof, the person taking the appeal other than the City or its representative shall be required to deposit the additional sum of two hundred fifty dollars ($250.00) to cover the approximate cost of such hearing. If for any reason the hearing of the appeal is not held, the two hundred fifty dollar ($250.00) deposit, less any expenses incurred by the City, shall be refunded to the appellant. If the hearing of the appeal is held, then under no condition shall said sum or any part thereof be refunded irrespective of the outcome of the appeal.

5. The term *"Building Commissioner"* wherever used in the Zoning Ordinance shall include Administrative Officer or other designee charged with enforcement of the Zoning Ordinance.

D. *Jurisdiction.* The Board shall have the following powers and it shall be its duty:

1. To hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by the Building Commissioner in the enforcement of the Zoning Ordinance.

2. To interpret the provisions of the Zoning Ordinance in such a way as to carry out the purpose and intent of the plan as shown upon a map fixing the districts, accompanying and made a part of the Zoning Ordinance, where the property boundaries actually on the ground vary from the property boundaries shown on the map aforesaid.

3. To permit a variation in the yard and/or building line requirements where there are practical difficulties or unnecessary hardships in the carrying out of these provisions, due to topographic or other conditions.

4. To permit the erection and use of a building or the use of a premises in any location for a public service corporation or for public utility purposes necessary to the public convenience or welfare.

5. To authorize upon appeal, whenever a property owner can show that a strict application of the terms of the Zoning Ordinance relating to the use, construction or alteration of buildings or structures or the use of land will impose upon him/her unusual practical difficulties or particular hardship, such variations of the strict

application of the terms of the Zoning Ordinance as are in harmony with its general purpose and intent but only when the Board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variation from the comprehensive plan as established by the Zoning Ordinance, and at the same time the surrounding property will be properly protected.

E. *Board May Modify Order*.

1. In exercising the above-mentioned powers the Board may, in conformity with the provisions of the law, reverse or affirm, wholly or partly or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as, in its opinion, ought to be made, and to that end shall have all the powers of the Building Commissioner. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Commissioner or to decide in favor of the applicant on any matter upon which it is required to pass under the Zoning Ordinance, or to effect any variation in the Zoning Ordinance. Any person or persons, any neighborhood organization as defined in Section 32.105, RSMo., representing such person or persons, jointly or severally aggrieved by any decision of the Board of Adjustment may present to the Circuit Court of the County of St. Louis a petition duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the ground of illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board.

2. Upon the presentation of such petition, the court may allow a writ of certiorari directed to the Board to review such decision of the Board and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall be not less than ten (10) days and may be extended by the court. 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 cause shown, grant a restraining order. The Board 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 the grounds of the decision appealed from and shall be verified. 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/her findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the 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.

3. Costs shall not be allowed against the Board unless it appears to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision

appealed from. All issues in any proceedings under this Chapter shall have preference over all other civil actions and proceedings.

ARTICLE VII
Interpretation, Purpose and Conflict

Section 405.170. Interpretation, Purpose and Conflict.

[CC 1990 §18.140]

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare of the City of Clarkson Valley. It is not intended by this Chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided however, that where this Chapter imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements between parties, the provisions of this Chapter shall govern.

ARTICLE VIII
Amendments

Section 405.180. Amendments of Zoning Regulations.

[CC 1990 §18.150; Ord. No. 96-08 §1, 8-6-1996]

A. The Board of Aldermen may from time to time, on its own motion or on petition, amend, supplement, change, modify or repeal by ordinance the boundaries of districts or the regulations or restrictions thereunder or applicable thereto. Any proposed amendment, supplement, change, modification or repeal shall first be submitted to the Planning and Zoning Commission for its recommendations and report.

B. The Commission shall be convened by its Chairman, and shall make a study of the proposed amendment, supplement, change, modification or repeal and in its study and deliberations shall take into consideration and base its findings and recommendations in accordance with the City plan and regulations designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to preserve features of historical significance; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the values of buildings and encouraging the most appropriate use of land throughout the municipality. It shall give consideration to regulating and restricting the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, and the location and use of buildings, structures and land within the City.

C. The Commission shall submit its report to the Board of Aldermen within sixty (60) days. If the Commission fails to submit its report within that period the Board of Aldermen shall consider the matter as though submitted to it by the Commission without recommendation. The Board of Aldermen shall hold a public hearing in relation to any amendment, supplement, change, modification or repeal but not before first receiving the report of the Commission and after at least fifteen (15) days' notice of the time and place of the hearing published in a newspaper having general circulation in the City of Clarkson Valley.

D. In case of an adverse report by the Planning and Zoning Commission, or if a protest against such proposed amendment, supplement, change, modification or repeal shall be presented in writing to the City Clerk duly signed and acknowledged by the owners of thirty percent (30%) or more, either of the area of the land (exclusive of streets, places and alleys) included within such proposed amendment, supplement, change, modification or repeal, or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed, such amendment, supplement, change, modification or repeal shall not become effective except by the favorable vote of two-thirds (2/3) of all members of the Board of Aldermen.

E. Before any action shall be taken as provided above, except when proposed by the City on its own motion, the party or parties proposing or recommending a change in the district boundaries or regulations shall file with the City Clerk a written petition with the proposed or recommended changes and shall deposit with the City Treasurer the sum of fifty dollars ($50.00) to cover the approximate cost of this procedure and under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the Board of Aldermen.

F. Should it subsequently be determined by the Board of Aldermen that a public hearing is required, before proceeding with such public hearing, petitioner shall be required to deposit the additional sum of two hundred fifty dollars ($250.00), to cover the approximate cost of such public hearing. If for any reason the public hearing is not held, the two hundred fifty dollar ($250.00) deposit, less any expenses incurred by the City, shall be refunded to petitioner. If the public hearing is held, then under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the Board of Aldermen.

ARTICLE IX
Enforcement, Violation and Penalty

Section 405.190. Enforcement, Violation and Penalty.

[CC 1990 §18.160]

A. It shall be the duty of the Building Commissioner to enforce this Chapter and appeals from the decision of the Building Commissioner may be made to the Board of Adjustment as herein provided.

B. The owner or agent of a building or premises in or upon which a violation of any provision of this Chapter has been committed or shall exist; or the lessee or tenant of an entire building or entire premises in or upon which a violation has been committed or shall exist, or the agent, architect, building contractor, or any other person who knowingly commits, takes part or assists in any violation or who knowingly maintains any building or premises in or upon which such violation shall exist, shall be guilty of misdemeanor punishable by a fine of not less than ten dollars ($10.00) and not more than one hundred dollars ($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 one hundred dollars ($100.00) or more than two hundred fifty dollars ($250.00) for each and every day that such violation shall continue or by imprisonment for ten (10) days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court.

C. *Civil Penalty.* Any such person, who, having been served with an order to remove any such violation, shall fail to comply with said order within ten (10) days after such service, or shall continue to violate any provisions of the regulations made under authority of this Chapter in the respect named in such order, shall also be subject to a civil penalty of two hundred fifty dollars ($250.00).

405 Attachment 1

City of Clarkson Valley

EXHIBIT B
[Ord. No. 04-07 §§1 — 2, 7-13-2004]

Part of Lots 5, 6 and 7 of the Partition of the Kenneth Shotwell Estate in the Northeast ¼ and Southeast ¼ of Section 29, Township 45 North, Range 4 East, according to the plat accompanying the Commissioner's Report recorded in Book 22, page 618, being more particularly described as follows: Beginning at the intersection of the North line of Clayton Road, 40 feet wide, with the West line of Clarkson Road, 60 feet wide; thence South 89 degrees 38 minutes 25 seconds West, a distance of 1,064.30 feet to a point, said point being the East line of property conveyed to the Ellisville Methodist Church by deed recorded in Book 5112, page 235; thence North 0 degrees 58 minutes 25 seconds East along the last mentioned East line, a distance of 697.15 feet to a point; thence North 51 degrees 01 minutes 36 seconds East, a distance of 784.85 feet to a point; thence South 89 degrees 25 minutes 02 seconds East, a distance of 432.24 feet to a point in the West line of Clarkson Road; thence along the said West line of Clarkson Road, South 0 degrees 34 minutes 58 seconds West, a distance of 563.77 feet and South 1 degree 28 minutes 02 seconds East, a distance of 616.07 feet to the point of beginning, according to Survey executed by Clayton Surveying and Engineering Co., executed in February, 1975.

EXHIBIT C
"PC" District Boundaries

Lot 2 of the Clarkson Valley Association Subdivision recorded in Plat Book 278 page 94 of the St. Louis County Recorder of Deed's Office.

Note — Exhibit B above shall no longer contain the above noted property described in Exhibit C.

Chapter 410

SUBDIVISION REGULATIONS

Section 410.010. Purpose.

Section 410.020. Definitions.

Section 410.030. Procedure for Subdividing.

Section 410.040. Land Subdivision Permit Fee and Improvement Inspection.

Section 410.050. Minimum Standards of Design and Development.

Section 410.060. Variations and Exceptions.

Section 410.070. Enforcement.

Section 410.080. Violations and Penalties.

Cross References — Planning and zoning commission, ch. 400; building codes and regulations, ch. 500; cable television franchising regulations, ch. 620; motor vehicles and traffic, Title III; parks and recreation, ch. 230; sewers and sewage disposal, ch. 235; zoning regulations, ch. 405.

Section 410.010. Purpose.

[CC 1990 §19.010]

This Chapter provides for preliminary and final approval of all subdivision plats; prescribing steps to be taken to procure such approval; providing minimum standards of design and development and requiring the installation of minimum improvements in connection with any such subdivision and subdivision plats; providing for the enforcement of this Chapter and prescribing penalties for the violation thereof. The subdividing of land within the City of Clarkson Valley shall be coordinated with the comprehensive Zoning Ordinance, plan and regulations which are intended to protect existing property values to assist in securing the proper future development of the City by regulating the uses of land, the size of lots, the height of buildings, and the amount of open space around buildings and promoting the safety, health, convenience, comfort, morals, prosperity and general welfare of the City and its inhabitants.

Section 410.020. Definitions.

[CC 1990 §19.020]

For the purposes of this Chapter, certain terms and words are herewith defined as follows:

BUILDING LINE — A line on a plat between which line and street or private place no buildings or structures may be erected.

METES AND BOUNDS — The method used to describe a tract of urban land intended to be used for dwelling or other purposes, so that it can be recorded in the St. Louis County Recorder's Office, as contrasted with the description of a part of a properly approved and recorded subdivision plat by the lot and block number or lot number in the subdivision.

PLAT — A map, drawing or chart on which the subdivider's plan of the subdivision is presented and which he/she submits for approval and intends in final form to record.

SUBDIVISION — The division of a lot, tract, or parcel of land into two (2) or more lots, plots, sites, or other divisions of land for the purpose of either immediate or future sale or of building development. It also includes resubdivision of land or lots.

Section 410.030. Procedure for Subdividing.

[CC 1990 §19.030; Ord. No. 06-12 §1, 6-26-2006]

A. Whenever the owner of any tract or parcel of land within the corporate limits of the City of Clarkson Valley wishes to subdivide or to make a subdivision of the same, he/she shall have the land platted in the following manner:

1. He shall confer with the City Clerk or his/her assistants in order to become thoroughly familiar with the City's regulations and requirements affecting the territory in which the land in question lies and he/she shall become familiar with the Zoning Plan and Regulations.

2. Thereafter, he/she shall prepare a preliminary plat drawn to scale of not less than one (1) inch to one hundred (100) feet showing the topography of the land, the location of the proposed streets, lot lines, building lines, the area in square feet of each proposed lot, surrounding streets, lots, watercourses, sewers, and water mains and submit three (3) copies of said preliminary plat to the Zoning Commission. He/she shall pay one hundred dollars ($100.00) to the City at the time that the preliminary plat is filed with the Zoning Commission, said one hundred dollars ($100.00) to be the Land Subdivision Permit Fee required herein, provided however, that said amount shall not be returned upon failure to meet the requirements of this Chapter or to submit a final plat in proper form. Said fee is for the purpose of providing funds for administration costs incident to the processing of said plat by the City.

3. The Zoning Commission shall study such preliminary plat to see if it conforms with the minimum standards and requirements of the ordinances of the City of Clarkson Valley, and shall approve or reject such plat within sixty (60) days after the date of submission thereof to the Commission. If the Commission does not act within such period of time the preliminary plat shall be deemed to be approved, but such approval does not constitute approval of the subdivision, but merely an authorization to proceed with the preparation of the final plat.

4. The subdivider, with the owner's written authorization, shall then prepare and submit to the Zoning Commission one (1) copy of the final improvement plans which have been previously reviewed and/or approved by the various political subdivisions, other than the City of Clarkson Valley, which also have jurisdiction over the parcel to be subdivided. Said improvement plans shall include site and grading plans, street profiles, sanitary sewer profiles, storm sewer profiles, outfall sanitary sewers, drainage area maps, siltation control, erosion control, stormwater control, landscaping plans and other details. A final plat of the subdivision shall

also be submitted consisting of a final map on tracing cloth and three (3) prints thereof showing:

a. The boundaries of the property; the lines of all proposed streets and alleys with their width(s) and names; and any other areas intended to be dedicated to public use.

b. The lines of adjoining streets and alleys, with their width(s) and names.

c. All lot lines, building lines, and easements with figures showing their dimensions.

d. All dimensions, both linear and angular, necessary for locating boundaries of the subdivided area of the lots, streets, alleys, easements and building line setbacks, and any other similar public or private uses. The linear dimensions shall be expressed in feet and decimals of a foot.

e. Radii, arcs and chords, points of tangency, central angles for all curvilinear streets, and radii for all rounded corners.

f. All monuments together with their descriptions.

g. Title and description of property subdivided, showing its location and extent, points of compass, scale of plan, and name of owner, subdivider and of engineer staking the lots.

h. Profiles may be required of any streets.

i. Reserved. **[Repealed by Ord. No. 06-12 §1, 6-26-2006]**

j. A certificate shall accompany the final plat showing that all taxes due shall have been previously paid.

5. After the final plat has been approved by the Zoning Commission, they shall initial or sign a copy of such final plat and deliver to the City Clerk the original tracing and a print thereof. If the Zoning Commission does not approve the final plat of the subdivision, the Board of Aldermen may approve said plat only by a four-fifths (4/5ths) vote of the membership of the Board. Before any lots may be sold the final plat must be approved by the Board of Aldermen. A copy of the final plat shall be filed in the office of the City Clerk after approval by the Board of Aldermen. A copy of the final subdivision improvement plans shall be filed with the City Clerk before commencing the installation of any subdivision improvements.

Section 410.040. Land Subdivision Permit Fee and Improvement Inspection.

[CC 1990 §19.035]

A. The Chairman of the Board of Aldermen is authorized to employ a competent registered professional engineer:

1. To examine said preliminary plat, improvement plans, final improvement plans and final plat and to report to the Board of Aldermen, Zoning Commission and such other City Officials as the Board of Aldermen shall determine, as to whether or not the design, improvements for paving, stormwater facilities, sanitary sewerage facilities, grading, drainage, control of siltation, erosion and stormwater, and any other matter which might have an adverse impact either on the subdivision or on the adjacent area within the City of Clarkson Valley, are reasonably adequate and in proper condition to function effectively within the subdivision and that the construction under normal conditions is not expected to damage nor adversely affect adjoining properties within the City of Clarkson Valley.

2. To inspect construction of the subdivision improvements and report to the Board of Aldermen and other City Officials concerning the construction.

B. The one hundred dollar ($100.00) Land Subdivision Permit Fee, paid under the provisions of Section 410.030(1) and (2), shall be used to pay the administration cost of processing the preliminary subdivision plat and improvement details. The City Treasurer shall charge the subdivision developer and the subdivision developer shall pay the City of Clarkson Valley for all costs and expenses incurred by the City for engineering review of subdivision plats and improvemental details and for inspection services in connection with the installation of subdivision improvements which shall include the fees of a registered professional engineering firm engaged by the City to perform said review and inspection services. The Board of Aldermen is authorized to withhold final subdivision plat approval and to refuse the release of any escrowed monies until all such costs, expenses and fees are paid to the City Treasurer. Notwithstanding the foregoing, the registered professional engineer employed by the subdivision developer to design the improvement plans shall be responsible for the submission of improvement design details, specifications, staking out and supervising the installation of said improvements.

Section 410.050. Minimum Standards of Design and Development.

[CC 1990 §19.040]

A. No subdivision plat shall be approved by either the Zoning Commission or by the Board of Aldermen unless it conforms to the following minimum standards and requirements:

1. *Relation to adjoining street system.* The arrangement of streets in a new subdivision shall make provisions for the proper location and width of major streets. For the purposes of this Chapter the major streets within the City of Clarkson Valley are Clarkson Road and Kehrs Mill Road. Any subdivision fronting along these streets shall make dedications of rights-of-way so that they will have an ultimate right-of-way width of eighty (80) feet. The subdivider may be required to continue certain adjoining streets through the area that is being subdivided, whenever same is necessary to provide for local movements of vehicles or to enable adjoining property to be properly subdivided.

2. *Street and alley width.*

a. Street right-of-way shall consist of the pavement width and eight (8) feet on both sides of the pavement. The pavement being defined as back of curb to back of curb. However, in no case shall the right-of-way be less than forty (40) feet in width.

b. Alleys should not be provided in residential districts.

c. All streets, places and parks should be established as private ways and areas rather than dedicated to public use or to the City of Clarkson Valley unless otherwise authorized by the Board of Aldermen. Adequate provision shall be made in the deed restrictions accompanying the plat to dedicate such ways and areas to a Board of Trustees of the subdivision and to make proper provision for the supervision, maintenance and construction or reconstruction of such ways and areas.

3. *Easements.* Easements of not less than five (5) feet in width shall be provided on each side of all rear lot lines, and side lines where necessary, for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains. Easements of greater width may be required along lines or across lots where necessary for the extension of main sewers and similar utilities.

4. *Drainage easements.* Whenever any stream or important surface drainage course is located in an area which is being subdivided, the subdivider shall provide an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving, or protecting the stream or for drainage, parkway, or recreational use.

5. *Lots.* The minimum area of any lot in a subdivision shall not be less than the minimum lot area requirements of the zoning district in which the area is located. Lots with an area larger than the minimum requirements are desirable. The lots shall also have a width and depth entirely adequate to provide the necessary yard regulations of the Zoning Ordinance.

6. *Building lines.* Building lines shall be shown on all lots intended for residential use. Such building lines shall not be less than required by the Zoning Ordinance. Provisions shall be made by deed requiring all enclosed parts of buildings to be set back of such building lines.

7. *Improvements.*

a. Before the final plat of any subdivided area shall be approved and recorded, the subdivider shall make and install the improvements described in Subparagraph (b) of this Subsection (7) of Section 410.050.

(1) In lieu of final completion of the minimum improvements before the plat is finally approved, the subdivider may post a bond, approved by the City Attorney and City Treasurer, with the City of Clarkson Valley, which bond will ensure to the City that the improvements will be completed by the subdivider within two (2) years from the date on which the subdivision developer commences installation of the

subdivision improvements. The amount of the bond shall not be less than the estimated cost of the improvements and the amount of the estimate must be approved by the registered professional engineering firm employed by the City to review the subdivision improvement plans. If the improvements are not completed within the specified time, the Board of Aldermen may use the bond or any necessary portion thereof to complete same. In lieu of a bond a sum equal to the estimated cost of improvements may be placed in escrow subject to the same terms and conditions as provided herein for a bond. The subdivider shall furnish to the City proof of completion of such improvements in accordance with the provisions of this Code, the City ordinances and in compliance with the standards and specifications required by the ordinances of the City of Clarkson Valley and, where applicable, of St. Louis County. Said proof shall be in the form of a Registered Engineer's certificate of compliance.

(2) The Board of Aldermen may require an additional sum to be placed in a separate escrow account for a period of five (5) years from the date construction of the subdivision improvements commences. Said additional sum shall be held on condition that it be used to reimburse the claimant for the cost of repairing any damage caused to the property of a resident within the City of Clarkson Valley as a result of siltation, erosion, or the deposit of mud. The amount of such separate escrow account, if any, shall be determined by the Board of Aldermen but not to exceed two hundred percent (200%) of the estimated cost of the subdivision improvements. Nothing herein shall be deemed to be a limitation on the liability of the subdivider. The escrow account shall be released at the end of the five (5) year period upon written application of the subdivider and with the approval of a majority of the Board of Aldermen; provided however, that such period shall be extended until the final disposition of any pending claim for such damages. The procedure for processing and disposing of any damage claims for which such fund is established are set forth in Subparagraph (3) of this Subsection (7)(a) of Section 410.050.

(3) Every claim to repair damage caused to the property of a resident within the City of Clarkson Valley as a result of siltation, erosion, or the deposit of mud shall be submitted in writing by the claimant to the Board of Aldermen. The Board of Aldermen shall then set the matter for hearing. At the time of the hearing the claimant shall be allowed to submit evidence, including the testimony of witnesses, in support of such claim. The Board of Aldermen shall determine by unanimous vote the amount of damages, if any, to be paid to claimant. Any amount so approved shall be paid out of the fund to the extent that there are funds available. All such decisions shall be final.

b. The minimum improvements installed in any subdivision before the plat can be finally approved shall be in accordance with the following subsections: (1), (2), (3), (4) and (5):

(1) The subdivider shall grade and improve all new streets within the subdivision area. The paving on such new streets and alleys shall be of a character suitable for the expected traffic and in harmony with similar improvements in the surrounding areas.

In no event shall the pavement have a width of less than twenty-six (26) feet for a collector street and twenty-two (22) feet for a minor street. For the purpose of this Chapter, *"collector"* and *"minor streets"* are defined as follows:

STREET, COLLECTOR: Collector streets function as secondary land service streets in that they move traffic from the arterial or major streets, which distribute traffic regionally, to minor streets, which distribute the traffic to individual lots, parcels, and uses within the subdivision, area or neighborhood. Collector streets also may serve individual lots, parcels and uses as a secondary or additional function.

STREET, MINOR: Minor streets are exclusively land service facilities for access to abutting properties. These serve the local neighborhood and are in the form of a cul-de-sac or loop street; provided however, that any combination of loop and cul-de-sac streets may be utilized without the streets being designated as collector streets provided that such an arrangement serves the same function. Loop streets are short independent streets which usually terminate along the same collector street of their origin. Cul-de-sac streets are short independent streets terminating in a circular turnaround.

Pavement shall be of Portland Cement Concrete or Asphaltic Concrete construction and shall be constructed to no less than the minimum City standard set forth in Exhibit "A" on file in the City offices and incorporated herein by reference. The St. Louis County Standard Specifications for Highway Construction, as adopted June 1, 1976, shall be the technical specifications for all construction work on roadways and streets either within or under the jurisdiction of the City of Clarkson Valley. Copies of the St. Louis County Standard Specifications for Highway Construction are available at the office of the City Clerk for inspection. Wherever the phrases *"Missouri Highways and Transportation Commission"* or *"St. Louis County Department of Highways and Traffic"* or the words *"Commission"* or *"Department"* appear in the standard specifications, both the phrases and the words shall be construed as signifying the "City of Clarkson Valley" acting by and through the Board of Aldermen. Wherever the phrase *"Chief Engineer"* or the words *"Engineer"* or *"Director"* appear in the standard specification, it shall be construed as signifying the "City Engineer."

Wherever the words *"State"* or *"County"* appear in the standard specification, it shall be construed as signifying the City of Clarkson Valley.

(2) The subdivider shall, whenever necessary, grade any portion of the property subdivided into lots so that each lot will be usable and suitable for the erection of residential or other structures thereon.

(3) If outlets are within reasonable distance the subdivider shall install sanitary sewers and provide a connection for each lot. Such installation shall be in accordance with the standards and specifications of the sewer district in the area within which the subdivision lies and before the improvement is started the plan therefor shall be approved by the engineer of the sewer district in the area within which the subdivision lies and by the Director.

If no outlets are within reasonable distance, the subdivider shall make such provisions for sanitation as will satisfy the City and County Health Officials and before the plat shall be approved the subdivider shall present to the Aldermen an order from the City and County Health Officials showing that the provisions will properly care for and protect the health, safety and welfare of the existing and probable future population within the subdivision and surrounding area.

(4) During the construction phase of development, which shall include grading and any and all trenching, facilities shall be provided to prevent siltation, erosion, and the deposit of mud including the following:

(a) The subdivider shall provide an erosion control plan which shows the location of all straw bales, detention basins and erosion control swales required to provide necessary protection. Only such minimal surface runoff which is as clear and silt free as possible shall be permitted to drain from cleared land into existing creeks, adjacent property, or adjacent right-of-way without sufficient erosion protection.

(b) During construction, straw bales shall be placed at all storm inlets to prevent silt from depositing in the inlets. The straw bales shall remain in place until all areas contributing to runoff are either paved or sodded.

(c) The subdivider shall provide rip-rap protection at all stormwater outlets. Where surface runoff is to be diverted through swales, the developer shall provide calculations to show the flow rate and velocity of flow in each swale. Criteria established by the Metropolitan St. Louis Sewer District shall govern in determining the erosion protection required for swales and for the number of area inlets required.

(d) Detention Basins shall be constructed prior to construction of the storm sewer system. Upon completion of all paving and sodding, the basins shall be regraded to remove any silt deposited during construction. Where stormwater is to discharge into an existing lake, the subdivider shall show on his/her erosion control plan, a

method to prevent the deposit of silt in the lake during construction.

(e) Removal of trees and existing vegetation shall be minimized. Landscaping shall be required in accordance with the approved landscaping plans. The subdivider shall show all clearing limits and any trenching areas on his/her plan and shall not exceed those limits or areas during construction.

(f) During construction of the subdivision, inspections of the erosion control system shall be made weekly, and after each rainfall, of the erosion control system. The subdivider shall proceed with any necessary repairs within twenty-four (24) hours of notification.

(g) There shall be compliance with the final improvement plans as set forth in Subparagraph (4) of Section 410.030.

(5) The subdivider shall make improvements to open drainage channels such as widening, straightening and surfacing which are necessary to efficiently carry stormwater.

(6) The subdivider shall install water mains. Such installation shall be in accordance with the standards and specifications of the County Water Company and the Fire District in the area within which the subdivision lies.

(7) It is also desirable to install other improvements such as trees, shrubbery, entrance monuments, electric lines, gas mains and similar facilities in any subdivision. When the Zoning Commission and the Board of Aldermen deem it necessary, they may require that any such improvements shall be installed before the plat is approved.

(8) *Release.* The City shall not authorize or grant a release from the bond or escrow agreement herein provided, until such time as the City receives from the Registered Professional Engineer a certificate of the compliance or a final approval of the subdivision improvements satisfactory to the City.

Section 410.060. Variations and Exceptions.

[CC 1990 §19.050]

Whenever the strict enforcement of these regulations would entail unusual, real and substantial difficulties or hardships, the Zoning Commission and Board of Aldermen may vary or modify them in such a way that the subdivider is allowed to plan and develop his/her property and record a plat of same without unjust difficulties and expense, but at the same time the public welfare and interests of the City are fully protected and the general intent and spirit of the regulations preserved.

Section 410.070. Enforcement.

[CC 1990 §19.060]

A. No plat of any subdivision shall be entitled to be recorded in the St. Louis County Recorder's Office or have any validity unless the plat has endorsed upon it the approval of the Board of Aldermen under the hand of the Clerk and the Seal of the City.

B. The Building Commissioner shall not issue building or repair permits for any structure located on a lot in any subdivision the plat of which has been prepared after the date of the adoption of this Chapter but which has not been approved in accordance with the provisions contained herein. Neither shall any building or repair permit be issued for a structure located on a lot which has been sold or transferred by metes and bounds if the deed for such lot was recorded after the date of the adoption of this Chapter. The Building Commissioner shall not issue building or repair permits for any structure if in his/her discretion roads and water access for fire protection are insufficient.

C. The Board of Aldermen shall not permit any public improvements over which it has any control to be made or any money expended for improvements in any area that has been subdivided or upon any street that has been platted after the date of the adoption of this Chapter unless such subdivision or street has been approved in accordance with the provisions contained herein.

D. Any person who sells or attempts to sell a lot by metes and bounds shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars ($100.00), nor more than five hundred dollars ($500.00) for each and every sale or attempted sale.

E. References to the Zoning Commission in this Code and Chapter shall include the Planning and Zoning Commission.

Section 410.080. Violations and Penalties.

[CC 1990 §19.070]

A. Unless otherwise specifically provided in this Chapter, any person, firm, association or corporation violating any provisions of this Chapter, or any employee, assistant, agent, or any other person participating or taking any part in, joining in, a violation of any provision of this Chapter may be prosecuted as provided by law for the violation of ordinances of the City of Clarkson Valley and upon conviction shall be punished by a fine not exceeding five hundred dollars ($500.00) for any one (1) offense. Each day a violation continues after service of written notice to abate said violation, shall constitute a separate offense, but no notice to abate is a prerequisite to prosecution of any single violation.

B. In addition to the penalties hereinabove authorized and established, the Board of Aldermen may take such other action at law or in equity as may be required to halt, terminate, remove or otherwise eliminate any violation of this Chapter.

Chapter 415

FLOODPLAIN MANAGEMENT

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ARTICLE I
Statutory Authorization, Findings of Fact, and Purposes

Section 415.010. Statutory Authorization.

[Ord. No. 14-05 §§1 — 2, 12-2-2014[1]]

The Legislature of the State of Missouri has in Chapter 79.110, RSMo., delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare. Therefore, the Board of Aldermen of the City of Clarkson Valley ordains as follows:

Section 415.020. Findings of Fact.

[Ord. No. 14-05 §§1 — 2, 12-2-2014]

A. *Flood Losses Resulting From Periodic Inundation.* The special flood hazard areas of the City of Clarkson Valley, Missouri, 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

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1. Editor's Note: Section 1 of this ordinance repealed former Ch. 415, Floodplain Management, adopted 7-13-2004 by Ord. No. 04-13 §§1 — 2.

occurrence in any one (1) year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials for St. Louis County dated February 4, 2015, 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 (1) 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.

Section 415.030. Statement of Purpose.

[Ord. No. 14-05 §§1 — 2, 12-2-2014]

A. It is the purpose of this Chapter to promote the public health, safety, and general welfare; to minimize those losses described in Article I, Section 415.020(A); to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (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.

ARTICLE II
General Provisions

Section 415.040. Lands to Which Chapter Applies.

[Ord. No. 14-05 §§1 — 2, 12-2-2014]

This Chapter shall apply to all lands within the jurisdiction of the City of Clarkson Valley, Missouri, identified as numbered and unnumbered A zones and AE zones, on the Flood Insurance Rate Maps (FIRMs) for St. Louis County on map panels 29189C0163K, 29189C0164K, 29189C0276K, and 29189C0277K dated February 4, 2015, 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 Board of Aldermen or its duly designated representative under such safeguards and

restrictions as the Board of Aldermen or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Article IV.

Section 415.050. Floodplain Administrators.

[Ord. No. 14-05 §§1 — 2, 12-2-2014]

The Mayor and Planning and Zoning Chairman are hereby designated as the Floodplain Administrators under this Chapter.

Section 415.060. Compliance.

[Ord. No. 14-05 §§1 — 2, 12-2-2014]

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.

Section 415.070. Abrogation and Greater Restrictions.

[Ord. No. 14-05 §§1 — 2, 12-2-2014]

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.

Section 415.080. Interpretation.

[Ord. No. 14-05 §§1 — 2, 12-2-2014]

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 Governing Body, and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

Section 415.090. Warning and Disclaimer of Liability.

[Ord. No. 14-05 §§1 — 2, 12-2-2014]

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 man-made 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 of Clarkson Valley, any officer or employee thereof, for any flood damages that may result from reliance on this Chapter or any administrative decision lawfully made thereunder.

Section 415.100. Severability.

[Ord. No. 14-05 §§1 — 2, 12-2-2014]

If any Section, clause, provision, or portion of this Chapter is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this Chapter shall not be affected thereby.

ARTICLE III
Administration

Section 415.110. Floodplain Development Permit.

[Ord. No. 14-05 §§1 — 2, 12-2-2014]

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 415.040. 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.

Section 415.120. Designation of Floodplain Administrators.

[Ord. No. 14-05 §§1 — 2, 12-2-2014]

The Mayor and Chairman of Planning and Zoning of Clarkson Valley are hereby appointed to administer and implement the provisions of this Chapter.

Section 415.130. Duties and Responsibilities of Floodplain Administrators.

[Ord. No. 14-05 §§1 — 2, 12-2-2014]

A. Duties of the Floodplain Administrators shall include, but not be limited to:

1. Review of all applications for floodplain development permits to assure 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 assure 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) prior to any alteration or relocation of a watercourse, and

submit evidence of such notification to the Federal Emergency Management Agency (FEMA);

6. Assure 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. When floodproofing techniques are utilized for a particular non-residential structure, the Floodplain Administrators shall require certification from a registered professional engineer or architect.

Section 415.140. Application for Floodplain Development Permit.

[Ord. No. 14-05 §§1 — 2, 12-2-2014]

A. 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 the 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 Floodplain Administrators;

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.

ARTICLE IV
Provisions for Flood Hazard Reduction

Section 415.150. General Standards.

[Ord. No. 14-05 §§1 — 2, 12-2-2014]

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 one-hundred-year flood; however, the base flood elevation is not provided. Development within unnumbered A zones is subject to all provisions of this Chapter. 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 (1) 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 damages;

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 assure 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 (5) acres or fifty (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 time 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. *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 four hundred (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.

G. *Cumulative Improvement.* A structure may be improved (remodeled or enlarged) without conforming to current requirements for elevation so long as the cumulative value of all work done within the last five calendar years does not exceed fifty percent (50%) of the structure's current market value. If the cumulative value of the improvement exceeds fifty percent (50%) of the structure's current market value, the structure must be brought into compliance with Article IV, Section 415.160(A), which requires elevation of residential structures to or above the base flood elevation or the elevation/floodproofing of non-residential structures to or above the base flood elevation.

Section 415.160. Specific Standards.

[Ord. No. 14-05 §§1 — 2, 12-2-2014]

A. 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 Article IV, Section 415.150(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 (1) 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 (1) 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 Floodplain Administrators as set forth in Section 415.130(A)(9).

3. Require, for all new construction and substantial improvements, that fully enclosed areas below 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 (1) 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 (1) 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.

Section 415.165. Manufactured Homes.

[Ord. No. 14-05 §§1 — 2, 12-2-2014]

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. Require manufactured homes that are placed or substantially improved within unnumbered or numbered A zones and AE zones, on the community's FIRM on sites outside of a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one (1) foot above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

C. Require that 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 Article IV, Section 415.165(B) of this Chapter, be elevated so that either:

1. The lowest floor of the manufactured home is at or one (1) 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 thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

Section 415.170. Floodway.

[Ord. No. 14-05 §§1 — 2, 12-2-2014]

A. Located within areas of special flood hazard established in Section 415.010 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 (1) 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 Section 415.170(B) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article IV.

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 415.150(B).

Section 415.180. Recreational Vehicles.

[Ord. No. 14-05 §§1 — 2, 12-2-2014]

A. Require that recreational vehicles placed on sites within all unnumbered and numbered A zones and AE zones on the community's FIRM 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.

* 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.

ARTICLE V
Floodplain Management Variance Procedures

Section 415.190. Establishment of Appeal Board.

[Ord. No. 14-05 §§1 — 2, 12-2-2014]

The Board of Adjustment as established by Clarkson Valley shall hear and decide appeals and requests for variances from the floodplain management requirements of this Chapter.

Section 415.200. Responsibility of Appeal Board.

[Ord. No. 14-05 §§1 — 2, 12-2-2014]

A. Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the Floodplain Administrators, the applicant may apply for such floodplain development permit or variance directly to the Board of Adjustment, as defined in Section 415.190.

B. 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 Floodplain Administrators in the enforcement or administration of this Chapter.

Section 415.205. Further Appeals.

[Ord. No. 14-05 §§1 — 2, 12-2-2014]

Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the St. Louis County Circuit Court as provided in Section 89.110, RSMo.

Section 415.210. Floodplain Management Variance Criteria.

[Ord. No. 14-05 §§1 — 2, 12-2-2014]

A. 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.

Section 415.220. Conditions for Approving Floodplain Management Variances.

[Ord. No. 14-05 §§1 — 2, 12-2-2014]

A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Subsections (B) through (F) below have been fully considered. As the lot size increases beyond the one-half (1/2) 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, create nuisances, cause 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 the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars ($25.00) for one hundred dollars ($100.00) of insurance coverage, and 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 Chapter.

Section 415.230. Conditions for Approving Variances for Accessory Structures.

[Ord. No. 14-05 §§1 — 2, 12-2-2014]

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 415.210 and 415.220 of this Chapter.

B. In order to minimize flood damages during the one-hundred-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., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation must be built with flood-resistant materials in accordance with Section 415.150(D)(2) of this Chapter.

3. The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure in accordance with Article IV, Section 415.150(D)(1) of this Chapter. 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 they are contained within a watertight,

floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Section 415.150(D)(4) of this Chapter.

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 one-hundred-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Section 415.160(A)(3) of this Chapter.

6. The accessory structures must comply with the floodplain management floodway encroachment provisions of this Chapter. No variances may be issued for accessory structures within any designated floodway, if any increase in flood levels would result during the one-hundred-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 the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars ($25.00) for one hundred dollars ($100.00) of insurance coverage, and 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 Chapter.

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.

ARTICLE VI
Penalties for Violation

Section 415.240. Penalties for Violation.

[Ord. No. 14-05 §§1 — 2, 12-2-2014]

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 fined not more than one thousand dollars ($1,000.00) and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Police of contract or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE VII
Amendments

Section 415.250. Amendments.

[Ord. No. 14-05 §§1 — 2, 12-2-2014]

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. At least twenty (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.

ARTICLE VIII
Definitions

Section 415.260. Definitions.

[Ord. No. 14-05 §§1 — 2, 12-2-2014]

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the same meaning they have in common usage and to give this Chapter its most reasonable application.

ACCESSORY STRUCTURE — The same as "appurtenant structure."

ACTUARIAL RATES — See "risk premium rates."

ADMINISTRATOR — The Federal Insurance Administrator.

AGENCY — The Federal Emergency Management Agency (FEMA).

AGRICULTURAL COMMODITIES — Agricultural products and livestock.

AGRICULTURAL STRUCTURE — Any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.

APPEAL — A request for review of the Floodplain Administrators' interpretation of any provision of this Chapter or a request for a variance.

APPURTENANT STRUCTURE — 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 — The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year.

BASE FLOOD — The flood having a one-percent chance of being equaled or exceeded in any given year.

BASEMENT — 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 — The official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community.

COMMUNITY — 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 — Any man-made 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 — 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 — A community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

EXISTING CONSTRUCTION — 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. Existing construction may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — 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 — 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 BOUNDARY AND FLOODWAY MAP (FBFM) — 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 — 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 — An examination, evaluation and determination of flood hazards.

FLOOD FRINGE — The area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

FLOOD HAZARD BOUNDARY MAP (FHBM) — 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) — 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) — An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOOD or FLOODING — A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland and/or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPLAIN MANAGEMENT — 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 — 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 describes such State or local regulations, in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.

FLOODPLAIN or FLOOD-PRONE AREA — Any land area susceptible to being inundated by water from any source (see "flooding").

FLOODPROOFING — Any combination of structural and non-structural 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 ENCROACHMENT LINES — The lines marking the limits of floodways on Federal, State and local floodplain maps.

FLOODWAY or REGULATORY FLOODWAY — 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 (1) foot.

FREEBOARD — 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 — A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term 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 — The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE — 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 — 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 Chapter.

MANUFACTURED HOME — 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 — A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MAP — The Flood Hazard Boundary Map (FHBM), 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 — An estimate of what is fair, economic, just and equitable value under normal local market conditions.

MEAN SEA LEVEL — 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 — 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, 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 — 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) — The National Flood Insurance Program (NFIP).

ONE-HUNDRED-YEAR FLOOD — See "base flood."

PARTICIPATING COMMUNITY (also known as an "eligible community") — 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 — That at least fifty-one percent (51%) of the actual cash value of the structure, less land value, is above ground.

RECREATIONAL VEHICLE — A vehicle which is:

1. Built on a single chassis;
2. Four hundred (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 — 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 non-compliance.

REPETITIVE LOSS — 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 twenty-five percent (25%) of the market value of the structure before the damage occurred.

RISK PREMIUM RATES — 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 — 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 one hundred eighty (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 — 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 — 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. For insurance purposes, 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 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. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. The term includes repetitive loss buildings (see definition).

2. For the purposes of this definition, "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 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 assure safe living conditions; or

   b. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure; or

   c. Any improvement to a building.

SUBSTANTIAL IMPROVEMENT —

1. 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 fifty percent (50%) of the current market value of the building.

2. For the purposes of this definition, 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. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.

3. The term 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 assure safe living conditions; or

   b. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure; or

   c. Any building that has been damaged from any source or is categorized as repetitive loss.

** Recommend development of written and adopted policy and procedure.

VARIANCE — 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 — 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 — 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.

Chapter 500

BUILDING CODES AND REGULATIONS

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Section 500.304. Inspections.

Section 500.305. Reinspection Charge.

Section 500.306. Final Completion.

Section 500.307. Additional Costs.

Section 500.308. Doubling.

Section 500.309. Refunds.

Section 500.310. Fees Indexed For Inflation.

Cross References — Planning and zoning commission, ch. 400; cable television franchising regulations, ch. 620; parks and recreation, ch. 230; sewers and sewage disposal, ch. 235; subdivision regulations, ch. 410; zoning regulations, ch. 405; contracts for public construction, §105.010.

ARTICLE I
Building Code

Section 500.010. Building Code — Adoption.

[CC 1990 § 5-136; Code 1977 § 21.010; Ord. No. 93-14 §§ 1 — 3, 9-7-1993; Ord. No. 97-07 §§ 1 — 2, Exhibit A § 5-136, 3-4-1997; Ord. No. 99-09 §§ 1 — 3, 9-7-1999; Ord. No. 03-06 §§ 1 — 2, 7-15-2003; Ord. No. 11-02 §§ 1 — 2, 8-2-2011]

A certain document, one (1) copy each of which is on file in the office of the City Clerk, being marked and designated as the "2009 International Building Code" and the "2009 International Residential Code for One- and Two-Family Dwellings" and the "2009 International Property Maintenance Code" as published by the International Code Council, Inc., with the modifications hereinafter set forth, is hereby adopted as the Building Code of the City for the control of buildings, structures and properties as herein provided; and each and all regulations, provisions, penalties, conditions and terms of the 2009 International Building Code (2009 IBC) and 2009 International Residential Code for One- and Two-Family Dwellings (2009 IRC) and 2009 International Property Maintenance Code are hereby referred to, adopted and made a part hereof, as if fully set out in this Article. Provided further, that all provisions contained in the Clarkson Valley Code supersede and shall nullify any provision to the contrary that may be contained in the 2009 IBC, 2009 IRC and 2009 International Property Maintenance Code.

Section 500.020. Amendments.

[CC 1990 § 5-137; Code 1977 §§ 21.020, 21.030, 21.040; Ord. No. 88-21 § 1, 11-1-1988; Ord. No. 90-15 § 2, 12-4-1990; Ord. No. 92-8 § 2, 4-7-1992; Ord. No. 93-07 § 2, 4-6-1993; Ord. No. 93-14 §§ 1 — 3, 9-7-1993; Ord. No. 97-07 §§ 1 — 2, 3-4-1997; Ord. No. 99-06 § 1, 7-6-1999; Ord. No. 99-09 §§ 1 — 3, 9-7-1999; Ord. No. 03-06 §§ 1 — 2, 7-15-2003; Ord. No. 04-17 §§ 1 — 2, 9-7-2004; Ord. No. 09-12 §§ 1 — 2, 10-6-2009; Ord. No. 11-02 §§ 1 — 2, 8-2-2011; Ord. No. 12-01 §§ 1 — 2, 1-3-2012; Ord. No. 12-02 §§ 1 — 11, 1-3-2012]

A. The code adopted by Section 500.010 is hereby amended as follows:

The term *"Building Official"* wherever employed in this Article or the code adopted by this Article shall mean the Building Commissioner, whose office is created by Section 500.090, and he/she shall be the person vested with executive authority to see that all laws, ordinances and codes regulating building construction are observed and enforced. Any other reference in this Building Code to "department of building safety", "department of building inspection", "official of department of building inspection", "code official", or "inspector" unless otherwise provided in Section 500.090 of the

Municipal Code, City of Clarkson Valley, Missouri shall mean the Building Commissioner.

The term *"Board of Appeals"* wherever employed in this Article or the code adopted by this Article shall mean the Board of Adjustment. Any person shall have the right to appeal a decision of the code official to the Board of Adjustment as provided in Title IV Land Use, Chapter 405: Zoning Regulations, Article VI. Board of Adjustment.

The term *"Structure"* as defined in 202 DEFINITIONS "That which is built or constructed" shall not lose the intent of the definition set out in Title IV Land Use, Chapter 405: Zoning Regulations, Section 405.040: Anything, with the exception of swingsets located within the building lines, constructed, erected or located thereon, the use of which requires permanent locations on the ground or which, though movable, is used for a purpose which usually and customarily involves permanent location on the ground (including, but without limiting the generality of the foregoing, advertising signs, billboards, poster panels, backstops for tennis courts, pergolas and buildings for the housing of animals and fowls).

The term *"Yard"* as defined in R202 DEFINITIONS wherever employed in this Article or the code adopted by this Article shall not lose the intent of the definition set out in Title IV Land Use Chapter 405: Zoning Regulations, Section 405.040:

YARD: An open space on the same lot with a building unoccupied and unobstructed by any portion of a structure from the ground upward, except driveways for ingress and egress and except as otherwise provided herein.

YARD, FRONT: A yard extending across the front of a lot between the side lot lines and having a depth equal to the minimum horizontal distance between the street line and the main building or any projection thereof, other than the projection of the usual steps or entranceway.

YARD, REAR: A yard extending across the rear of a lot between the side lot lines and having a depth equal to 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 both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

YARD, SIDE: A yard extending from the front yard to the rear yard, and having a width equal to the minimum horizontal distance between the side lot line and the side of the main building or any projections thereof.

YARDS, CORNER LOTS: The front, rear and side yards on corner lots shall be determined and designated with reference to that street on which the lot has the least amount of linear frontage. The front yard shall be that part of the lot abutting and parallel to the street on which the lot has the least linear frontage and the rear yard shall be that part of the lot opposite to the front yard and farthest removed from the street with the least linear frontage. The designation of front, rear and side yards on corner lots as herein provided may be incompatible with other lots in the area because of the size or shape or location of the corner lot in which case the determination and designation of front, rear

and side yards shall be made in the discretion of the City authority having jurisdiction of the matter.

B. *2009 INTERNATIONAL BUILDING CODE.*

1. *Section 101 GENERAL.*

101.1 Title. Is amended by substituting the words "City of Clarkson Valley, Missouri" for the words "[NAME OF JURISDICTION]", hereinafter referred to as "this code".

2. *SECTION 105 PERMITS.*

105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, including retaining walls, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Replacement of existing retaining walls that encroach into the required setbacks (with previous approval) can be approved by securing a building permit provided that the location, height and length of the wall(s) is/are not altered.

105.1.1, 105.1.2 DELETE

105.2 Work Exempt from permit — Building: DELETE the Building paragraph in its entirety (sub-sections 1 through 13) and replace as follows:

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

1. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall and do not encroach into the building setback lines.

2. Sidewalks and driveways not more than 30 inches above adjacent grade and not over any basement or story below unless driveway requires new curb cut.

3. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

4. Swings and other playground equipment accessory to a one-family dwelling as long as the swing or playground equipment is within the building lines.

3. *SECTION 202 DEFINITIONS.*

The following definitions and the requirements thereof are DELETED:

ASSISTED LIVING FACILITIES. See Section 310.2, "Residential Care/Assisted living facilities".

BOARDING HOUSE. See Section 310.2.

COVERED MALL BUILDING. See Section 402.2.

DORMITORY. See Section 310.2.

FOOD COURT. See Section 402.2.

RESIDENTIAL CARE/ASSISTED LIVING FACILITIES. See Section 310.2.

SELF-SERVICE STORAGE FACILITY. See Section 1102.1.

TIRES, BULK STORAGE OF. See Section 902.

Delete the existing definition and add a new definition of Retaining Wall to Section 202 DEFINITIONS which shall be adopted and will read as follows:

RETAINING WALL: A wall or similar structure designed for the retention of dirt, gravel, sand, soil or other landscaping, natural or man-made material.

4. *SECTION 306 FACTORY GROUP F* is DELETED in its entirety.

5. *SECTION 308 INSTITUTIONAL GROUP*.

   308.2 Group I-1 is DELETED in its entirety. For Group Homes — See Title IV Land Use, Chapter 405: Zoning Regulations, Section 405.080: "A" SEMI-RURAL DISTRICT REGULATIONS Sub-Section "F" for definition.

   308.3.1 Child care facility is DELETED in its entirety.

   Section 308.4 Group 1-3 is DELETED in its entirety.

6. *SECTION 309 MERCANTILE GROUP M* is DELETED in its entirety.

7. *SECTION 310 RESIDENTIAL GROUP R.*

   R-1 is DELETED in its entirety.

   R-2 is DELETED in its entirety.

   R-4 is DELETED in its entirety.

8. *SECTION 402 COVERED MALL BUILDINGS* is DELETED in its entirety.

9. *SECTION 403 HIGH-RISE BUILDINGS* is DELETED in its entirety.

10. *SECTION 406 MOTOR-VEHICLE-RELATED-OCCUPANCIES.*

    406.5 Motor fuel-dispensing facilities is DELETED in its entirety.

    406.6 Repair garages is DELETED in its entirety.

11. *SECTION 1013 GUARDS.*

1013.7 Retaining walls. Guards shall be provided where retaining walls with differences in grade level on either side of the wall in excess of 30 inches are located closer than 2 feet to a walk, path, parking lot or driveway on the high side of the retaining wall.

12. *SECTION 3303 DEMOLITION.*

3303.1 Construction documents. Construction documents and a schedule for demolition must be submitted when required by the Building Commissioner. Where such information is required, no work shall be done until such construction documents or schedule, or both, are approved.

New sub-paragraphs 3303.1.1 through 3303.1.8 shall be added and shall read as follows:

3303.1.1 Purpose and Notice of Intent: The purpose of the requirements herein and set forth is safety and to protect the residential neighborhoods within the City. The person intending to cause a demolition or excavation shall cause written notice of such intent to the owner of each potentially affected adjoining lot, building or structure one (1) week prior to the commencement of work. The notice shall request permission to enter the potentially affected lot, building or structure prior to the commencement of work and at reasonable intervals during the work to preserve the lot, building or structure from damage.

3303.1.2 Definitions:

DEMOLITION: The razing, leveling, disassembly or destruction of a building by humans and/or machinery, but not including arson or acts of God.

MAIN BUILDING: The building (herein defined) designed and used for the principal permit on the lot.

3303.1.3 Permit Requirements: A permit for demolition of any main building may not be issued until the following has been received by the Building Commissioner:

1. Verification to the City that all utilities have been disconnected and all necessary permits and approvals are obtained through St. Louis County Department of Public Works and Department of Health, and

2. An approved plan for a new main building is on file in the office of the Building Commissioner. This plan shall include tree preservation and landscaping; or

3. A site restoration plan (see Section 3303.1.4).

3303.1.4 Site Restoration Plan: The site restoration plan referred to in Section 3303.1.3(3) above requires in detail how the lot is to be restored, including removal of all debris, returning the site elevations to the original contour levels, sodding of disturbed areas, stormwater and siltation controls, and the planting of trees and other landscape materials. Site restoration plans must include a completion date of no longer than thirty (30) days from issuance of a demolition

permit. At their discretion, the City of Clarkson Valley may require an escrow or insurance policy naming the City as beneficiary to guarantee completion of the restoration plan. The Building Commissioner may grant an extension of time, not to exceed an additional thirty (30) days, based on inclement weather or some other hardship on the applicant, provided such hardship is not self-imposed.

3303.1.5 Protection of Public:

1. Wherever a building or structure is removed or demolished, the operation shall be conducted in a safe manner and suitable protection for the general public must be provided.

2. Every area of demolition shall be enclosed with a barrier not less than four (4) feet in height to prevent the entry of unauthorized persons. All barriers shall be of adequate strength.

3. All openings (i.e. doors, windows, etc.) shall be secured or boarded up until final demolition.

4. Any part of the structure or walls that may be dangerous must be braced and/or reinforced at all times.

3303.1.6 Protection of Adjoining Property: If afforded the necessary permission to enter the adjoining lot, building or structure, the person causing the demolition or excavation to be made shall at all times and at his or her own expense preserve and protect the lot, building or structure from damage or injury. If the necessary permission to enter the adjoining lot, building or structure is not granted, it shall be the duty of the owner of the adjoining lot, building or structure to make safe his or her property, for the prosecution of which said owner shall be granted the necessary permission to enter the premises of said demolition or excavation.

3303.1.7 Removal of Debris: All waste materials shall be removed in a manner which prevents any damage to persons, adjoining properties and public rights-of-way.

3303.1.8 Notice to the Code Official: If the person causing a demolition or excavation to be made is not afforded permission to enter an adjoining structure, that person shall immediately notify in writing both the Building Commissioner and the owner of the adjoining property that the responsibility of providing support to the adjoining lot, building or structure has become the exclusive responsibility of the owner of the adjoining property.

13. *Appendices*.

APPENDIX A EMPLOYEE QUALIFICATIONS is hereby adopted.

A101.1 and A101.2 are DELETED.

*APPENDIX C GROUP U - AGRICULTURAL BUILDI*NGS is hereby adopted.

APPENDIX G FLOOD-RESISTANT CONSTRUCTION is hereby adopted.

APPENDIX I PATIO COVERS is hereby adopted.

APPENDIX J GRADING is hereby adopted.

J103.2 Exemptions. A grading permit shall not be required for the following: DELETE sub-paragraphs 1, 2 and 5.

C. ***2009 INTERNATIONAL RESIDENTIAL CODE FOR ONE-FAMILY DWELLINGS***

1. *R101 ADMINISTRATION.*

R101.1 Title, is amended by substituting the words "City of Clarkson Valley, Missouri" for the words [NAME OF JURISDICTION]" in line three (3) thereof.

2. *R105 PERMITS*

105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, including retaining walls, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. Replacement of existing retaining walls that encroach into the required setbacks (with previous approval) can be approved by securing a building permit provided that the location, height and length of the wall(s) is/are not altered.

R105.2 Work exempt from permit. Permits shall not be required for the following. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

DELETE the Building paragraph in its entirety (sub-sections 1 through 9) and replace as follows:

1. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall and do not encroach into the building setback lines.

2. Sidewalks and driveways not more than 30 inches above adjacent grade and not over any basement or story below unless driveway requires new curb cut.

3. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

4. Swings and other playground equipment accessory to a one-family dwelling as long as the swing or playground equipment is within the building lines.

3. *SECTION R106 CONSTRUCTION DOCUMENTS*

R106.1 Submittal Documents, is amended to read as follows: Construction documents, special inspection and structural observation programs, and other data shall be submitted in three sets, if strictly interior, or four sets if any changes are

proposed to the exterior, with each application for a permit. The construction documents shall be prepared by a Missouri State licensed engineer or architect. Where special conditions exist, the building commissioner is authorized to require additional construction documents to be prepared by a registered design professional.

4. *Section R108 FEES*

R108.2 Schedule of permit fees is DELETED and a new R108.2 shall read as follows:

FEE SCHEDULE

NEW CONSTRUCTION The building permit fee for all new construction and industrialized dwellings shall be assessed at twelve cents ($0.12) per square foot area of construction. Any amendment to a permit necessitating an additional fee because of an increase in the square footage of the work involved shall not be approved until the additional fee shall have been paid.

The square foot area of construction shall be determined by measuring the length of the structure and multiplying it by the width of the structure. The measurement shall include garages and the farthest projections, overhangs and cantilevers from the ground to the top of the construction. It shall not include unroofed or unenclosed porches or patios.

ALTERATIONS OR REMODELING The building permit fee for additions, alterations and remodeling, including any building permit in connection with swimming pools, accessory structures, porch additions, or any other exterior structure requiring a building permit, shall be based on the following schedule of fees as maintained and posted in City Hall:

Building Permit Fee: $25.00.

Permit Issuance and Plan Review Fee: $44.00.

Inspection fee (per inspection): $30.00.

Occupancy Permit Fee: $25.00.

Final Completion Certificate (in lieu of Occupancy Permit): $25.00.

Further, any application submitted pursuant to this Section shall be forwarded to the Building Commissioner for review and calculation of the Building Permit Fees.

MOVING OF BUILDINGS The fee for a building permit for the removal of a building or structure from one lot to another or to a new location on the same lot shall be at the rate of twelve cents ($0.12) per one hundred dollars ($100.00) of the estimated cost of moving plus the cost of new foundations and all work necessary to place the building or structure in its completed condition in the new location, plus such other building permit fees deemed necessary by the Building Commissioner.

DEMOLITION PERMITS The demolition shall be seventy-seven dollars ($77.00) per structure.

INSPECTIONS In addition to the building permit fee, an inspection charge of thirty dollars ($30.00) shall be paid to the city for each inspection deemed necessary by the Building Commissioner. The number of inspections required shall be determined after the review of the plans submitted and the number shall be indicated on the building permit application. The City of Clarkson Valley may contract with a political subdivision to conduct any or all of the inspections herein required and does adopt the fees of said political subdivision applicable to any inspections conducted pursuant to said contract and the City does authorize that payment of inspection fees be made directly to said political subdivision for any inspections conducted by said political subdivision pursuant to the herein mentioned contract.

REINSPECTION CHARGE There is hereby established a reinspection charge of thirty dollars ($30.00), which shall be applicable to all reinspections, where it has been determined that the initial inspection resulted in a failure to comply with the applicable construction code, that the initial inspection reveals that the scope of work performed has deviated from the plans submitted to the City, or upon the request of the owner or contractor for any reinspection.

FINAL COMPLETION Each building permit issued by the Building Commissioner shall state upon its face the expiration date of said permit. All work authorized by the permit shall be completed no later than 5 p.m. C.S.T. on the expiration date of the permit. Each applicant shall notify the Building Commissioner of the date of completion of the work authorized by the permit prior to the expiration of the permit. The Building Commissioner shall perform a final inspection of each project within fourteen (14) days after the expiration of the permit or the completion of the work, whichever is earlier. An inspection fee shall be assessed in the amount of twenty-five dollars ($25.00) for each final inspection and the fee shall be paid by the applicant. Additionally, all extra costs, fees, permit fees, and other expenses shall be paid by the applicant within thirty (30) days from the date of the final inspection.

ADDITIONAL COSTS

(a) In addition to the building permit fee and inspection fees, all reasonable costs or fees charged to the City, including but not limited to site and building plan review, inspection and permit fees, reinspection fees, engineer fees, architecture review fees, other professional fees, and testing fees, as deemed necessary by the Building Commissioner, shall be paid by the applicant before issuance of the building permit, the final occupancy permit, or the final completion certificate.

(b) A plan review escrow procedure is hereby authorized to be formulated, implemented and amended by City staff to help ensure that all such costs charged to the City are reimbursed by the applicants.

(c) In the event that the City receives an application, petition or other request for any administrative or legislative consideration, and the applicant, petitioner or

requestor owes the City any amounts from previous City consideration including any third-party expenses the City has incurred, the City reserves the right to refuse to give any consideration to such application, petition or request until such time that the City has received payment in full or payment terms acceptable to the City.

(d) In the event that it is necessary for the Building Commissioner to undertake an inspection or other professional investigation in order to confirm or deny the existence of a building code or zoning violation, the owner of the property shall be liable for all inspection fees, all reasonable costs or fees charged to the City, including, but not limited to, site and building plan review, inspection and permit fees, and testing fees as deemed necessary by the Building Commissioner. In the event that it is determined that no building code or zoning violation exists on the subject property, the owner of the property shall not be liable for any inspection fees, costs, or expenses.

(e) Any person or entity that fails to pay the necessary permit fees, inspection fees, or additional costs as contained in this Code shall be deemed as violating the City Code and subject to the penalties contained in Section 100.100, or any other applicable section of the City Code.

DOUBLING The building permit fees provided for in this Section above shall be doubled where work for which a building permit is required in this Section is commenced prior to obtaining the permit of filing of the application. The payment of such double fees shall not relieve any person from fully complying with all provisions regulating such construction.

REFUNDS The Building Commissioner may cancel permits and refund the permit fee less expenses incurred and a maximum penalty of thirty dollars ($30.00) or such lesser amount as the Building Commissioner shall set.

FEES INDEXED FOR INFLATION The assessment figures in these Sections shall be adjusted on an annual basis, effective January 1 of the year in question, to reflect increases, if any, in the November offering next preceding this January 1 of the Cost of Living Index for all urban consumers for the St. Louis area published by the Bureau of Labor Statistics of the United States Department of Labor, as compared to the previous November offering, using the period 1967 = 100 as the base period. All such computation of increases made as provided herein shall not be further adjusted during the course of the year in question until the following January 1 of the next year in question, when such adjustments, if warranted as provided herein, shall be made.

R108.5 Refunds shall be DELETED in its entirety and referred to the Fee Schedule as set out above.

A new Paragraph in SECTION R108 FEES shall be added:

R108.6 New Construction Bond.

(1) A permit shall not be issued until the applicant for the permit shall have delivered to the City Clerk a bond payable to the City of Clarkson Valley. In Zone

"A" Semi-Rural District the bond shall be one and one-half percent (1 1/2%) of the estimated cost of construction, said bond shall be either in cash or with a corporate surety company approved by said City. In Zone "C" Office District the bond shall be either in cash for the sum of one and one-half percent (1 1/2%) of the estimated cost of construction and deposited with the City; or with a corporate surety company approved by said City for ten times the amount of one and one-half percent (1 1/2%) of the estimated cost of construction, as the applicant for the permit shall elect.

(2) The bond for either zoning district shall be conditioned that the applicant for the permit will perform the work authorized by the permit in compliance with this Building Code, the Municipal Code and all ordinances of the City of Clarkson Valley, as well as all other County, State, and Federal regulations governing the scope of work performed; and further conditioned that during the construction and work authorized by the permit that the applicant will not cause any nuisance to exist within the City limits; and said bond shall be further conditioned for the payment of any damage caused by the applicant, his agents, contractors, or employees, or to pay the expenses related to the City's efforts to abate any nuisance caused or permitted to exist or correct any damage by applicant, his agents, contractors, or employees. The applicant and any surety on said bond shall not be released or discharged from liability on said bond until applicant has complied with all conditions of the bond and a final completion certificate has been issued for the structure or project for which the permit was granted.

(3) Any applicant for a permit in the Zone "A" Semi-Rural District who has entered into and posted bonds with the City of Clarkson Valley, pursuant to subparagraph (1) above, which amount in the aggregate to twenty thousand dollars ($20,000.00) at any one (1) time, shall not be required to increase said sum or to post any additional bonds or any additional sum in excess of said twenty thousand dollars ($20,000.00), so long as there has been compliance with the conditions specified in the outstanding permits and the conditions required by the bond herein described. Said sum of twenty thousand dollars ($20,000.00) shall suffice for all outstanding permits of the applicant and each said permit shall be considered and treated as though it is secured by a bond in the sum equal to one and one-half percent (1 1/2%) of the estimated cost of construction.

(4) In the event of any violation of the conditions of any of the applicant's outstanding permits or in the event of any failure of performance of the work authorized by any of the applicant's permits, then this provision limiting the amount of the bonds to twenty thousand dollars ($20,000.00) in the Zone "A" Semi-Rural District shall not apply and said provisions limiting the aggregate amount of the bond shall be void and of no avail and the applicant shall be required upon written notice from the City Building Commissioner to immediately post a bond as provided in subparagraph (1) above in the sum equal to one and one-half percent (1 1/2%) of the estimated cost of construction for each outstanding permit then issued to the applicant in the Zone "A" Semi-Rural District".

5. *R202 DEFINITIONS*

[B] CHIMNEY A new sub-paragraph shall be added as follows:

The exhaust vent, or chimney for fireplaces with a direct venting system (including flues for Franklin stoves) that exit either through the roof of a dwelling or structure, or by means of a separate exhaust flue affixed to the exterior of the dwelling or structure, are to be enclosed by utilizing full masonry, cultured stone veneer or faux masonry construction. Additionally, the size, dimensions, and proportions of the full masonry, cultured stone veneer, or faux masonry enclosure shall be consistent with generally accepted architectural standards and shall be subject to review and approval by the Architectural Review Board.

All fireplaces with a direct venting system shall be installed in accordance with the manufacturer's specifications and shall be consistent with generally accepted architectural standards and shall be subject to review and approval by the Architectural Review Board.

Delete the definition of Retaining Wall and a new definition of Retaining Wall shall be added to Section R202 DEFINITIONS which will read as follows:

RETAINING WALL: A wall or similar structure designed for the retention of dirt, gravel, sand, soil or other landscaping, natural or man-made material.

6. *SECTION R309 GARAGES AND CARPORTS* shall be changed to:

Section R309 GARAGES

R309.4 Carports. Shall be DELETED in its entirety.

7. *R310 EMERGENCY ESCAPE AND RESCUE OPENINGS*

R310.6 Alterations and Additions. All unfinished areas and reconfigured space converted to sleeping rooms and unfinished basement spaces being converted to habitable space shall have emergency escape and rescue openings.

Exception: Unfinished basement spaces being converted to habitable space other than sleeping rooms when smoke detectors, in addition to those required by section R314.3.1 are installed in each room/space of the basement. The smoke detectors shall be interconnected, hard wired and equipped with battery backup.

8. *SECTION R315 CARBON MONOXIDE ALARMS*

R315.2 Sub-Paragraph shall be deleted in its entirety.

9. *SECTION R703 EXTERIOR COVERING:*

R703.1 General shall contain a new sub-paragraph:

R703.1.1 that shall read as follows: The siding coverage of exterior walls must extend below the foundation top with the same type of material (i.e. wood, brick, etc.) as used above the foundation top to cover the exterior foundation wall to within not less than eight (8) inches of finished grade level.

10. *CHAPTER 23 SOLAR SYSTEMS — SECTION M2300 SOLAR ENERGY SYSTEMS*

A. *Definitions:*

BUILDING INTEGRATED SOLAR ENERGY SYSTEM — A solar energy system that is designed and installed as a building component that is part of the exterior envelope of the building.

BUILDING MOUNTED SOLAR ENERGY SYSTEMS — A solar energy system that is affixed to the principal or accessory building on the property.

GROUND MOUNTED SOLAR ENERGY SYSTEM — A solar energy system that is affixed to the ground.

RIDGE — The horizontal line in which the tops of the rafters of a roof meet.

VALLEY — A depression or angle formed by the meeting of two inclined sides of a roof.

B. *Residential Building Integrated Solar Energy Systems:*

1. Building Integrated Solar Energy Systems shall be a part of the building envelope and shall be an integral part of the building surface and not stand off from the surface of the building.

2. This system shall architecturally blend with the structure in color and texture.

3. Mounting hardware and fastening shall not be visible from the exterior.

4. All exterior flashing, mounting rails, wiring, plumbing and/or conduit shall be properly painted of a color to match the existing adjacent building components.

C. *Residential Building Mounted Solar Energy Systems:*

1. Building Mounted Solar Energy Systems may be installed only on the roof of the primary structure or accessory building.

2. Roof Mounted Solar Energy Systems shall be parallel to the plain of the roof and shall not extend more than six inches above the roof surface.

3. A roof mounted system shall terminate at least three feet (3') from the edge or ridge of the roof and one and one-half feet (18") from any valley.

4. Roof mounted systems installed on a flat roof shall be screened from view by a parapet or other architecture feature that is compatible to the existing architecture.

5. All exterior flashing, mounting rails, wiring, plumbing and/or conduit shall be properly painted of a color to match the existing adjacent building components.

6. Location of Building Mounted Solar Energy Systems.

   a. Detailed plans to be submitted in accordance with the provisions of Section 405.120: Special Use Regulations.

7. Location of Building Mounted Solar Energy Systems on Accessory Buildings may be located on any roof.

   a. Procedure as defined in Sub-paragraph 6.a. above.

D. *Residential Ground Mounted Solar Energy Systems are permitted as specified with Paragraph C, Sub-paragraph 6.a.*

E. *Non-Residential Solar Systems:*

1. Building Integrated Solar Systems shall comply with the same requirements as residential Building Integrated Solar Systems.

2. Ground Mounted Solar Systems (same procedure as defined in Paragraph D.).

3. Building Mounted Solar Systems:

   a. Building mounted solar systems may be located only on the roof of the primary structure.

   b. Roof mounted solar systems shall be screened from view from the property line with material that is compatible with the building material in texture and color.

4. Non-residential solar systems on accessory structures or buildings not permitted.

F. *General Requirements:*

1. Building permits shall be required for the installation of all solar energy systems.

2. Applications for building permits must contain the following:

   a. Solar panel system design shall be performed by companies certified by the North American Board of Certified Energy Practitioners (NABCEP) or by a Licensed Electrical Engineer. All installations shall be performed by or supervised by the designer of the system.

   b. Provide calculations and a structural analysis by a Missouri Registered Engineer or Architect verifying adequate supporting members and compliance with the structural requirements of the adopted building code. If structural modifications are required, submit a partial roof-framing plan. Show new and existing supporting rafters, beams and headers; include rafter size, span, and spacing. Identify roof sheathing and roofing materials.

c. Provide a roof plan projected on a site plan. Show the location and dimensions of all solar voltaic equipment and PV arrays.

d. Detail equipment support connections to roof. Provide a detail for flashing and water proofing at system supports.

e. Attach all manufacturer specification sheets, installation instructions and recognized third party testing listings to the plans.

3. Should the solar energy system become non-functional, the system shall be removed and the structure shall be properly repaired and approved by the Building Commissioner and Zoning Administrator.

4. Solar energy systems shall be maintained free of defects, deterioration and rust.

5. All other ordinances of the City shall be complied with.

6. All solar energy systems shall be installed to avoid concentrated radiation or glare onto neighboring properties or traffic. The energy absorbing component of the system shall be a non-glare material.

7. All frames and supports shall be a minimally reflective material.

8. Provide electrical drawings to show compliance with 2008 National Electrical Code (St. Louis County Electrical Division). In addition, see the following requirements:

Location of DC conductors

Conduit, wiring systems, and raceways for photovoltaic circuits shall be located as close as possible to the ridge or hip or valley and from the hip or valley as directly as possible to an outside wall to reduce trip hazards and maximize ventilation opportunities. Conduit runs between sub arrays and to DC combiner boxes shall use the design that minimize total amount of conduit on the roof by taking the shortest path from the array to the DC combiner box. The DC combiner boxes are to be located such that conduit runs are minimized in the pathways between arrays.

To limit the hazard of cutting live conduit in venting operations, DC wiring shall be run in metallic conduit or raceways when located within enclosed spaces in a building and shall be run, to the maximum extent possible, along the bottom of load-bearing members.

a. *Marking.* Marking is needed to provide emergency responders with appropriate warning and guidance with respect to isolating the solar electric system. This can facilitate identifying energized electrical lines that connect the solar panels to the inverter, as these should not be cut when venting for smoke removal.

Materials used for marking shall be weather resistant. UL 969 shall be used as a standard for weather rating (UL listing of markings is not required).

Marking Format

> Red Background

> White Lettering

> Minimum 3/8" Letter Height

> All capital letters

> Arial or similar font, Non-bold

> Reflective weather-resistant material suitable for the environment (durable adhesive materials must meet this requirement)

b. *Remote Disconnect.* DC circuits shall be equipped with a means for remote disconnect located downstream from the photovoltaic array at the point where the circuit enters the structure. Control of the remote disconnect shall be located within five feet of the building's main electrical panel (or other location approved by the fire department). The remote disconnect shall be listed and meet the requirements of the National Electrical Code.

Signage shall be located immediately next to the remote disconnect control as follows:

> Marking Content — CAUTION: SOLAR CIRCUIT DISCONNECT (and any additional requirements of the NEC and local utilities having jurisdiction).

c. *Main Service Disconnect* For residential applications, the marking may be placed within the main service disconnect. If the main service disconnect is operable with the service panel closed, then the marking should be placed on the outside cover.

> Marking Content — CAUTION: SOLAR ELECTRIC SYSTEM CONNECTED (and any additional requirements of the NEC and local utilities having jurisdiction).

d. *Marking DC Circuit.* Marking is required on all interior and exterior DC conduit, raceways, enclosures, cable assemblies, and junction boxes to alert the fire service to avoid cutting them. Marking shall be placed every 10 feet, at turns and above and/or below penetrations, and at all DC combiner and junction boxes.

> Marking Content — CAUTION: SOLAR CIRCUIT (and any additional requirements of the NEC and local utilities having jurisdiction).

e. *Inverters* The inverter is a device used to convert DC electricity from the solar system to AC electricity for use in the building's electrical system or the grid.

No markings are required for the inverter.

9. Awning solar energy systems on accessory structures or buildings (same procedure as defined in Paragraph C, Sub-paragraph 6.a.).

10. This ordinance is not intended to preclude any property owner from having trees on their property that would or could possibly interfere with any solar energy system.

11. Grid tied systems shall comply with the requirements of the local utility having jurisdiction and be approved by a recognized third party testing agency.

D. ***2009 INTERNATIONAL PROPERTY MAINTENANCE CODE***

1. *Chapter 1: Scope and Administration*

Section 101 GENERAL

101.1 Title is amended by substituting the words "City of Clarkson Valley, Missouri" for the words "[NAME OF JURISDICTION]", hereinafter referred to as "this code".

SECTION 103 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

103.3 Deputies is DELETED in its entirety.

103.5 Fees is DELETED and a new 103.5 shall read as follows:

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be in accordance with the fee schedule as established by the City of Clarkson Valley, Missouri.

SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL

104.3 Right of entry is DELETED and a new 104.3 shall read as follows:

104.3 Right of entry. If any owner, occupant or other person in charge of a structure subject to the provisions of this Code refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to any part of the structure or premises where inspection authorized by this Code is sought, the building commissioner shall be permitted to seek, in a court of competent jurisdiction, an order that such owner, occupancy or other person in charge cease and desist with such interference.

104.6 Department record is DELETED and a new 104.6 shall read as follows:

104.6 Department record. An official record shall be kept of all business and activities of the department specified in the provisions of this Code, and all such

records shall be opened to public inspection at all appropriate times and under regulations necessary to maintain the integrity and security of those records and to safeguard certain confidential information contained in such records.

SECTION 105 APPROVAL

105.4 Used material and equipment is DELETED and a new 105.4 shall read as follows:

105.4 Used material and equipment. Materials, equipment and devices shall not be reused unless such materials have been reconditioned, tested and placed in good and proper working condition and approved for use by the code official.

SECTION 106 VIOLATIONS

106.3 Prosecution of violation is DELETED and a new 106.3 shall read as follows:

106.3 Prosecution of violation. In case of any unlawful acts or failure to comply with a violation notice, the code official shall institute an appropriate action or proceeding at law to exact the penalty provided in Section 106.4. Also, the code official shall ask the jurisdiction's legal representative to proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person:

1. To restrain, correct or remove the violation or refrain from any further execution of work;

2. To restrain or correct the erection, installation, maintenance, repair or alteration of such structure;

3. To require the removal of work in violation; or

4. To prevent the occupancy or use of the structure which is not in compliance with the provisions of this Code.

106.4 Violation penalties is DELETED and a new 106.4 shall read as follows:

106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof or as specifically outlined in Chapter 3, Section 302 of this code, shall be prosecuted within the limits provided by Section 100.100 of the Municipal Code of the City of Clarkson Valley. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

SECTION 107 NOTICES AND ORDERS

107.2 Form is DELETED and a new 107.2 shall read as follows:

107.2 Form. Such notice prescribed in Section 107.1 shall:

1. Be in writing, e-mail or by personal contact with the owner/operator;

2. Include a description of the real estate sufficient for identification;

3. Include a statement of the violation(s) or reason(s) why the notice is being issued; and

4. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.

107.3 Method of service is DELETED and a new 107.3 shall read as follows:

107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered to the owner personally by leaving the notice at the usual place of abode in the presence of someone in the family of suitable age and discretion who shall be informed of the contents thereof.

2. By certified or registered mail addressed to the owner at the last known address with return receipt requested. If the certified or registered letter is returned with an indication the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

108.1 General is DELETED and a new 108.1 shall read as follows:

108.1 General. When a structure or equipment, or part thereof, is found by the code official to be unsafe, or when a structure or part thereof is found unfit for human occupancy or use, or is found unlawful, such structure shall be condemned pursuant to the provisions of this Code and shall be placarded, vacated and shall not be reoccupied without approval of the code official. Unsafe equipment shall be placarded and placed out of service.

108.1.3 Structure unfit for human occupancy is DELETED and a new 108.1.3 shall read as follows:

108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy or use whenever the code official finds that such structure is unsafe, unlawful or because of the degree in which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rodent infested, contains filth and contamination or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

SECTION 109 EMERGENCY MEASURES

109.5 Costs of emergency repairs is DELETED and a new 109.5 shall read as follows:

109.5 Costs of emergency repairs. If it is necessary for the code official to contract material and labor in an emergency situation, the jurisdiction shall pay said costs incurred. If said costs are not voluntarily remitted to the City by the owner, the legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

109.6 Hearing. DELETED

SECTION 110 DEMOLITION

New sub-paragraphs 110.2.1 through 110.2.4 shall be added and shall read as follows:

110.2.1 Service. The notice of a code violation shall be served on the affected parties, consisting of owner, occupants, lessee, mortgagee, agent and all persons having an interest in the property, all as shown by the records of the St. Louis County Recorder of Deeds Office. The notice shall be served personally or by certified mail, return receipt requested, or if service cannot be had by either of these modes of service, then by at least one publication in a newspaper having general circulation within the City. The affected parties shall have not less than thirty (30) days from the date of service to complete demolition or to begin the repairs.

110.2.2 Notice of Hearing. If the affected parties fail to commence work on repairs or complete demolition within the time specified, or fail to proceed continuously with the work without unnecessary delay, the City Clerk shall call a hearing upon the matter, giving the affected parties fifteen (15) days written notice of the hearing. Said notice must be served personally or by certified mail, return receipt requested, or if service cannot be had by either of these modes of service, then by at least one publication in a newspaper having general circulation within the City.

110.2.3 Hearing. The Building Commissioner or his/her authorized representative shall conduct a full and adequate hearing. Any affected party may be represented by counsel and all affected parties shall have an opportunity to be heard. After the hearing, if the evidence supports a finding that the structure is a nuisance and detrimental to the health, safety or welfare of the residents of the City of Clarkson Valley, Missouri, the Building Commissioner shall issue a post-hearing order making specific findings of facts, based on competent and substantial evidence and order the structure to be demolished and removed, or repaired. The post-hearing order shall be served in the same manner as the notice of declaration of nuisance and pre-hearing order. The post-hearing order shall contain a date certain for completion of the required action.

110.2.4 Upon Failure to Obey Post-Hearing Order. If any post-hearing order of the Building Commissioner is not obeyed within thirty (30) days after its issuance, and if appeal of any post-hearing order is not made to the Circuit Court as provided for in this ordinance within 30 days after issuance of any such order, the Building Commissioner shall cause such structure to be vacated and repaired or demolished as provided in the post-hearing order. The City Clerk shall certify the

cost for such action, including all administrative costs, and shall cause a special tax bill against the property to be prepared, filed and collected. Said tax bill shall be a lien upon said property, said lien shall bear interest at the rate set by the Missouri Division of Finance on the date the lien is filed.

110.3 Failure to comply is DELETED and a new 110.3 shall read as follows:

110.3 Failure to comply. Any structure which is found to be detrimental to the health, safety and welfare of the residents of the City of Clarkson Valley, Missouri, and which is declared to be a code violation by the code official shall be vacated and demolished or repaired in strict conformance with this and all referenced codes in the time frame set forth in the notice or as agreed upon by the code official.

SECTION 111 MEANS OF APPEAL is DELETED in its entirety and a new SECTION 111 shall read as follows:

SECTION 111 MEANS OF APPEAL

111.1 For MEANS OF APPEAL - See Title IV Land Use, Chapter 405: Zoning Regulations, Section 405.160: BOARD OF ADJUSTMENT.

SECTION 112 STOP WORK ORDER

112.4 Failure to comply is DELETED and a new 112.4 shall read as follows:

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than one hundred ($100.00) dollars or more than one thousand ($1,000.00) dollars.

2. *Chapter 2: Definitions*

SECTION 201 GENERAL

201.3 Terms defined in other codes is DELETED and a new 201.3 shall read as follows:

201.3 Terms defined in other codes. Where terms are not defined in this chapter and are defined in the Municipal Code, City of Clarkson Valley, Missouri, International Building, International Residential, International Plumbing, International Mechanical, International Fire, and NFPA 70 codes listed in Chapter 8, they shall have the same meanings ascribed to them as in those codes.

SECTION 202 GENERAL DEFINITIONS

The following definitions and the requirements thereof are DELETED:

HOUSEKEEPING UNIT.

LET.

ROOMING HOUSE.

ROOMING UNIT.

The following definitions shall be added:

DUMPSTER. Any container used for the collection of solid waste and/or demolition and construction waste in excess of ninety (90) gallons. No dumpster shall be set, placed or maintained in or upon any sidewalk, street, road or highway.

FAMILY. One or more persons who are related by blood, marriage, or legal adoption living together as a single household unit; a group of not more than eight (8) persons not related by blood, marriage, or adoption, living together as a single household unit as defined under Chapter 89.020, RSMo.

GRAFFITI. Markings, drawings or other visual depictions, either graphic or written, placed upon any exterior surface including, but not limited to, building, window, retaining wall, fence, trash containers, accessory building or driveway.

HOME OCCUPATION. Any occupation, trade, or profession carried on by a member of the immediate family, residing on the premises, in which (a) no person is employed other than a member of the immediate family residing on the premises, (b) no goods are stored on the premises or shipped from the premises except those prepared on the premises, (c) no mechanical equipment is installed or used except such as is permissible for purely domestic or household purposes, and (d) no pedestrian or vehicular traffic is generated near the residential dwelling as a direct result of the occupation, trade, or profession, other than immediate family members residing on the premises, (e) no exterior display, no exterior alteration of the property including expansion of parking, no exterior sign, no exterior storage of materials and no other exterior indication of a home occupation or variation from the residential character of the premises, (f) no use shall require structural alterations to the interior or exterior of the building which changes the residential character thereof, and (g) there shall be no demand for parking beyond that which is normal to the neighborhood and no visual or excessive traffic to and from the premises. Provided further, that no display or other activity shall be permitted to indicate from the exterior that the residential dwelling is being utilized in whole or in part for any purpose other than that of a residential dwelling.

NOXIOUS WEEDS. (As may be amended from time to time by the United States Department of Agriculture) Canada thistle, common teasel, crown vetch, cut-leaved teasel, field blindweed, garlic mustard, Johnson grass, kudzu, marijuana, multiflora rose, musk thistle, purple loosestrife, and Scotch thistle.

ONE-FAMILY DWELLING. A building containing one dwelling unit.

PODS. An acronym and common name for Portable On Demand Storage units: a container designed, constructed and commonly used for non-permanent placement on property for the purpose of temporary storage of personal property.

RETAINING WALL. A wall or similar structure designed for the retention of dirt, gravel, sand, soil or other landscaping, natural or man-made material.

STRUCTURE. Anything, with the exception of swingsets located within the building lines, constructed, erected or located thereon, the use of which requires permanent locations on the ground or which, though movable, is used for a purpose which usually and customarily involves permanent location on the ground (including, but without limiting the generality of the foregoing, advertising signs, billboards, poster panels, backstops for tennis courts, pergolas and buildings for the housing of animals and fowls).

SWIMMING POOL. Any man-made structure or pre-fabricated device, being portable or non-portable, designed for the storage, containment, retention, collection, or circulation of water having a depth greater than twenty-four (24) inches and which shall be designed or used for swimming and/or wading purposes.

All swimming pools shall be constructed so that the pool is installed below the existing grade of the surrounding yard and shall otherwise be installed into the ground. Above-ground and on-ground swimming pools are prohibited.

WOODED AREA. Any parcel of land having more than five thousand (5,000) square feet of tree canopy coverage and where the tree canopy is primarily comprised of trees equal to or larger than five (5) inches in DBH. (Note: In the U.S., tree diameter is usually measured at 4.5 ft. above ground level. Measurement at this height is referred to as diameter at breast height or DBH.)

YARD. An open space on the same lot with a building unoccupied and unobstructed by any portion of a structure from the ground upward, except driveways for ingress and egress and except as otherwise provided herein.

3. *Chapter 3: General Requirements*

SECTION 301 GENERAL

301.2 Responsibility is DELETED and a new 301.2 shall read as follows:

301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy or use premises which do not comply with the requirements of this chapter.

SECTION 302 EXTERIOR PROPERTY AREAS is DELETED and a new SECTION 302 EXTERIOR PROPERTY AREAS shall read as follows:

SECTION 302 EXTERIOR PROPERTY AREAS

302.4 Weeds shall be DELETED in its entirety and a new 302.4 (and sub-paragraphs 302.4.1 through 302.4.10) shall read as follows:

302.4 Landscaping and certain vegetation: Lawn areas and landscaping shall be properly maintained by the owner. Plants and grass that have deteriorated or died shall be replaced and/or additional planting shall be provided if required by the code official. Screening or additional planting around refuse containers or

mechanical equipment may also be required to assure the desirable residential character of the premises.

302.4.1 Weeds and/or grass. No person having control of any lot of ground or any part of any lot or parcel of ground within the City shall allow or maintain on such lot or parcel of ground any growth of weeds or grass to a height of over seven (7) inches, unless the growth is in a wooded area. Lots used for pasture, farming, crops, timber, woods, prairie, or wetlands may not be required to comply with the provisions of this paragraph. In non-wooded areas, it shall be the duty of any person owning, leasing, occupying, or controlling any plot of ground in the city to prevent the growth of and eliminate, noxious weeds and invasive plants including but not limited to cockleburs, crown vetch, dandelions, garlic mustard, Japanese honeysuckle, Johnson grass, multiflora roses, purple loosestrife, ragweed, thistles, (see Noxious Weeds in Definitions). However, in these instances where a nuisance is determined to exist by the Building Commissioner or his/her designee, the person having control of said property or lot may be required to undertake the necessary maintenance to eliminate the growth. Those lots or parcels of real estate within any "C" Office District shall be governed by this paragraph.

302.4.2 Restrictions for Ornamental Grasses including Bamboo and Native Plants. Ornamental grasses, bamboo and native plants are exempt from height restrictions on private property, if these grasses do not obstruct sight distance for vehicular, bicycle, or pedestrian traffic. Ornamental grasses and bamboo shall not be located within five (5) feet from an adjacent property owner(s)' property line. The City shall maintain a list of permitted ornamental grasses and native plants.

302.4.3 Dead trees, bushes or shrubbery prohibited: No person, whether owner, lessee, or occupant, having control, possession, or use of any lot or land, property or any part of any property not in a wooded area shall allow dead trees, bushes, shrubbery, or debris, to remain on such property. Dead trees, bushes, shrubbery, when cut down, or debris, must be promptly removed from the property and disposed of in such a manner as not to create a nuisance. It shall be the duty of those responsible under this section for the removal of dead trees, bushes, shrubbery or debris from a private lot to also remove dead trees, bushes, shrubbery, or debris, from an abutting subdivision common ground or subdivision easement. Tree stumps shall be removed to grade level.

302.4.4 Depositing grass clippings on streets or along creeks, misdemeanor. No person whether owner, lessee, occupant, or contractor shall allow or permit debris of any kind including, but not limited to, weeds, grass, overgrown vegetation, dead trees, bushes or shrubbery to be placed, left, mechanically blown, swept, fall, or thrown onto any street, gutter, curb, road, lane, cul-de-sac, highway, open creek, stream, watercourse, public place, storm sewer, common ground, or right-of-way within the city limits. When complying with these sections in cutting, mowing, trimming of weeds, grass, rank vegetation growths, dead trees, bushes and shrubbery any such person shall promptly dispose of debris by removal or in such a manner as to not create a nuisance.

302.4.5 Notice to owner of violation. When the Building Commissioner or his duly authorized agent ascertains that noxious weeds and/or vegetation as set forth in this Article are growing on any property as described in Section 302.4, Section 302.4.1 and Section 302.4.2, he may cause a notice to be directed to the owner or other person in control of such lot or land that noxious weeds and/or other vegetation are growing thereon and must be destroyed, and that such destruction must be begun within seven (7) days after such notice is served and be completed within fifteen (15) days after such notice. The notice to the owner or other person in control of such lot or land shall be served in any one (1) of the following ways:

1. By causing such notice to be delivered to such owner, agent, occupant or other person in control either in the City or elsewhere.

2. By posting a copy of such notice upon the property in question, such notice to be deemed served at the end of twenty-four (24) hours after the posting thereof.

3. By mailing such notice or copy thereof enclosed in a sealed envelope, postage prepaid, directed to such owner or other person in control of said property, either at his place of business or residence in the City or elsewhere, such notice to be deemed served twenty-four (24) hours after the mailing of such notice in case it is directed to the business or residence address of the owner or other person in control of such property, provided that if the owner or other person in control of such property be non-residents of the City, and have no addresses, then the notice shall be deemed served at the end of such period after the mailing thereof as in the ordinary course of transmission of the mail by the United States Government would be required, for the receipt of such notice by the owner or other person in control of such land at their place of residence.

When the Building Commissioner or his duly authorized agent ascertains that dead trees, bushes, shrubbery, or debris remain on property as described in Section 302.4.3, abatement must be begun within seven (7) days after such notice is served and be completed within thirty (30) days after such notice. The notice to the owner or other person in control of such lot or land shall be served in any one (1) of the ways as set forth above.

302.4.6 Removal by city upon owner, lessee, or occupant's failure to comply with notice, collection of costs. If the weeds, grass, overgrown vegetation, or dead trees, bushes or shrubbery or debris are not cut down and removed from such property on or before the date specified in Section 302.4.5, the Building Commissioner, or his designee, may without further notice have the same cut down and removed from such property. The Building Commissioner, or his designee, shall certify the cost of such cutting and removal to the city clerk who shall cause the certified costs to be included in a special tax bill or added to the annual real estate tax bill for such property, at the clerk's option, and the certified costs shall be collected in the same manner and procedure for collection of real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent and the collection of the delinquent bill shall be governed by such laws applicable to delinquent and back taxes. The tax bill shall, from the date of its issuance, be deemed a personal debt against the owner of the property and shall also be a lien on the property until

paid. The lien shall be enforceable in any manner provided by law and shall bear interest at the rate of eight (8) percent per annum.

302.4.7. ADMINISTRATIVE COSTS AND LIEN RECORDING FEES. As a part of the cost of cutting weeds, rank vegetation growth, dead trees, bushes and shrubbery pursuant to this Section, each lien issued under this Section shall include such reasonable administrative charges as are determined by the Building Commissioner for inspecting, giving notice for issuing and recording the lien.

302.4.8 FAILURE TO COMPLY WITH NOTICES, MISDEMEANOR. If the weeds, grass, rank vegetation growths, or dead trees, bushes, shrubbery, or debris, are not cut down and removed from such property on or before the date specified in 302.4.5, the owner, lessee, or occupant of such property shall be deemed guilty of a misdemeanor and upon conviction shall be subject to penalties as provided for in Section 106.4 of this Section. Any person whether owner, lessee, occupant, or contractor is found in violation of Section 302.4.4 shall be deemed guilty of a misdemeanor and upon conviction shall be subject to penalties as provided for in Section 106.4 of this Section.

302.9 COST OF NUISANCE OR REMOVAL ABATEMENT.

1. In addition to any other remedy or procedure provided by Missouri Statute or city ordinances, if the owner of property has failed to begin or pursue without unnecessary delay the removal of a nuisance and the city has removed or abated a public nuisance that has been declared to exist on any lot or land as provided in the ordinances of the City of Clarkson Valley, the cost of such removal or abatement may be added by the city to the annual real estate bill for the property and collected in the same manner and procedure for collecting real estate taxes.

2. The Mayor is hereby authorized and directed to enter into such agreements with St. Louis County as are necessary or appropriate for St. Louis County to include such nuisance abatement fees with the tax bills sent each year by St. Louis County to residents of the City of Clarkson Valley onto the tax bill of the owner of the property where said nuisance was removed or abated.

302.4.10 PENALTIES. Any owner, agent, occupant or person in control of any property described in 302.4.1 through 302.4.4 who shall violate or fail to comply with any provisions of this Section, including failure to comply with the notice as described in 302.4.5, shall upon conviction be punished as provided in 106.4 of this Code.

302.8 Motor vehicles shall be DELETED in its entirety and a new 302.8 shall read as follow:

302.8 Motor vehicles. Parking Areas and Portable Storage Units: Parking areas and garages shall be used only for the parking of private tenant automobiles which have current license plates and are in working condition. The parking for longer than seventy-two (72) consecutive hours on any area, street, driveway or any other place or location within the City, except in an enclosed garage, of any motorcycle, boat, trailer, truck, camper, recreational vehicle, off-road vehicle or other motor

vehicle, except an automobile, non-commercial van or non-commercial pickup truck which is used as a passenger vehicle.

A new 302.10 PODS shall be added and shall read as follows:

302.10 PODS.

302.10.1 It shall be unlawful for any person to park, place or allow placement of a portable storage unit, PODS or similar device in or upon any street, highway, roadway, designated fire lane or sidewalk.

302.10.2 It shall be unlawful, for any person to park, place or allow placement of a portable storage unit, PODS or similar device upon any lot or property in the City of Clarkson Valley other than on a concrete, asphalt or other improved surface.

302.10.3 It shall be unlawful for any person to park, place or allow placement of a portable storage unit, PODS or similar device upon any lot or property in Clarkson Valley for more than twenty-one (21) consecutive days or on more than three (3) occasions in any twelve-month period.

302.10.4 No person shall park, place or allow placement of a portable storage unit, PODS, or similar device without first obtaining a building permit. The permit shall approve the location on the property, the time period not to exceed those stated in this Section.

302.10.5 This Section shall not apply to the use or placement of construction trailers and equipment on property in association with ongoing construction activities carried out pursuant to a valid building permit, or to the placement of accessory buildings or storage sheds.

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools and 303.2 Enclosures are DELETED and a new 303.1 and 303.2 shall read as follows:

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair. Any drainage, overflow, leakage, splash out or other discharge of water from a public, semipublic or family swimming pool shall under no circumstances be discharged in a manner that causes standing or stagnant water or creates a nuisance for the owners or tenants of surrounding properties.

303.2 Swimming pool barriers. All swimming pools shall be enclosed with a pool barrier as defined in the International Residential Code. All barriers and hardware shall be maintained in good working order.

SECTION 304 EXTERIOR STRUCTURE

304.1 General is DELETED and a new 304.1 shall read as follows:

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety

or welfare. General repairs shall be made in a workmanlike manner using identical or, if not available, similar material as the original installation

SECTION 305 INTERIOR STRUCTURE

305.1 General is DELETED (sub-paragraphs remain) and a new 305.1 shall read as follows:

305.1 General: The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

SECTION 308 RUBBISH AND GARBAGE

308.1 Accumulation of Rubbish or Garbage is DELETED and a new 308.1 shall read as follows:

308.1 Accumulation of Rubbish or Garbage. All exterior property and premises and the interior of every structure shall be free from any accumulation of rubbish, garbage, debris and yard waste.

308.1.1 Cleanliness: Every occupant of a single-family structure shall keep that part of the structure and exterior property which such occupant occupies, controls or uses in a clean and sanitary condition. Every owner of a structure containing non-residential occupancies shall maintain in a clean and sanitary condition the shared or public areas of the structure and exterior property.

308.2.1 Rubbish storage facilities is DELETED.

308.2.2 Refrigerators is DELETED.

308.3 Disposal of garbage is DELETED and a new 308.3 and 308.4 shall read as follows:

308.3 for Disposal of garbage. See Title II Public Health, Safety and Welfare, Chapter 225: Solid Waste Management, Article I. TRASH COLLECTION AND DISPOSAL GENERALLY.

308.4 Storage of containers. Rubbish and garbage containers required in Section 308 shall be stored and kept in an approved location that is not visible from the street frontage or from any public way.

Exception. Cans may be placed at curb on designated days of pickup.

SECTION 309 PEST ELIMINATION

309.1 Infestation is DELETED in its entirety and a new 309.1 shall read as follows:

309.1 Infestation. All structures shall be kept from the infestation of insects and rodents.

309.2 through 309.5 DELETED.

A new 309.2 shall be adopted and shall read as follows:

309.2 Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception. Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination.

4. *Chapter 4: Light, Ventilation and Occupancy Limitations*

SECTION 401 GENERAL

401.2 Responsibility is DELETED in its entirety and a new 401.2 shall read as follows:

401.2 Responsibility. The owner of a structure shall maintain all means of light and ventilation as required by the International Residential Code.

401.3 Alternative devices is DELETED in its entirety.

SECTION 402 LIGHT is DELETED in its entirety.

SECTION 403 VENTILATION is DELETED in its entirety.

SECTION 404 OCCUPANCY LIMITATIONS is DELETED in its entirety.

5. *Chapter 5: Plumbing Facilities and Fixture Requirements* is DELETED in its entirety.

6. *Chapter 6: Mechanical and Electrical Requirements* is DELETED in its entirety.

7. *Chapter 7: Fire Safety Requirements*

SECTION 701 GENERAL

701.2 Responsibility is DELETED in its entirety and a new 701.2 shall read as follows:

701.2 Responsibility. The owner of any structure shall provide and maintain such fire safety facilities and equipment in compliance with these requirements.

SECTION 702 MEANS OF EGRESS

702.1 General is DELETED in its entirety and a new 702.1 shall read as follows:

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Residential Code, International Building Code and the Municipal Code, City of Clarkson Valley, Missouri.

702.2 through 702.4 DELETED in its entirety.

SECTION 704 FIRE PROTECTION SYSTEMS

704.1 General is DELETED in its entirety and a new 704.1 shall read as follows:

704.1 General. All detection and alarm devices and automatic sprinkler systems required by the International Residential Code and the International Building Code shall be maintained in an approved and operable condition at all times.

704.1.1 is DELETED in its entirety.

704.2 through 704.4 DELETED in its entirety.

ARTICLE II
Adoption of County Codes

Section 500.030. County Electrical Code Adoption.

[CC 1990 85-156; Ord. No. 88-28 § 2, 12-6-1988; Ord. No. 95-01 § 1, 2-7-1995; Ord. No. 97-14 § 1, 12-2-1997; Ord. No. 00-14 § 1, 8-8-2000; Ord. No. 03-13 § 1, 11-4-2003; Ord. No. 03-14 § 1, 11-4-2003; Ord. No. 06-04 § 1, 3-7-2006; Ord. No. 10-15 § 1, 10-5-2010]

The St. Louis County Electrical Code, as amended, adopted by the County of St. Louis Ordinance Number 24439 on July 13, 2010, three (3) copies of which are on file in the office of the City Clerk, is hereby adopted as the Electrical Code of the City and made a part hereof as if fully set out in this Section.

Section 500.040. County Explosives Code Adoption.

[CC 1990 § 5-176; Ord. No. 87-9 § 2, 8-4-1987; Ord. No. 95-01 § 1, 2-7-1995; Ord. No. 97-14 § 1, 12-2-1997; Ord. No. 01-05 § 1, 6-5-2001; Ord. No. 03-14 § 1, 11-4-2003]

The St. Louis County Explosives Code, as amended, adopted by the County of St. Louis Ordinance Number 18693 on November 6, 1997, three (3) copies of which are on file in the office of the City Clerk, is hereby adopted as the Explosives Code of the City and made a part hereof as if fully set out in this Section.

Section 500.050. County Mechanical Code Adoption.

[CC 1990 § 5-196; Ord. No. 88-30 § 2, 12-6-1988; Ord. No. 95-01 § 1, 2-7-1995; Ord. No. 97-14 § 1, 12-2-1997; Ord. No. 01-05 § 1, 6-5-2001; Ord. No. 03-14 § 1, 11-4-2003; Ord. No. 05-08 § 1, 7-6-2005; Ord. No. 10-15 § 1, 10-5-2010]

The St. Louis County Mechanical Code, as amended, adopted by the County of St. Louis Ordinance Number 24438 on July 13, 2010, three (3) copies of which are on file in the office of the City Clerk, is hereby adopted as the Mechanical Code of the City and made a part hereof as if fully set out in this Section.

Section 500.060. County Plumbing Code Adoption.

[CC 1990 § 5-221; Ord. No. 88-29 § 2, 12-6-1988; Ord. No. 95-01 § 1, 2-7-1995; Ord. No. 97-14 § 1, 12-2-1997; Ord. No. 01-05 § 1, 6-5-2001; Ord. No. 03-14 § 1, 11-4-2003; Ord. No. 05-08 § 1, 7-6-2005; Ord. No. 10-15 § 1, 10-5-2010]

The St. Louis County Plumbing Code, as amended, adopted by the County of St. Louis Ordinance Number 24441 on July 13, 2010, three (3) copies of which are on file in the office of the City Clerk, is hereby adopted as the Plumbing Code of the City and made a part hereof as if fully set out in this Section.

Section 500.070. County Elevator Code Adoption.

[CC 1990 § 5-226; Ord. No. 95-01 § 1, 2-7-1995; Ord. No. 01-05 § 1, 6-5-2001]

The St. Louis County Building Code as it applies to elevators, as amended, adopted by the County of St. Louis by Ordinance Number 20311 on December 21, 2000, three (3) copies of which are on file in the office of the City Clerk, is hereby adopted as the Elevator Code of the City and made a part hereof as if fully set out in this Section.

Section 500.080. County Amusements Code Adoption.

[CC 1990 § 5-231; Ord. No. 95-01 § 1, 2-7-1995; Ord. No. 01-05 § 1, 6-5-2001]

The St. Louis County Building Code as it applies to amusements, as amended, adopted by the County of St. Louis in Ordinance Number 20311 on December 21, 2000, three (3) copies of which are on file in the office of the City Clerk, is hereby adopted as the Amusements Code of the City and made a part hereof as if fully set out in this Section.

Section 500.085. Penalty.

Any person violating any of the provisions of this Chapter or any of the Codes adopted in this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars ($500.00) or be imprisoned in the City or County Jail for a period of not exceeding ninety (90) days, or both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

ARTICLE III
Administration and Enforcement [1]

Section 500.090. Building Commissioner.

[CC 1990 §§ 5-36 — 5-39; Code 1977 § 4.060]

A. *Office Created — Appointment — Term.* The office of Building Commissioner is hereby created, and the Building Commissioner shall be appointed by the Mayor with the approval of the Board of Aldermen and shall serve at the pleasure of the Mayor.

B. *Powers And Duties.* The Building Commissioner shall be the chief inspection and enforcement officer of all ordinances regulating construction, structures, excavations, grading, land, zoning, subdivisions and such other duties as shall be assigned from time to time by the Board of Aldermen. He/she shall have the exclusive authority to issue permits for building and construction and to approve fees, deposits and bonds for repair except as otherwise provided in this Section. The Building Commissioner shall perform all of the duties and functions of the office of Street Commissioner.

C. *Deputy, Assistants.* A Deputy Building Commissioner and other assistants to the Building Commissioner may be appointed by the Mayor with the approval of the Board of Aldermen to assist the Building Commissioner in the performance of his/her duties. The Deputy Building Commissioner shall in the absence of the Building Commissioner have all the authority and power of the Building Commissioner.

D. *Compensation.* The Building Commissioner, the Deputy Building Commissioner and the assistants to the Building Commissioner shall receive such compensation as shall be set by ordinance.

Section 500.100. Electrical Inspector.

[CC 1990 §§ 5-56 — 5-59; Code 1977 § 4.100]

A. *Office Created — Appointment.* There is hereby created the office of City Electrical Inspector who shall be appointed by the Mayor with the approval of the Board of Aldermen.

B. *Powers And Duties.* The Electrical Inspector shall be the chief enforcement officer of the Electrical Code of the City and shall have exclusive responsibility for approving applications and issuing electrical work permits for installations, repairs, alterations and/or corrections of electrical apparatus as described in the City Electrical Code. The Inspector is authorized and empowered to enforce or cause the enforcement of the City Building and Fire Codes as well as the Electrical Code; to stop any construction and/or alteration whenever there shall be a violation of an ordinance and/or uncorrected violations; to appoint deputies to assist him/her in his/her duties; and to call upon any public safety officer to enforce, or to assist in the enforcement of the ordinances of the City.

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1. **Cross References — City officers and employees, ch. 120.**

C. *Authority Of City To Contract For Performance Of Duties.* The Board of Aldermen may adopt an ordinance to contract for the performance of all of the duties of the Electrical Inspector by another political subdivision.

D. *Compensation.* The Electrical Inspector and his/her deputies shall receive such compensation as shall be set out by ordinance.

Section 500.110. Plumbing Inspector.

[CC 1990 §§ 5-76 — 5-79; Code 1977 § 4.110]

A. *Office Created — Appointment.* There is created hereby the office of City Plumbing Inspector who shall be appointed by the Mayor with the approval of the Board of Aldermen.

B. *Powers And Duties.* The City Plumbing Inspector shall be the chief enforcement officer of the City's Plumbing Code and shall have the exclusive responsibility for approving applications and issuing plumbing work permits for installations, repairs, alterations and/or corrections of plumbing apparatus as described in the City's Plumbing Code. The Inspector is authorized and empowered to enforce and/or cause the enforcement of the City's Building Code and Sanitation Code as well as the Plumbing Code, to appoint deputies to assist him/her in his/her duties, to stop construction for ordinance violation, to revoke a permit, and to call upon a public safety officer to enforce or to assist in the enforcement of the ordinances of the City.

C. *Authority Of City To Contract For Performance Of Duties.* The Board of Aldermen may adopt an ordinance to contract for the performance of all of the duties of the Plumbing Inspector by contract by another political subdivision.

D. *Compensation.* The City Plumbing Inspector and his/her deputies shall receive such compensation as shall be set by ordinance.

ARTICLE IV
Architectural Compliance

Section 500.120. Purpose.

[CC 1990 § 5-96; Code 1977 § 20.010; Ord. No. 03-02 §§ 1 — 2, 2-4-2003]

All buildings and structures erected in the City shall conform to certain minimum architectural standards of appearance and conformity with surrounding existing structures in order to maintain and encourage stability of values of surrounding property and structures and to promote and protect the general welfare and happiness of the City and its inhabitants.

Section 500.130. Board Meetings.

[CC 1990 § 5-97; Code 1977 § 20.020; Ord. No. 03-02 §§ 1 — 2, 2-4-2003]

The Architectural Board which is established pursuant to this Article shall hold meetings at the call of the Chairman of the Architectural Board and at such other times as the Board may

determine. Two (2) members of the Architectural Board shall constitute a quorum. Meetings of the Architectural Board may be called by the Mayor. All meetings shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or, if failing to vote, indicating that fact. A majority vote is required to recommend approval. A majority of the Architectural Board members may adopt rules and regulations to govern the procedure before the Board.

Section 500.140. Building Permit Applications.

[CC 1990 § 5-98; Code 1977 § 20.030; Ord. No. 03-02 §§ 1 — 2, 2-4-2003]

A. Prior to any excavation, land disturbance or the commencement of any construction, excavation or alteration of any structure, the property owner or his agent shall apply for a building permit. Every application for a building permit, except minor repairs not affecting the outward appearance of a building, shall be filed with the City Clerk along with the detail drawings and specifications of the improvements. Applications related to exterior alterations, excavation, grading or other land disturbance shall contain the information required by this Section, including the plans, elevations and a plat of the lot containing lot and building lines, easements, proposed improvements, existing and finished grades and a topography plot of the building lot. The Building Commissioner may waive the supporting document requirements of this Section for applications requesting a permit for minor excavation, minor grading, landscape repair or maintenance, or other minor non-structural exterior maintenance. The City Clerk shall affix the date of receipt and within five (5) days submit such application and accompanying documents to the Architectural Board before the Building Commissioner may approve and issue a building permit. The application for a building permit and accompanying documents shall be submitted to the Architectural Board within five (5) days of the filing of such application and documents with the City pursuant to Article I of this Chapter. For purposes of this Section, the term *"minor repair"* is defined as any repair that:

1. Does not affect the structural support elements of any structure; and

2. Does not require a plumbing, electrical, mechanical or other building permit under the St. Louis County Code as adopted by the City of Clarkson Valley.

Section 500.150. Procedure By Board.

[CC 1990 § 5-99; Code 1977 § 20.040; Ord. No. 03-02 §§ 1 — 2, 2-4-2003]

A. Within seven (7) days after an application shall have been submitted to the Architectural Board, the Chairman or the designated member shall examine same and shall determine whether the proposed structure will conform to proper architectural standards in appearance and design and will be in general conformity with the style and design of surrounding structures and conducive to the proper architectural development of the City. If, in his/her opinion, the proposed structure will so conform, he/she shall issue a recommendation for approval of the application and return same to the Building Commissioner forthwith.

B. If, in the opinion of the Chairman or a designated member of the Architectural Board, the proposed structure will not so conform, or if the Chairman or the designated member of the Architectural Board has a doubt concerning the subject, he/she shall call a meeting of the Architectural Board, and notice of the time and place of the meeting shall be given to the applicant within fourteen (14) days of the date that the application was submitted to the Architectural Board. At the meeting the Architectural Board shall examine the application and accompanying documents required by Section 500.140, hear the applicant in reference thereto, and any other evidence that may be pertinent.

C. At the conclusion of any meeting of the Architectural Board, the Architectural Board shall proceed in the following manner:

1. If, in the opinion of the Architectural Board, the proposed structure will conform to proper architectural standards of appearance and design and will be in general conformity with the style and design of surrounding structures and conducive to the proper architectural development of the City, it shall issue a recommendation for approval of a building permit for the proposed structure.

2. If, in the opinion of the Architectural Board, the proposed structure will constitute an unsightly, grotesque or unsuitable structure in appearance or detrimental to the welfare of surrounding property or residents, it shall issue a recommendation for disapproval of a building permit for the proposed structure, but the Board may make recommendations in regard to such application if it sees fit.

D. If the Architectural Board returns the application to the Building Commissioner with a recommendation for approval, the Building Commissioner may issue the permit if he/she determines that the application complies with all City codes, ordinances and building codes.

E. If the Architectural Board shall return the application to the Building Commissioner with a recommendation for disapproval of the application and recommendations, the Building Commissioner may issue the permit, provided that the applicant shall make appropriate changes in the documents submitted with the application and shall agree to comply with the recommendations of the Board.

F. If the Architectural Board shall return the application to the Building Commissioner either with its recommendation for disapproval and without recommendations, or with its recommendation for disapproval with recommendations and the applicant shall refuse to comply with the recommendations, the Building Commissioner shall refuse to issue a building permit.

G. The City Clerk shall give written notice to the applicant of the disposition of his/her application under this Section within five (5) days after disposition by the Architectural Board as provided in this Section. Notice shall be sent by registered or certified mail to applicant at the address appearing on the application.

Section 500.160. Appeal by Applicant.

[CC 1990 § 5-100; Code 1977 § 20.050; Ord. No. 03-02 §§ 1 — 2, 2-4-2003]

In the event an applicant shall be aggrieved by any decision of the Architectural Board or the Building Commissioner under the provisions of this Article, the applicant may appeal to the Board of Adjustment.

Section 500.170. Construction.

[CC 1990 § 5-101; Code 1977 § 20.060; Ord. No. 03-02 §§ 1 — 2, 2-4-2003]

The provisions contained in this Article are independent of the provisions in Article I of this Chapter, and no provision herein shall in any way be construed or interpreted to be a substitute for or a replacement of any provision in such Article I.

Section 500.180. Architectural Board.

[CC 1990 § 5-116; Code 1977 § 5.060(1-2); Ord. No. 00-02 §§ 1 — 3, 2-1-2000; Ord. No. 03-02 §§ 1 — 2, 2-4-2003]

A. *Creation — Appointment — Composition.* There shall be an Architectural Board appointed by the Mayor with the approval of the Board of Aldermen. This Board shall consist of two (2) members, at least one (1) of whom shall be a resident of the City and at least one (1) of whom shall be a licensed architect. One (1) of such members shall be appointed by the Mayor as Chairman of the Architectural Board. At the discretion of the Mayor, the President of the Board of Aldermen shall serve as an alternate member of the Architectural Board in the event that the Chairman or any member is unable to serve due to illness, absence or other reason.

B. *Powers And Duties.* The Architectural Board shall inspect and study all plans and specifications for structures accompanying the applications for building permits, and it shall determine whether the proposed structure will conform in styling and architecture with other existing buildings in the area in which it is proposed to be located. The duties and functions of the Board are contained in Article IV of this Chapter.

ARTICLE V
Miscellaneous Building Regulations

Section 500.190. Fence Regulations.

[CC 1990 § 5-138; Ord. No. 99-06 §2, 7-6-1999; Ord. No. 09-14 §§1 — 2, 10-6-2009; Ord. No. 13-07 §§1 — 2, 12-3-2013]

A. *Purpose.* The fence regulations set forth supplement the district regulations for each district in the zoning regulation.

B. *Definitions.* For the purpose of this Article, the following terms shall be deemed to have the meanings indicated below:

FENCE — A structure and/or materials, other than plant material, erected to provide a barrier or enclosure within or around a lot or any portion thereof. Shrubs, hedges, trees and other plant material shall not be considered a fence.

PRIVACY FENCE AND SEMI PRIVACY FENCE — A fence over three (3) feet tall that is solid or almost solid that shields the space from observance by people outside the perimeter of the fence.

C. *Fence Regulations.*

1. The fences shall be located within the rear yard (as defined in the zoning regulations) of the property. No fence shall be located in the front yard as defined in the zoning regulations.

2. *Swimming Pool and Open Water Retention Basin Safety Devices.* Every person owning land on which there is situated a swimming pool and/or a water retention basin which contains twenty-four (24) inches or more of water in depth at any point and greater than two hundred fifty (250) square feet in area shall erect and maintain thereon an adequate enclosure either surrounding the property or pool area sufficient to make such body of water inaccessible to small children. Such enclosure, including gates therein, must be not less than four (4) feet above the underlying ground; all gates must be self-closing and self-latching with latches placed four (4) feet above the underlying ground or otherwise made inaccessible from the outside to small children.

3. *Prohibited Fences.* Certain fences shall not be allowed, including privacy fences and semi privacy fences, fences made of chicken wire, barbed wire, chain link or similar materials. Electric fences above ground shall not be permitted unless used on larger lots consisting of not less than two (2) acres which have been authorized for the maintaining of livestock. Fences which exceed the height of six (6) feet shall not be permitted.

4. *Exception for "C" and "PC" Districts.* The use of vinyl-coated, chain-link fencing shall be permitted for use in the "C" and "PC" Districts as part of an approved stormwater control system, including detention and/or retention systems, but the specific location, color, height, wire gauge, and design of the vinyl-coated, chain-link fencing must be specially approved by the Board of Aldermen. The Building Commissioner shall not have the authority to authorize a permit for vinyl-coated, chain-link fencing unless the fencing has been authorized by the Board of Aldermen.

D. *Permit Required.* No person shall erect or maintain within the City any fence without first having complied with the provisions of Article IV of this Chapter and having obtained a building permit. A person seeking architectural approval and a building permit shall comply with the regulations appearing elsewhere in the Building Code with regard to submitting plans and drawings for constructing and/or erecting a structure. There shall be a permit fee of twenty-five dollars ($25.00) paid to the City when submitting plans, drawings and application for a fence building permit and a fee of forty dollars ($40.00) paid to the City each time the City requires an inspection be made by the Building Commissioner. Normally there will be two (2) inspections; post hole and at the

completion of the fence unless the City determines that more inspections are required because of the type of construction.

E. Fences existing at the time of adoption of these regulations may remain; however, should those fences fall in disrepair or be damaged to the extent that fifty percent (50%) of the fence requires replacement, then the entire fence shall be brought into compliance with the requirements of the fence regulations (unless the damage is caused by storm or outside the owner's control). Any fence that is not in compliance with these regulations at the time of adoption may not be replaced without complying with the regulations.

Section 500.195. Swimming Pool Regulations.

[Ord. No. 06-05 §§ 1 — 2, 4-4-2006]

Any drainage, overflow, leakage, splash out or other discharge of water from a public, semi-public or family swimming pool shall under no circumstances be discharged in a manner that causes standing or stagnant water or creates a nuisance for the owners or tenants of surrounding properties.

Section 500.200. Storage of Liquefied Petroleum Gases Restricted.

[CC 1990 § 5-1; Code 1977 § 14.110]

A. No person shall store or keep liquefied petroleum gases within the City except under the provisions of this Section.

B. A resident may maintain a one thousand (1,000) gallon tank under the Code fire safety regulations for the purpose of storing fuel to be used in his/her domestic situation.

C. A contractor may apply for and receive a special permit from the Director of Public Safety for a period not to exceed thirty (30) days to store prohibited materials on a building site; the Director of Public Safety, with the protection of the public in view, may extend such permit. The Director of Public Safety shall issue such permit only when he/she is satisfied that all precautions he/she deemed necessary shall have been taken.

D. No prohibited material shall be divided, pumped, distributed or transferred within the City except under permit from the Director of Public Safety, and any sale thereof is prohibited.

E. The regulations under this Section do not apply to gasoline, kerosene and like fuels which are regulated under other portions of this Code.

Section 500.210. through Section 500.290. (Reserved)

ARTICLE VI
Fee Schedule

Section 500.300. New Construction.

[Ord. No. 03-03 §§ 1 — 2, 4-1-2003]

A. The building permit fee for all new construction and industrialized dwellings shall be assessed at twelve cents ($0.12) per square foot area of construction. Any amendment to a permit necessitating an additional fee because of an increase in the square footage of the work involved shall not be approved until the additional fee shall have been paid.

B. The square foot area of construction shall be determined by measuring the length of the structure and multiplying it by the width of the structure. The measurement shall include garages and the farthest projections, overhangs and cantilevers from the ground to the top of the construction. It shall not include unroofed or unenclosed porches or patios.

Section 500.301. Alterations or Remodeling.

[Ord. No. 03-03 §§ 1 — 2, 4-1-2003; Ord. No. 08-04 §§ 1 — 2, 5-6-2008]

A. The building permit fee for additions, alterations and remodeling, including any building permit in connection with swimming pools, accessory structures, porch additions or any other exterior structure requiring a building permit, shall be based on the following schedule of fees as maintained and posted in City Hall:

Building permit fee: $25.00

Permit issuance and plan review fee: $44.00

Inspection fee (per inspection): $25.00

Occupancy permit fee: $25.00

Final completion certificate (in lieu of occupancy permit): $25.00

B. Further, any application submitted pursuant to this Section shall be forwarded to the Building Commissioner for review and calculation of the building permit fees.

Section 500.302. Moving of Buildings.

[Ord. No. 03-03 §§ 1 — 2, 4-1-2003]

The fee for a building permit for the removal of a building or structure from one lot to another or to a new location on the same lot shall be at the rate of twelve cents ($0.12) per one hundred dollars ($100.00) of the estimated cost of moving plus the cost of new foundations and all work necessary to place the building or structure in its completed condition in the new location, plus such other building permit fees deemed necessary by the Building Commissioner.

Section 500.303. Demolition Permits.

[Ord. No. 03-03 §§ 1 — 2, 4-1-2003]

The demolition permit shall be seventy-seven dollars ($77.00) per structure.

Section 500.304. Inspections.

[Ord. No. 03-03 §§ 1 — 2, 4-1-2003; Ord. No. 08-04 §§ 1 — 2, 5-6-2008]

In addition to the building permit fee, an inspection charge of twenty-five dollars ($25.00) shall be paid to the City for each inspection deemed necessary by the Building Commissioner. The number of inspections required shall be determined after the review of the plans submitted and the number shall be indicated on the building permit application. The City of Clarkson Valley may contract with a political subdivision to conduct any or all of the inspections herein required and does adopt the fees of said political subdivision applicable to any inspections conducted pursuant to said contract and the City does authorize that payment of inspection fees be made directly to said political subdivision for any inspections conducted by said political subdivision pursuant to the herein mentioned contract.

Section 500.305. Reinspection Charge.

[Ord. No. 03-03 §§ 1 — 2, 4-1-2003; Ord. No. 08-04 §§ 1 — 2, 5-6-2008]

There is hereby established a reinspection charge of twenty-five dollars ($25.00), which shall be applicable to all reinspections, where it has been determined that the initial inspection resulted in a failure to comply with the applicable construction code, that the initial inspection reveals that the scope of work performed has deviated from the plans submitted to the City, or upon the request of the owner or contractor for any reinspection.

Section 500.306. Final Completion.

[Ord. No. 03-03 §§ 1 — 2, 4-1-2003]

Each building permit issued by the Building Commissioner shall state upon its face the expiration date of said permit. All work authorized by the permit shall be completed no later than 5:00 P.M. CST on the expiration date of the permit. Each applicant shall notify the Building Commissioner of the date of completion of the work authorized by the permit prior to the expiration of the permit. The Building Commissioner shall perform a final inspection of each project within fourteen (14) days after the expiration of the permit or the completion of the work, whichever is earlier. An inspection fee shall be assessed in the amount of twenty-five dollars ($25.00) for each final inspection and the fee shall be paid by the applicant. Additionally, all extra costs, fees, permit fees and other expenses shall be paid by the applicant within thirty (30) days from the date of the final inspection.

Section 500.307. Additional Costs.

[Ord. No. 03-03 §§ 1 — 2, 4-1-2003]

A. In addition to the building permit fee and inspection fees, all reasonable costs or fees charged to the City including, but not limited to, site and building plan review, inspection and permit fees, reinspection fees, engineer fees, architecture review fees, other professional fees and testing fees, as deemed necessary by the Building Commissioner, shall be paid by the applicant before issuance of the building permit, the final occupancy permit or the final completion certificate.

B. A plan review escrow procedure is hereby authorized to be formulated, implemented and amended by City staff to help ensure that all such costs charged to the City are recovered by the applicants.

C. In the event that the City receives an application, petition or other request for any administrative or legislative consideration and the applicant, petitioner or requestor owes the City any amounts from previous City consideration including any third (3rd) party expenses the City has incurred, the City reserves the right to refuse to give any consideration to such application, petition or request until such time that the City has received payment in full or payment terms acceptable to the City.

D. In the event that it is necessary for the Building Commissioner to undertake an inspection or other professional investigation in order to confirm or deny the existence of a building code or zoning violation, the owner of the property shall be liable for all inspection fees, all reasonable costs or fees charged to the City including, but not limited to, site and building plan review, inspection and permit fees and testing fees as deemed necessary by the Building Commissioner. In the event that it is determined that no building code or zoning violation exists on the subject property, the owner of the property shall not be liable for any inspection fees, costs or expenses.

E. Any person or entity that fails to pay the necessary permit fees, inspection fees or additional costs as contained in this Code shall be deemed as violating the City Code and subject to the penalties contained in Section 100.100 or any other applicable Section of the City Code.

Section 500.308. Doubling.

[Ord. No. 03-03 §§ 1 — 2, 4-1-2003]

The building permit fees provided for in Sections 500.300 through 500.307 above shall be doubled where work for which a building permit is required in Section 500.140 is commenced prior to obtaining the permit of filing of the application. The payment of such double fees shall not relieve any person from fully complying with all provisions regulating such construction.

Section 500.309. Refunds.

[Ord. No. 03-03 §§ 1 — 2, 4-1-2003]

The Building Commissioner may cancel permits and refund the permit fee less expenses incurred and a maximum penalty of twenty dollars ($20.00) or such lesser amount as the Building Commissioner shall set.

Section 500.310. Fees Indexed For Inflation.

[Ord. No. 03-03 §§ 1 — 2, 4-1-2003]

The assessment figures in Sections 500.300 through 500.307 shall be adjusted on an annual basis, effective January first (1st) of the year in question to reflect increases, if any, in the November offering next preceding this January first (1st) of the Cost of Living Index for all urban consumers for the St. Louis area published by the Bureau of Labor Statistics of the United States Department of Labor, as compared to the previous November offering, using the period 1967 = 100 as the base period. All such computation of increases made as provided herein shall not be further adjusted during the course of the year in question until the following January first (1st) of the next year in question when such adjustments, if warranted as provided herein, shall be made.

Chapter 502

POST CONSTRUCTION

ARTICLE I
Stream Buffer Protection

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ARTICLE I
Stream Buffer Protection

Section 502.010. Title.

[Ord. No. 08-02 §§1 — 2, 3-18-2008]

This Chapter shall be known as the "Clarkson Valley Stream Buffer Protection Ordinance".

Section 502.020. Findings and Purposes.

[Ord. No. 08-02 §§1 — 2, 3-18-2008]

A. *Findings.* Whereas, the City of Clarkson Valley finds that buffers adjacent to streams provide numerous benefits including:

1. Protecting, restoring and maintaining the chemical, physical and biological integrity of streams and their water resources.

2. Removing pollutants delivered in urban stormwater.

3. Reducing erosion and controlling sedimentation.

4. Protecting and stabilizing stream banks.

5. Providing for infiltration of stormwater runoff.

6. Maintaining base flow of streams.

7. Contributing organic matter that is a source of food and energy for the aquatic ecosystem.

8. Providing tree canopy to shade streams and promote desirable aquatic habitat.

9. Providing riparian wildlife habitat.

10. Furnishing scenic value and recreational opportunity.

11. Providing opportunities for the protection and restoration of greenspace.

B. *Purposes.* The purpose of this Chapter is to protect the public health, safety, environment and general welfare; to minimize public and private losses due to erosion, siltation and water pollution; and to maintain stream water quality by provisions designed to:

1. Create buffer zones along the streams of Clarkson Valley for the protection of water resources; and

2. Minimize land development within such buffers by establishing buffer zone requirements and by requiring authorization for any such activities.

Section 502.030. Definitions.

[Ord. No. 08-02 §§1 — 2, 3-18-2008]

As used in this Chapter, the following terms shall have these prescribed meanings:

BUFFER — With respect to a stream, a natural or enhanced vegetated area (established by Section 502.050(A)(1) below) lying adjacent to the stream.

FLOODPLAIN — Any land area susceptible to flooding, which would have at least a one percent (1%) probability of flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan, i.e., the regulatory flood.

IMPERVIOUS COVER — Any man-made paved, hardened or structural surface regardless of material. Impervious cover includes, but is not limited to, rooftops, buildings, streets, roads, decks, swimming pools and any concrete or asphalt.

LAND DEVELOPMENT — Any land change including, but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving and any other installation of impervious cover.

LAND DEVELOPMENT ACTIVITY — Those actions or activities which comprise, facilitate or result in land development.

LAND DISTURBANCE — Any land or vegetation change, including, but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, that do not involve construction, paving or any other installation of impervious cover.

LAND DISTURBANCE ACTIVITY — Those actions or activities which comprise, facilitate or result in land disturbance.

PARCEL — Any plot, lot or acreage shown as a unit on the latest County tax assessment records.

PERMIT — The permit issued by the Clarkson Valley Building Commissioner required for undertaking any land development activity.

PERSON — Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, City, County or other political subdivision of the State, any interstate body or any other legal entity.

PROTECTION AREA or STREAM PROTECTION AREA — With respect to a stream, the combined areas of all required buffers and setbacks applicable to such stream.

RIPARIAN — Belonging or related to the bank of a river, stream, lake, pond or impoundment.

SETBACK — With respect to a stream, the area established by Section 502.050(A)(2) extending beyond any buffer applicable to the stream.

STREAM — Any stream, beginning at:

1. All natural watercourses depicted by a solid or dashed blue line on the most current United States Geological Survey (U.S.G.S.) 7.5 Minute Series (Topographic) Maps for Missouri; or

2. A point in the stream channel with a drainage area of twenty-five (25) acres or more.

STREAM BANK — The sloping land that contains the stream channel and the normal flows of the stream. Where no established top-of-bank can be determined, the stream bank will be the "ordinary high water mark" as defined by the Corps of Engineers in Title 33 of the Code of Federal Regulation, Part 328.3.

STREAM CHANNEL — The portion of a watercourse that contains the base flow of the stream.

Section 502.040. Applicability.

[Ord. No. 08-02 §§1 — 2, 3-18-2008]

This Chapter shall apply to all land development activity on property containing a stream protection area as defined in Section 502.030 of this Chapter. These requirements are in addition to, and do not replace or supersede, any other applicable buffer or flood plain requirements established under State law and approval or exemption from these requirements do not constitute approval or exemption from buffer requirements established under State law or from other applicable local, State or Federal regulations.

Section 502.041. Grandfather Provisions.

[Ord. No. 08-02 §§1 — 2, 3-18-2008]

A. This Chapter shall not apply to the following activities:

1. Work consisting of the repair or maintenance of any lawful use of land that is zoned and approved for such use on or before the effective date of this Chapter.

2. Existing development and ongoing land disturbance activities including, but not limited to, existing agriculture, silviculture, landscaping, gardening and lawn maintenance, except that new development or land disturbance activities on such properties will be subject to all applicable buffer requirements.

3. Any land development activity that is under construction, fully approved for development, scheduled for permit approval or has been submitted for approval as of the effective date of this Chapter.

4. Land development activity that has not been submitted for approval, but that is part of a larger master development plan, such as for an office park or other phased development that has been previously approved within two (2) years of the effective date of this Chapter.

Section 502.042. Exemptions.

[Ord. No. 08-02 §§1 — 2, 3-18-2008]

A. The following specific activities are exempt from this Chapter. Exemption of these activities does not constitute an exemption for any other activity proposed on a property.

B. Activities for the purpose of building one (1) of the following:

1. A stream crossing by a driveway, transportation route or utility line;

2. Public water supply intake or public wastewater structures or stormwater outfalls;

3. Intrusions necessary to provide access to a property;

4. Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;

5. Unpaved foot trails and paths;

6. Activities to restore and enhance stream bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used.

C. *Public Sewer Line Easements.* This includes such impervious cover as is necessary for the operation and maintenance of the utility, including, but not limited to, manholes, vents and valve structures. This exemption shall not be construed as allowing the construction of roads, bike paths or other transportation routes in such easements, regardless of paving material, except for access for the uses specifically cited in Subsection (B)(1) above.

D. Land development activities within a right-of-way existing at the time this Chapter takes effect or approved under the terms of this Chapter.

E. Within an easement of any utility existing at the time this Chapter takes effect or approved under the terms of this Chapter, land disturbance activities and such impervious cover as is necessary for the operation and maintenance of the utility, including, but not limited to, manholes, vents and valve structures.

F. Emergency work necessary to preserve life or property. However, when emergency work is performed under this Section, the person performing it shall report such work to the Building Commissioner on the next business day after commencement of the work. Within ten (10) days thereafter, the person shall apply for a permit and perform such work within such time period as may be determined by the Building Commissioner to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area.

G. Forestry and silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land disturbance in the buffer that would otherwise be prohibited, then no other land disturbing activity other than normal forest management practices will be allowed on the entire property for three (3) years after the end of the activities that intruded on the buffer.

H. Any activities approved under a 404 permit issued by the Corps of Engineers and 401 water quality certification issued by the Missouri Department of Natural Resources.

I. After the effective date of this Chapter, it shall apply to new subdividing and platting activities.

J. Any land development activity within a buffer established hereunder or any impervious cover within a setback established hereunder is prohibited unless a variance is granted pursuant to Section 502.050(B) below.

Section 502.050. Land Development Requirements.

[Ord. No. 08-02 §§1 — 2, 3-18-2008]

A. *Buffer And Setback Requirements.* All land development activity subject to this Chapter shall meet the following requirements:

1. For streams depicted as a solid blue line on the U.S.G.S. map, an undisturbed natural vegetative buffer shall be maintained for fifty (50) feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank. For all other streams subject to this Chapter, an undisturbed natural vegetative buffer shall be maintained for twenty-five (25) feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.

2. An additional setback shall be maintained for twenty-five (25) feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all

impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.

3. No septic tanks or septic tank drain fields shall be permitted within the buffer or the setback.

B. *Variance Procedures.* Variances from the above buffer and setback requirements may be granted in accordance with the following provisions:

1. Where a parcel was platted prior to the effective date of this Chapter, and its shape, topography or other existing physical condition prevents land development consistent with this Chapter, and either the Building Commissioner finds and determines that the requirements of this Chapter prohibit the otherwise lawful use of the property by the owner, the Clarkson Valley Board of Aldermen may grant a variance from the buffer and setback requirements hereunder, provided such variance requires mitigation measures to offset the effects of any proposed land development on the parcel.

2. Except as provided above, the Clarkson Valley Board of Aldermen shall grant no variance from any provision of this Chapter without first conducting a public hearing on the application for variance and authorizing the granting of the variance by an affirmative vote of the Planning and Zoning Commission. The Planning and Zoning Commissioner shall give public notice of each such public hearing in a newspaper of general circulation within Clarkson Valley. The Board of Aldermen may require that the applicant post a sign giving notice of the proposed variance and the public hearing. If so deemed, the sign shall be of a size and posted in such a location on the property as to be clearly visible from the primary adjacent road right-of-way.

   Variances will be considered only in the following cases:

   When a property's shape, topography or other physical conditions existing at the time of the adoption of this Chapter prevents land development unless a buffer variance is granted.

   Unusual circumstances when strict adherence to the minimal buffer requirements in the ordinance would create an extreme hardship.

   Variances will not be considered when, following adoption of this Chapter, actions of any property owner of a given property have created conditions of a hardship on that property.

3. At a minimum, a variance request shall include the following information:

   a. A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;

   b. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;

c. A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;

d. Documentation of unusual hardship should the buffer be maintained;

e. At least one (1) alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;

f. A calculation of the total area and length of the proposed intrusion;

g. A stormwater management site plan, if applicable; and

h. Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.

4. The following factors will be considered in determining whether to issue a variance:

a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;

b. The locations of all streams on the property, including along property boundaries;

c. The location and extent of the proposed buffer or setback intrusion;

d. Whether alternative designs are possible which require less intrusion or no intrusion;

e. The long-term and construction water-quality impacts of the proposed variance; and

f. Whether issuance of the variance is at least as protective of natural resources and the environment.

Section 502.060. Compatibility With Other Regulations and Requirements.

[Ord. No. 08-02 §§1 — 2, 3-18-2008]

This Chapter is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, Statute or other provision of law. The requirements of this Chapter should be considered minimum requirements, and where any provision of this Chapter imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

Section 502.070. Additional Information Requirements for Development on Buffer Zone Properties.

[Ord. No. 08-02 §§1 — 2, 3-18-2008]

A. Any permit applications for property requiring buffers and setbacks hereunder must include the following:

A site plan showing:

1. The location of all streams on the property;
2. Limits of required stream buffers and setbacks on the property;
3. Buffer zone topography with contour lines at no greater than five (5) foot contour intervals;
4. Delineation of forested and open areas in the buffer zone;
5. Detailed plans of all proposed land development in the buffer and of all proposed impervious cover within the setback;
6. A description of all proposed land development within the buffer and setback; and
7. Any other documentation that the Building Commissioner may reasonably deem necessary for review of the application and to insure that the buffer zone ordinance is addressed in the approval process.

B. All buffer and setback areas must be recorded on the final plat of the property following plan approval. A note to reference the vegetated buffer shall state: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by Stream Buffer Protection Ordinance".

Section 502.080. Responsibility.

[Ord. No. 08-02 §§1 — 2, 3-18-2008]

Neither the issuance of a development permit nor compliance with the conditions thereof, nor with the provisions of this Chapter shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose any liability upon Clarkson Valley, its officers or employees, for injury or damage to persons or property.

Section 502.090. Inspection.

[Ord. No. 08-02 §§1 — 2, 3-18-2008]

A. The Clarkson Valley Building Commissioner may cause inspections of the work in the buffer or setback to be made periodically during the course thereof and shall make a final inspection following completion of the work. The permittee shall assist the Building Commissioner in making such inspections. The City shall have the Building Commissioner conduct such investigations as it may reasonably deem necessary to carry

out its duties as prescribed in this Chapter, and for this purpose to enter at reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of any land development activities within the protection area.

B. No person shall refuse entry or access to any authorized representative or agent who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out official duties.

Section 502.100. Violations, Enforcement and Penalties.

[Ord. No. 08-02 §§1 — 2, 3-18-2008]

Any action or inaction which violates the provisions of this Chapter or the requirements of an approved site plan or permit may be subject to the enforcement actions outlined in this Section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

Section 502.101. Notice of Violation.

[Ord. No. 08-02 §§1 — 2, 3-18-2008]

A. If the Building Commissioner determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved site plan or the provisions of this Chapter, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this Chapter without having first secured the appropriate permit therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

B. The notice of violation shall contain:

1. The name and address of the owner or the applicant or the responsible person;

2. The address or other description of the site upon which the violation is occurring;

3. A statement specifying the nature of the violation;

4. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the approved site plan or this Chapter and the date for the completion of such remedial action;

5. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and

6. A statement that the determination of violation may be appealed to the Clarkson Valley Board of Aldermen by filing a written notice of appeal within thirty (30) days after the notice of violation (except that in the event the violation constitutes

an immediate danger to public health or public safety, twenty-four (24) hours' notice shall be sufficient).

Section 502.102. Penalties.

[Ord. No. 08-02 §§1 — 2, 3-18-2008]

A. In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one (1) or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Building Commissioner shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity of not less than ten (10) days (except that in the event the violation constitutes an immediate danger to public health or public safety, twenty-four (24) hours' notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the Building Commissioner may take any one (1) or more of the following actions or impose any one (1) or more of the following penalties.

1. *Stop work order.* The Building Commissioner may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to cure such violation or violations.

2. *Withhold certificate of occupancy.* The Building Commissioner may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

3. *Suspension, revocation or modification of permit.* The Building Commissioner may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the Building Commissioner may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

4. *Civil penalties.* In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten (10) days (or such greater period as the Building Commissioner shall deem appropriate) (except that in the event the violation constitutes an immediate danger to public health or public safety, twenty-four (24) hours' notice shall be sufficient) after the Building Commissioner

has taken one (1) or more of the actions described above, the Clarkson Valley Prosecuting Attorney may impose a penalty not to exceed one thousand dollars ($1,000.00) (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

5. *Criminal penalties.* For intentional and flagrant violations of this Chapter, the Police or court may issue a citation to the applicant or other responsible person, requiring such person to appear in the Municipal Court of Clarkson Valley to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed one thousand dollars ($1,000.00) or imprisonment for sixty (60) days, or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

Section 502.110. Administrative Appeal and Judicial Review.

[Ord. No. 08-02 §§1 — 2, 3-18-2008]

A. *Administrative Appeal.* Any person aggrieved by a decision or order of the Building Commissioner may appeal in writing within thirty (30) days after the issuance of such decision or order to the Clarkson Valley Board of Aldermen and shall be entitled to a hearing before the Board of Adjustment of Clarkson Valley within thirty (30) days of receipt of the written appeal.

B. *Judicial Review.* Any person aggrieved by a decision or order of the Building Commissioner, after exhausting all administrative remedies, shall have the right to appeal de novo to the Circuit Court of St. Louis County.

Section 502.120. Severability.

[Ord. No. 08-02 §§1 — 2, 3-18-2008]

If any Article, Section, Subsection, paragraph, clause, phrase or provision of this Chapter shall be adjudged invalid or held unconstitutional, such decision shall not affect or invalidate the remaining portions of this Chapter.

Chapter 505

SIGN REGULATIONS

Section 505.010. Definitions.

Section 505.020. Permits Required for Erection, Construction, Alteration or Maintenance.

Section 505.030. General Requirements.

Section 505.035. Garage Sales.

Section 505.040. Exemptions.

Section 505.050. Unsafe and Unlawful Signs and Advertising Devices.

Section 505.060. Existing Signs.

Section 505.070. Separate Offenses.

Section 505.080. Sign Regulations for "A" Semi-Rural District.

Section 505.090. Sign Regulations for "C" Office District.

Section 505.010. Definitions. [1]

[CC 1990 §9-171; Code 1977 §14.090(1); Ord. No. 02-03 §§1 — 2, 2-5-2002]

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

ADVERTISING DEVICE — Any banner or pennant affixed on poles, wires or ropes and streamers, wind-operated devices or any other similar device.

GARAGE SALE — A sale conducted by a residential inhabitant of the City of Clarkson Valley in which he or she offers for sale to the general public items of personal property belonging to such inhabitant, or members of his or her immediate family and conducted in such a manner as to not constitute an ongoing commercial enterprise.

SIGN — Any panel, painted or illuminated, advertising the name of a person, firm, product or having any form of inscription thereon.

Section 505.020. Permits Required for Erection, Construction, Alteration or Maintenance.

[CC 1990 §9-172; Code 1977 §14.090(2); Ord. No. 02-03 §§1 — 2, 2-5-2002]

A. No sign shall be erected, constructed, altered or maintained in the City except as provided herein and in the zoning ordinance and until a permit has been issued in accordance with the provisions of this Code. Prior to the issuance of any permit hereunder, an application shall be filed which shall include the plans and specifications for such sign showing the dimensions, materials and required details of construction including loads, stresses and anchorage. The application shall be accompanied by the

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1. **Cross Reference — Definitions and rules of construction generally, §100.020.**

written consent of the owner or lessee of the premises upon which the sign is to be erected. Following the filing of such application, the Building Commissioner shall make a report thereon to the Board of Aldermen and the Board shall review all applications, except as hereinafter provided, to determine their compliance with the terms and provisions of this Chapter. Upon the approval of the application for a permit by the Board, a fee of fifty dollars ($50.00) shall be paid by the applicant.

B. No sign shall be altered, enlarged or relocated except in conformity to the provisions of this Chapter.

Section 505.030. General Requirements.

[CC 1990 §9-173; Code 1977 §14.090(3); Ord. No. 02-03 §§1 — 2, 2-5-2002]

A. The following provisions shall apply to all signs requiring a permit under this Chapter:

1. *Compliance with zoning regulations.* No sign shall be erected, constructed or maintained unless same complies in all respects with the provisions of the zoning regulations, Chapter 405 of the City.

2. *Height of signs.* No sign shall exceed the height of the building located or proposed to be located on the parcel of land involved.

3. *Attachment, dimensions.* All signs shall be attached or affixed to the building and no sign shall exceed the dimensions for signs prescribed by the City zoning regulations.

Section 505.035. Garage Sales.

[Ord. No. 02-03 §§1 — 2, 2-5-2002]

A. *Garage Sales — Individual Resident.*

1. Any resident of Clarkson Valley shall have the right to advertise for a garage sale as defined in this Code after obtaining a permit from the City Clerk, subject to the following:

a. The City Clerk shall not issue a garage sale sign permit for a garage sale at the same address which has had a prior garage sale (Wednesday/Saturday of same week constitute one (1) sale) within six (6) months immediately preceding the application;

b. The City Clerk shall notify the Ballwin Police Department of the time and date of the proposed garage sale;

c. The application for a garage sale sign permit must be received no later than seven (7) days prior to the proposed garage sale;

d. The proposed garage sale must not commence prior to 7:00 A.M. Central Standard or Central Standard Daylight Saving Time and cease operations at sunset on the date of the sale;

e. The applicant shall be entitled to erect one (1) sign on the premises on which the garage sale is taking place and three (3) additional off-premises informational or directional signs related to the garage sale. Said signs shall not be erected any sooner than twenty-four (24) hours prior to said garage sale. Any sign installed pursuant to this Subsection shall not exceed four (4) square feet.

f. The City Clerk shall issue a garage sale sign permit if the applicant complies with the following regulations:

(1) Completes and files a garage sale sign application with the City Clerk containing all required information;

(2) Obtains from the City Clerk five (5) temporary "no-parking" signs to be installed on the opposite side of the street nearest the residence having the garage sale at fifty (50) feet intervals at least one (1) hour prior to the commencement of the garage sale.

2. The resident shall be responsible for retrieving and otherwise take down the temporary "no-parking" signs posted pursuant to Subsection (A)(1)(f)(2) within a two (2) hour period immediately following the termination of the garage sale.

B. *Garage Sales — Subdivision.*

1. A subdivision in Clarkson Valley shall have the right to advertise for a garage sale as defined in this Code after obtaining a permit from the City Clerk, subject to the following:

a. The City Clerk shall not issue a garage sale sign permit for a subdivision garage sale more than one (1) time (Wednesday/Saturday of same week constitute one (1) sale) in a calendar year;

b. The City Clerk shall notify the Ballwin Police Department of the time and date of the proposed garage sale;

c. The application for a garage sale sign permit must be received no later than seven (7) days prior to the proposed garage sale;

d. The proposed garage sale must not commence prior to 7:00 A.M. Central Standard or Central Standard Daylight Saving Time and cease operations at sunset on the date of the sale;

e. The subdivision shall be entitled to erect one (1) sign at each of their entrances (if there is more than one (1)). Said signs shall not be erected any sooner than twenty-four (24) hours prior to said garage sale. Any sign installed pursuant to this Subsection shall not exceed four (4) square feet.

f. The City Clerk shall issue a garage sale sign permit if they comply with following regulations:

(1) Completes and files a garage sale sign application with the City Clerk containing all required information and permit fee;

(2) Designated agent obtains from the City Clerk the "no parking" signs to be placed along those streets in the designated areas as may be determined by the Police Department.

2. It shall be the responsibility of the subdivision's designated agent(s) to retrieve the "no parking" signs posted pursuant to Subsection (B)(1)(f)(2) within the two (2) hour period immediately following the termination of the garage sale.

Section 505.040. Exemptions.

[CC 1990 §9-174; Code 1977 §14.090(4); Ord. No. 02-03 §§1 — 2, 2-5-2002]

A. No permit shall be required for the signs hereinafter listed; provided however, that such exemption shall not be construed to relieve the owner of the sign from compliance with the zoning regulations of the City and from responsibility for its erection and maintenance in a safe manner and, provided further, that the signs hereinafter listed under Subsections (1) through (5) shall not exceed four (4) square feet in area:

1. Real estate signs advertising the sale or rental of the premises upon which the sign is located. Only one (1) such sign shall be located on each lot offered for sale or lease.

a. *Open house.* Additional signs shall be permitted for informational or directional use in order to promote an "open house" intended to promote the premises for sale or lease to the general public, subject to the following restrictions:

(1) Additional signs for informational or directional use promoting an "open house" regarding any premises offered for sale or lease shall not be installed any sooner than the day of the commencement of the open house;

(2) For the purposes of this Subsection, an "open house" may only have a seven (7) hour duration;

(3) Any signs erected pursuant to the provisions of this Subsection shall be removed three (3) hours after the expiration of the "open house".

2. Temporary construction signs, including engineers' and architects' signs and other similar signs in connection with construction operations being conducted on the premises upon which the signs are to be located.

3. Municipal signs erected by the City or other public agency for street or other directions.

4. The Board of Aldermen may grant a permit for a sign related to public convenience or noteworthy private purpose.

a. The permit requirements of this Section shall not apply to any signs erected to promote an annual subdivision meeting as long as said signs are not

erected more than seventy-two (72) hours prior to the meeting and are removed within twenty-four (24) hours after said meeting.

5. Any resident of the City of Clarkson Valley may erect signs and advertise for the location of a lost pet or lost personal item without a permit as long as the resident follows the regulations contained herein governing "Personal Convenience Sign Templates" and adheres to the rules and regulations established by the City Building Commissioner for the management of said sign:

   a. *"Personal convenience sign template"* is hereby defined as a temporary sign allowable under this Subsection (5):

      (1) The maximum size of the sign shall be two (2) feet by (2) feet, resulting in a maximum sign surface area of four (4) square feet;

      (2) The sign shall not be erected on private property without the consent of the property owner;

      (3) The sign shall not be erected or positioned in a dangerous manner, or in a manner to interfere with pedestrian or vehicular traffic, or in a manner which impedes the effectiveness of vehicular traffic signs or electric signals.

6. Political signs are exempt from regulation, except that no political sign shall exceed four (4) square feet in outline area per facing.

Section 505.050. Unsafe and Unlawful Signs and Advertising Devices.

[CC 1990 §9-175; Code 1977 §14.090(5); Ord. No. 96-07 §1, 6-4-1996; Ord. No. 02-03 §§1 — 2, 2-5-2002]

A. The following signs and advertising devices are hereby declared to be unlawful:

   1. A revolving sign.

   2. A sign advertising an article or product not manufactured, assembled, processed, repaired or sold on the premises upon which the sign is located.

   3. A sign relating to the lease, hire or sale of a building or premises other than the building or premises upon which the sign is displayed.

   4. A sign advertising a service not rendered on the premises upon which the sign is located.

   5. The exterior use of any advertising device as herein defined.

B. When any sign becomes insecure, in danger of failing or otherwise unsafe, or if any sign or advertising device shall be unlawfully installed or maintained in violation of this Chapter, the City Board of Aldermen, the City Building Commissioner or his duly authorized agents shall have the authority to remove same immediately and recoup from the owner of said sign the reasonable costs of said removal, provided however, that

notice shall be given by the City Building Commissioner or his authorized agents in writing to the owner of such sign and the owner of property upon which same is located, which such notice shall be sent to the last known address of said owners promptly upon removal of such sign.

Section 505.060. Existing Signs.

[CC 1990 §9-176; Code 1977 §14.090(6); Ord. No. 02-03 §§1 — 2, 2-5-2002]

No sign approved and erected prior to the date of adoption of the ordinance from which this Chapter was derived shall be repaired, altered or moved, nor shall any sign or any part thereof which is blown down, destroyed or removed be re-erected, reconstructed, rebuilt or relocated unless in compliance with all of the applicable requirements of this Chapter.

Section 505.070. Separate Offenses.

[CC 1990 §9-177; Code 1977 §14.090(7); Ord. No. 02-03 §§1 — 2, 2-5-2002]

Each day a violation of this Chapter shall be continued after notice as provided in Section 505.050 shall constitute a separate offense under this Chapter.

Section 505.080. Sign Regulations for "A" Semi-Rural District.

[Ord. No. 02-03 §§1 — 2, 2-5-2002]

A. Temporary signs not exceeding four (4) square feet in outline area pertaining to the lease, hire or sale of a building or premises located within the City are permissible and said signs shall be removed as soon as the premises are leased, hired or sold. Not more than one (1) temporary sign of the above character per building or premises shall be permitted upon any lot and any other temporary signs pertaining to the lease, hire or sale of a building or premises shall comply with the restrictions contained in Section 505.040(1) of this Code. No other signs except as detailed in this Section shall be permissible in the "A" Semi-Rural District.

B. Permanent signs pertaining to public convenience, information or awareness, which shall not exceed four (4) square feet in area, shall not extend more than eight (8) feet above the elevation of the ground and shall not exceed four (4) feet in width shall be permissible.

Section 505.090. Sign Regulations for "C" Office District.

[Ord. No. 02-03 §§1 — 2, 2-5-2002]

A. Subject to other provisions of this Section, each developed lot may have no more than one (1) freestanding business sign facing each roadway on which the lot has frontage regardless of the number of buildings upon the lot. However, each building, regardless of the number of lots upon which it may be located, shall have no more than one (1) freestanding business sign facing each roadway on which its lot or lots has frontage. No freestanding business sign shall exceed four (4) square feet in outline area per facing, nor

exceed a width of four (4) feet, nor extend more than six (6) feet above the elevation of the adjacent street or elevation of the average finished ground elevation along the side of the building on the property facing the street, whichever is higher.

B. Each lot may have no more than one (1) freestanding information sign facing each roadway on which the lot has frontage. Such freestanding information sign shall not exceed four (4) square feet in outline area per facing, shall not exceed a width of four (4) feet and shall not extend more than six (6) feet above the elevation of the adjacent street or elevation of the average finished ground elevation along the side of the building on the property facing the street, whichever is higher.

C. *Directional Signs.*

1. Directional signs shall not exceed four (4) square feet in outline area per facing. Freestanding directional signs shall not extend more than ten (10) feet above the elevation of the adjacent street or elevation of the average finished ground elevation along the side of the building facing the street, whichever is higher.

2. No directional sign shall be located on or over a public right-of-way without approval of the appropriate government entity.

3. The height of all directional signs shall not exceed ten (10) feet when located within the minimum front yard setback.

D. Each building may have a business sign. Such sign shall not exceed four (4) square feet in outline area and shall be a flat sign permanently affixed to the face of the building.

E. *Miscellaneous.*

1. Sign illumination shall be so arranged as not to cast light directly from any source of illumination on any public right-of-way or on adjoining properties in the "A" Semi-Rural District.

2. No sign shall be illuminated by intermittent light sources.

3. Pennants, fringes, lights, sound equipment or similar devices for attracting attention shall not be permitted. This does not prohibit the display of the national, State or corporate flags.

4. A temporary project information sign shall be permitted at each main entrance to a zone "C" Office District development. No such sign shall exceed four (4) square feet in outline area per facing, nor exceed a width of four (4) feet nor extend more than ten (10) feet above the elevation of the adjacent street. The sign may be located on any platted lot or common ground of a development or any unplatted portion of the development identified as part of a particular development on an approved preliminary subdivision plat or site development concept plan, site development section plan or site development plan. Said temporary project information sign shall be removed within thirty (30) days of project completion as evidenced by issuance of a valid occupancy permit.

5. All business signs shall be located as not to impair the visibility of any official highway sign or marker and no business sign shall be so placed as to unnecessarily obstruct the visibility of any other business sign.

6. The paragraphs in this Subsection shall prevail in the event of a conflict between any of its provisions and any provision of the Municipal Code, as amended, or other ordinances.

F. *For Sale/Lease Signs.* Each lot may have no more than one (1) temporary sign pertaining to the lease, hire or sale of a building or premises within the City not exceeding four (4) square feet in outline area per facing, shall not exceed a width of four (4) feet and shall not extend more than six (6) feet above the elevation of the average finished ground elevation along the side of the building on the property facing the street, whichever is higher.

Chapter 510

LAND DISTURBANCE CODE

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ARTICLE I
Administration

Section 510.010. Scope.

[Ord. No. 08-03 §§1 — 2, 3-18-2008]

A. *Title.* These regulations shall be known as the "Land Disturbance Code" of Clarkson Valley, Missouri, hereinafter referred to as "this code".

B. *Introduction.* On construction or land disturbance sites, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Deposits of eroded soil also necessitate maintenance of sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat. Construction activities also utilize materials and generate wastes, which if not properly controlled can pollute receiving waters.

C. *Purpose.* The purpose of this code is to safeguard persons, protect property, and prevent damage to the environment in Clarkson Valley. This code will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in Clarkson Valley.

D. *Scope.* This code provides for the safety, health and welfare of the public by regulating and controlling the design, construction, use, and maintenance of any development or other activity that disturbs land surfaces or results in the movement of earth in Clarkson Valley, Missouri.

E. *Definitions.* For the purpose of this code, the following terms, phrases, words, and their derivations shall have the meanings given herein. Where terms are not defined by this Section, such terms shall have ordinarily accepted meanings such as the context implies.

BEST MANAGEMENT PRACTICES or BMP — Practices, procedures or a schedule of activities to reduce the amount of sediment and other pollutants in storm water discharges associated with construction and land disturbance activities.

CLEARING — Any activity that removes the vegetative surface cover.

DRAINAGE WAY — Any channel that conveys surface runoff through a site.

EROSION — The wearing away of land surface through the action of wind or water.

EROSION CONTROL — Any best management practices (BMP) that prevents or minimizes erosion.

GRADING — Reshaping the ground surface through excavation and/or fill of material.

LAND DISTURBANCE ACTIVITIES — Clearing, grading or any related work which results in removal of the natural site vegetation and destruction of the root zone or otherwise results in leaving the ground surface exposed to soil erosion through the action of wind or water.

LAND DISTURBANCE, MAJOR — Any land disturbance activity involving one (1) acre or more of land, or a site involving less than one (1) acre that is part of a proposed development that will ultimately disturb one (1) acre or more.

LAND DISTURBANCE, ORDINARY — Any land disturbance activity involving less than one (1) acre of land.

PERIMETER CONTROL — A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

PHASING — Clearing a parcel of land in distinct stages, with the stabilization of each phase substantially completed before the clearing of the next.

QUALIFIED PROFESSIONAL — A Missouri licensed professional engineer or other person or firm knowledgeable in the principles and practices of erosion and sediment control, including the best management practices described in this code.

RUNOFF COEFFICIENT — The fraction of total rainfall that exits at the outfalls from a site.

SEDIMENT CONTROL — Any best management practices (BMP) that prevents eroded sediment from leaving a site.

STABILIZATION — The use of best management practices (BMP) that prevent exposed soil from eroding from a land disturbance site.

START OF CONSTRUCTION — The first (1st) land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP) — A management plan, the purpose of which is to ensure the design, implementation, management and maintenance of best management practices (BMP) in order to reduce the amount of sediment and other pollutants in storm water discharges associated with land disturbance activities, comply with the standards of the County and ensure compliance with the terms and conditions of the applicable State permits, including adherence to the land disturbance program contained in Missouri MS4 NPDES permits.

WATERCOURSE — A natural or artificial channel or body of water, including, but not limited to, lakes, ponds, rivers, streams, ditches and other open conveyances, that carry surface runoff water either continuously or intermittently.

Section 510.020. Land Disturbance Permits Required.

[Ord. No. 08-03 §§1 — 2, 3-18-2008]

A. *Permit Required.* Any person who intends to conduct any land disturbance activity must obtain a permit prior to beginning the activity. The type of permit shall be as required by this Section.

B. *Major Land Disturbance Permit.* No person shall perform any major land disturbance activity prior to receipt of a major land disturbance permit. Applications for major land disturbance permits shall be filed with the City Clerk.

C. *Ordinary Land Disturbance Permit.* No person shall perform any ordinary land disturbance activity prior to receipt of an ordinary land disturbance permit. Applications for ordinary land disturbance permits shall be filed with the City Clerk.

D. *Clarkson Valley Building Permit And Related Land Disturbance Activities.* The Building Commission may include ordinary land disturbance activities associated with the construction of a building, structure, or parking lot authorized by a permit issued under the Building Code, as an integrated permit for the proposed construction.

E. *Limitation On Transfer Of Land Disturbance Permits.* Any person who buys land from a person who has been issued a land disturbance permit under this Section of this code must obtain a separate land disturbance permit from Clarkson Valley.

Exceptions:

1. Major land disturbance permits may be transferred to a new landowner provided the original permit holder obtains the approval of the Building Commissioner to retain responsibility for the land disturbance activities on such property.

2. Ordinary land disturbance permits may be transferred to a new landowner provided the original permit holder obtains the approval of the Building Commissioner to retain responsibility for the land disturbance activities on such property.

F. *Exceptions — Land Disturbance Permits Not Required.* Land disturbance permits are not required for the activities identified as items (1) and (8) in this Section, nor are such permits required for the activities identified in items (2), (3), (4), (5), (6) and (7), provided the activity does not alter, or cause to be altered, the present surface of the

ground: (a) by any cut or fill at the property line; (b) by any cut or fill that would permanently divert one drainage area to another drainage area; (c) by any cut or fill which would deposit mud or harmful silt, or create erosion or damage to adjoining properties; or (d) by any cut or fill that would block or affect an existing swale or drainage path in a manner to cause damming and ponding.

1. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

2. Existing farming, nursery and agricultural operations conducted as a permitted or accessory use.

3. Excavation or fill of less than thirty (30) cubic yards provided the land disturbance activity is for the improvement of the property. Erosion and sediment control measures shall be provided when necessary, until grass or other vegetation is established or other approved means of ground cover means are used.

4. Land disturbance activities associated with additions to and accessory structures.

5. Land disturbance activities less than two thousand (2,000) square feet in area.

6. Removal of existing or dying grass or similar vegetation by disturbing not more than ten thousand (10,000) square feet and resodding or reseeding with new landscaping to include preparation of the seedbed; provided erosion and sediment control measures are provided until the grass or other vegetation is established. Any cut or fill in conjunction with the preparation of the seedbed shall not exceed thirty (30) cubic yards.

7. Gardening and similar activities on property occupied by one-family dwellings.

8. Land disturbance activities by any public utility for the installation, inspection, repair or replacement of any of its equipment or for its collection or distribution lines or piping systems; provided erosion and sediment control measures are provided until grass or other vegetation is established or other approved ground cover means are used. This exception does not apply to any land disturbance activity associated with work that requires a building permit.

G. *State Of Missouri Permits Required.* The permit applicant must obtain a land disturbance permit from the State of Missouri Department of Natural Resources for any site where one (1) acre or more of land will be disturbed, before beginning any site work authorized by a Clarkson Valley permit. This requirement applies to sites of less than one (1) acre that are part of a proposed development that will ultimately disturb one (1) acre or more.

Section 510.030. Land Disturbance Permit Applications.

[Ord. No. 08-03 §§1 — 2, 3-18-2008]

A. *Permit Applications.* Applications for land disturbance permits required by this code shall be in the form prescribed by and accompanied by the site plans and documents determined necessary by the City. Such applications shall include proof that proposed land uses have received zoning approvals from the City.

B. *Storm Water Pollution Prevention Plan (SWPPP) Required For Major Land Disturbance Permits.* All applications for major land disturbance permits shall be accompanied by a Storm Water Pollution Prevention Plan prepared for the specific site by or under the direction of a qualified professional. The application shall contain a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the Storm Water Pollution Prevention Plan, and the applicant will assume and acknowledge responsibility for compliance with this code and the Storm Water Pollution Prevention Plan at the site of the permitted activity.

C. *Required Site Development Escrows For Major Land Disturbance Permits.* Applicants for major land disturbance permits shall file a site development escrow in the form of a letter of credit, or other improvement security in an amount deemed sufficient by the City to cover all costs of improvements, landscaping, and maintenance of improvements for such period as specified by the office of the Building Commissioner. The site development escrow shall include engineering and inspection costs sufficient to cover the cost of failure or repair of improvements installed on the site.

D. *Release Of Escrows — Project Closure.* Any site development escrow will not be fully released to the property owner, site operator or permit holder until all of the following have been completed:

1. All temporary storm water control best management practices (BMPs) have been removed and the site has been fully stabilized.

2. All permanent storm water control best management practices (BMP) have been completed.

3. All final inspections/certifications have been completed by each of the government jurisdictions involved in authorizing the project.

Section 510.040. Fees.

[Ord. No. 08-03 §§1 — 2, 3-18-2008]

Issuance Of Permits. Land disturbance permits shall be in accordance with the fee rates established in Section 500.301 of this code and shall not be issued until the fees associated with the permit are paid to the City.

Section 510.050. Storm Water Pollution Prevention Plan (SWPPP).

[Ord. No. 08-03 §§1 — 2, 3-18-2008]

A. *Content — Storm Water Pollution Prevention Plan (SWPPP).* The design requirements in Section 510.060 of this Article shall be taken into consideration when developing the Storm Water Pollution Prevention Plan and the plan shall include the following:

1. Name, address and telephone number of the site owner and the name, address and telephone number of the individual who will, overall, be responsible and in charge of construction/development activities at the site.

2. Site address or location description.

3. A site map showing the outlines of the total project area, the areas to be disturbed, existing land uses, locations and names of surface water bodies, locations of flood plains, locations of temporary and permanent best management practices (BMP) and such other information as the City may require.

4. Existing contours of the site and adjoining strips of off-site property and proposed contours after completion of the proposed grading and development, based on United States Geological Survey datum, with established elevations at buildings, walks, drives, street and roads; and information on necessary clearing and grubbing, removal of existing structures, excavating, filling, spreading and compacting.

5. A natural resources map identifying soils, forest cover, and resources protected under other provisions of City's code.

6. An estimate of the runoff coefficient of the site prior to disturbance and the runoff coefficient after the construction addressed in the permit application is completed.

7. Estimated grading quantity.

8. Details of the site drainage pattern both before and after major land disturbance activities.

9. Access to construction site.

10. Description of best management practices (BMP) to be utilized to control erosion and sedimentation during the period of land disturbance.

11. Description of best management practices (BMP) to be utilized to prevent other potential pollutants such as construction wastes, toxic or hazardous substances, petroleum products, pesticides, herbicides, site litter, sanitary wastes and other pollutants from entering the natural drainage ways during the period of construction and land disturbance.

12. Description of best management practices (BMP) that will be installed during land disturbance to control pollutants in storm water discharges that will occur after land disturbance activity has been completed.

13. Location of temporary off-street parking, and wash-down area for related vehicles.

14. Sources of off-site borrow material or spoil sites, and all information relative to haul routes, trucks and equipment.

15. The anticipated sequence of construction and land disturbance activities, including installation of best management practices (BMP), removal of temporary best management practices (BMP), stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date(s) on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of

temporary erosion and sediment control measures, and establishment of permanent vegetation.

16. All erosion and sediment control measures necessary to meet the objectives of this Article throughout all phases of construction and after completion of site development. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.

17. Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.

18. Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.

19. Plans for responding to any loss of contained sediment to include the immediate actions the permittee will take in case of a containment failure. This plan must include documentation of actions and mandatory reporting to the office of the Building Commissioner.

20. Schedules and procedures for routine inspections of any structures provided to prevent pollution of storm water or to remove pollutants from storm water and of the site in general to ensure all best management practices (BMP) are continually implemented and are effective.

B. The permittee shall amend the Storm Water Pollution Prevention Plan whenever:

1. Design, operation or maintenance of best management practices (BMP) is changed;

2. Design of the construction project is changed that could significantly affect the quality of the storm water discharges;

3. Site operator's inspections indicate deficiencies in the Storm Water Pollution Prevention Plan (SWPPP) or any best management practices (BMP);

4. Inspections by the City or by the Missouri Department of Natural Resources indicate deficiencies in the Storm Water Pollution Prevention Plan (SWPPP) or any best management practices (BMP);

5. The Storm Water Pollution Prevention Plan (SWPPP) is determined to be ineffective in significantly minimizing or controlling erosion or excessive sediment deposits in streams or lakes;

6. The Storm Water Pollution Prevention Plan (SWPPP) is determined to be ineffective in preventing pollution of waterways from construction wastes, chemicals, fueling facilities, concrete truck washouts, toxic or hazardous materials, site litter or other substances or wastes likely to have an adverse impact on water quality;

7. Total settleable solids from a storm water outfall exceed one-half (0.5) ml/L/hr if the discharge is within the prescribed proximity of a "valuable resource water" as defined by the Missouri Department of Natural Resources;

8. Total settleable solids from a storm water outfall exceeds two and one-half (2.5) ml/L/hr for any other outfall; or

9. The City of Clarkson Valley or the Missouri Department of Natural Resources determines violations of water quality standards may occur or have occurred.

C. The permittee shall:

1. Notify all contractors and other entities (including utility crews, County employees, or their agents) that will perform work at the site of the existence of the Storm Water Pollution Prevention Plan (SWPPP) and what actions or precautions shall be taken while on site to minimize the potential for erosion and the potential for damaging any best management practices (BMP);

2. Determine the need for and establish training programs to ensure that all site workers have been trained, at a minimum, in erosion control, material handling and storage, and housekeeping;

3. Provide copies of the Storm Water Pollution Prevention Plan (SWPPP) to all parties who are responsible for installation, operation or maintenance of any best management practices (BMP); and

4. Maintain a current copy of the Storm Water Pollution Prevention Plan (SWPPP) on the site at all times.

Section 510.060. Design Requirements.

[Ord. No. 08-03 §§1 — 2, 3-18-2008]

A. Grading, erosion control practices, sediment control practices, and watercourse crossings shall be adequate to prevent transportation of sediment from the site to the satisfaction of the Building Commissioner.

B. Cut and fill slopes shall be no greater than 3:1 except as approved by the Building Commissioner to meet other community or environmental objectives.

C. Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all other Sections of the City's code.

D. Clearing techniques that retain existing vegetation to the maximum extent practicable shall be used and the time period for disturbed areas to be without vegetative cover shall be minimized to the extent practical, to the satisfaction of the Building Commissioner.

E. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.

F. Phasing shall be required on all sites disturbing greater than ten (10) acres, with the size of each phase to be established at plan review and as approved by the Building Commissioner.

G. Erosion control requirements shall include the following:

1. Soil stabilization shall be completed within five (5) days of clearing or inactivity in construction.

2. If seeding or another vegetative erosion control method is used, it shall become established within two (2) weeks or the Building Commissioner may require the site to be reseeded or a non-vegetative option employed.

3. Techniques shall be employed to ensure stabilization on steep slopes and in drainage ways.

4. Soil stockpiles must be stabilized or covered at the end of each workday.

5. The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season or within the total time allowed for the permit which shall be three (3) months.

6. Techniques shall be employed to prevent the blowing of dust or sediment from the site.

7. Techniques shall be employed to divert upland runoff past disturbed slopes.

H. Sediment control design requirements shall include:

1. Settling basins, sediment traps, or tanks and perimeter controls.

2. Settling basins shall be provided for each drainage area within ten (10) or more acres disturbed at one time and shall be sized to contain one-half (0.5) inch of sediment from the drainage area and be able to contain a 2-year, 24-hour storm. If the provision of a basin of this size is impractical, other similarly effective best management practices (BMP), as evaluated and specified in the Storm Water Pollution Prevention Plan (SWPPP), shall be provided.

3. Settling basins shall be designed in a manner that allows adaptation to provide long-term storm water management, as required by the Building Commissioner.

4. Settling basins shall have stabilized spillways to minimize the potential for erosion of the spillway or basin embankment.

5. Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls.

I. Watercourse protection requirements shall include:

1. Encroachment into or crossings of active watercourses/riparian areas and wetlands shall be avoided to the maximum extent practicable. Where applicable, all local,

State and Federal permits and approvals shall be provided to the Building Commissioner prior to the issuance of a site disturbance permit.

2. Stabilization of any watercourse channels before, during, and after any in-channel work.

3. If a defined watercourse is to be realigned or reconfigured, clearing and grubbing activities within fifty (50) feet of the watercourse shall not begin until all materials and equipment necessary to protect the watercourse and complete the work are on site. Once started, work shall be completed as soon as possible. Areas within fifty (50) feet of the watercourse shall be recontoured and revegetated, seeded or otherwise protected within five (5) working days after grading has ceased.

4. All storm water conveyances shall be designed according to the criteria of the St. Louis Metropolitan Sewer District (MSD) and the necessary MSD permits obtained.

5. Stabilization adequate to prevent erosion shall be provided at the outlets of all pipes and paved channels.

J. Construction site access requirements shall include:

1. A temporary access road provided at all land disturbance sites including a washdown area supporting all active sites.

2. Other measures required by the Building Commissioner in order to ensure that sediment is not tracked onto public/private streets by construction vehicles or washed with wash effluent channeled directly into storm drains.

K. Control requirements for construction materials, construction wastes and other wastes generated on site shall include provisions, satisfactory to the Building Commissioner, for:

1. Spill prevention and control facilities for materials such as paint, solvents, petroleum products, chemicals, toxic or hazardous substances, substances regulated under the Resource Conservation and Recovery Act (RCRA) or the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and any wastes generated from the use of such materials and substances, including their containers. Any containment systems employed to meet this requirement shall be constructed of materials compatible with the substances contained and shall be adequate to protect both surface and ground water.

2. Collection and disposal of discarded building materials and other construction site wastes, including those listed above.

3. Litter control.

4. Control of concrete truck washouts.

5. Assurance that on-site fueling facilities will adhere to applicable Federal and State regulations concerning storage and dispensers.

6. Provision of sufficient temporary toilet facilities to serve the number of workers on site.

Section 510.070. Inspections.

[Ord. No. 08-03 §§1 — 2, 3-18-2008]

A. The Building Commissioner shall make inspections as herein required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the grading, erosion and sediment control plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the Building Commissioner shall be maintained at the site during the progress of the work. To obtain inspections, the permittee shall notify the City at least two (2) working days before the following:

1. Start of construction.
2. Installation of sediment and erosion measures.
3. Completion of site clearing.
4. Completion of rough grading.
5. Completion of final grading.
6. Close of the construction season.
7. Completion of final landscaping.

B. In addition to the inspections otherwise required, the Building Commissioner is authorized to perform and charge fees for extra inspections or reinspections which in his/her judgment is reasonably necessary due to non-compliance with the requirements of this code, or work not ready or accessible for inspection when requested.

C. The permittee or his/her agent shall make regular inspections of land disturbance site, including all erosion and sediment and other pollutant control measures, outfalls and off-site receiving waters in accordance with the inspection schedule outlined in the approved Storm Water Pollution Prevention Plan (SWPPP). Inspections must be scheduled at least once per week and no later than seventy-two (72) hours after heavy rain. The purpose of such inspections will be to ensure proper installation, operation and maintenance of best management practices (BMP) and to determine the overall effectiveness of the Storm Water Pollution Prevention Plan (SWPPP) and the need for additional control measures. All inspections shall be documented in written form at the time interval specified in the permit. Permittee inspection reports must include the following minimum information:

1. Inspector's name and signature;
2. Date of inspection;

3. Observations relative to the effectiveness of the best management practices (BMPs);

4. Actions taken or necessary to correct deficiencies; and

5. A listing of areas where land disturbance operations have permanently or temporarily stopped.

The permittee shall notify the site contractor(s) responsible for any deficiencies identified so that deficiencies can be corrected within seven (7) calendar days of the weekly inspection report.

D. The Building Commissioner shall make inspections as deemed necessary to ensure the validity of the reports filed under Subsection (C) or to otherwise ensure proper installation, operation and maintenance of storm water best management practices (BMP) and to determine the overall effectiveness of the Storm Water Pollution Prevention Plan (SWPPP) and the need for additional control measures.

Section 510.080. Enforcement.

[Ord. No. 08-03 §§1 — 2, 3-18-2008]

A. *Stop Work Order — Revocation Of Permit.* In the event that any person holding a grading permit pursuant to this Article violates the terms of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Building Commissioner may suspend or revoke the grading permit.

B. *Violation And Penalties.* No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this Article. Any person violating any of the provisions of this Article shall be deemed guilty of a misdemeanor and each day during which any violation of any of the provisions of this Article is committed, continued, or permitted shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine of not more than one thousand dollars ($1,000.00) per day for each offense. In addition to any other penalty authorized by this Section, any person, partnership, or corporation convicted of violating any of the provisions of this Article shall be required to bear the expense of remediation of any damage caused thereby and restoration of best management practices (BMPs) required for the site.

C. *Project Closure Requirement.* Any site development escrows or bonds will not be fully released to the site operator or permittee until all of the following have been completed:

1. The site has been fully stabilized and all temporary storm water control best management practices (BMP) have been removed.

2. All permanent storm water control best management practices (BMP) have been completed.

3. All final inspections/certifications have been completed by each of the governmental jurisdictions involved in authorizing the project.

Title VI Notes

BUSINESS AND OCCUPATION

Cross References — Business licenses, permits and miscellaneous business regulations, ch. 605; motor vehicles and traffic, Title III; municipal court, ch. 125; offenses and miscellaneous provisions, ch. 210.

Chapter 600

ALCOHOLIC BEVERAGES

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ARTICLE I
In General

Section 600.010. Definitions. [1]

[CC 1990 §3-1; Code 1977 §15.010(1)(a) — (d), (f) — (j)]

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

INTOXICATING LIQUOR — Alcohol for beverage purposes, including 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 (0.5%) by volume, except for non-intoxicating beer as defined herein. All beverages having an alcoholic content of less than one-half of one percent (0.5%) by volume shall be exempt from the provisions of this Chapter.

MALT LIQUOR — That intoxicating liquor manufactured from pure hops or pure extract of hops or pure barley malt or wholesome grains or cereals and wholesome yeast and pure water containing in excess of three and two-tenths percent (3.2%) of alcohol by weight, but not in excess of five percent (5%) by weight, and commonly called and known as beer.

MANAGING OFFICER — The person who is in active management and control, who may be designated by the corporation as the managing officer.

NON-INTOXICATING BEER — Any beer manufactured from pure hops or pure extract of hops and pure barley malt or other wholesome grains or cereals and wholesome yeast and pure water and free from all harmful substances, preservatives and adulterants and having an alcoholic content of more than one-half of one percent (.5%) by volume and not exceeding three and two-tenths percent (3.2%) by weight.

ORIGINAL PACKAGE — Any package sealed or otherwise closed by the manufacturer so as to consist of a self-contained unit, and consisting of one (1) or more bottles or other containers of intoxicating liquor or non-intoxicating beer, where the package and/or container(s) describes the contents thereof as intoxicating liquor or non-intoxicating beer. *"Original package"* shall also be construed and held to refer to any package containing three (3) or more standard bottles of beer.

PERSON — Any individual, association, joint stock company, syndicate, club, co-partnership, corporation, receiver, trustee, conservator or other officer appointed by any State or Federal Court.

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1. **Cross Reference — Definitions and rules of construction generally, §100.020.**

PREMISES — That portion of any building in which a licensee under this Chapter has his/her place of business, any additional building or portion thereof used in connection therewith, and the entire lot or parcel of land on which such buildings are situated, or which are used in connection with such buildings.

RESTAURANT-BAR — Any establishment having a restaurant or similar facility on the premises at least fifty percent (50%) of the gross income of which is derived from the sale of prepared meals or food consumed on such premises or which has an annual gross income of at least two hundred thousand dollars ($200,000.00) from the sale of prepared meals or food consumed on such premises.

SALE BY DRINK — The selling of, giving away of or otherwise disposing of or suffering the disposal of any intoxicating liquor, other than malt liquor, in any quantity less than fifty (50) milliliters.

Section 600.020. Licensee Limited to Sale of Liquors Authorized by License.

[CC 1990 §3-2; Code 1977 §15.010(2)]

It shall be unlawful for any licensee for the sale of any intoxicating liquor, intoxicating beer or malt liquor at retail by the drink for consumption on the premises where sold to keep or secrete or to allow any other person to keep or secrete in and upon the premises described in such license any intoxicating liquor or beer other than the kind of liquor expressly authorized by such license to be sold.

Section 600.030. Hours of Sale Restricted.

[CC 1990 §3-3; Code 1977 §15.010(3)]

No person having a license under this Chapter, nor any employee of such person, except as provided in Subsection (B) of this Section, shall sell, give away, or otherwise dispose of, or suffer the same to be done upon or about his/her premises, any intoxicating liquor in any quantity between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and between the hours of 1:30 A.M. Sunday and 6:00 A.M. Monday. If the person has a license to sell intoxicating liquor by the drink, his/her premises shall be and remain a closed place as defined in this Section between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and between the hours of 1:30 A.M. Sunday and 6:00 A.M. Monday. Where such licenses authorizing the sale of intoxicating liquor by the drink are held by clubs or hotels, this Section shall apply only to the room or rooms in which intoxicating liquor is dispensed; and where such licenses are held by restaurants whose business is conducted in one (1) room only and substantial quantities of food and merchandise other than intoxicating liquors are dispensed, then the licensee shall keep securely locked during the hours and on the days specified in this Section all refrigerators, cabinets, cases, boxes, and taps from which intoxicating liquor is dispensed. A *"closed place"* is defined to mean a place where all doors are locked and where no patrons are in the place or about the premises. Any person violating any provision of this Section shall be deemed guilty of a class A misdemeanor. Nothing in this Section shall be construed to prohibit the sale or delivery of any intoxicating liquor during any of the hours or on any of the days specified in this Section by a wholesaler licensed under the provisions of Section 311.180, RSMo., to a person licensed to sell the intoxicating liquor at retail.

Section 600.035. Certain Holidays, Sale by the Drink on Sunday Allowed.

When January first (1st), March seventeenth (17th), July fourth (4th), or December thirty-first (31st) falls on Sunday, and on the Sundays prior to Memorial Day and Labor Day and on the Sunday on which the national championship game of the National Football League is played, commonly known as "Super Bowl 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/her license on that day from the time and until the time which would be lawful on another day of the week, notwithstanding any provisions of this Chapter to the contrary.

Section 600.040. When Consumption Prohibited on Licensed Premises.

[CC 1990 §3-4; Code 1977 §15.010(4)]

The drinking or consumption of intoxicating liquor, malt liquor or non-intoxicating beer shall not be permitted in, upon or about the licensed premises by any person during the hours that sales are prohibited by Section 600.030.

Section 600.050. Liquor in Original Package Not to Be Opened Where Purchased.

[CC 1990 §3-5; Code 1977 §15.010(6)]

A. In no event shall intoxicating liquor sold in the original package be opened or consumed on the premises where purchased.

B. In no event shall malt liquor or non-intoxicating beer sold in the original package be opened or consumed on the premises where purchased when by license the premises is classified as (4) or (5) under Section 600.150.

Section 600.060. Unauthorized Liquors Prohibited on Premises Licensed for Sale by Drink, Exceptions.

It shall be unlawful for the holder of any license authorized by this Chapter, for the sale of any intoxicating liquor at retail by the drink for consumption on the premises where sold, to keep or secrete, or to allow any other person to keep or secrete in or upon the premises described in such license, any intoxicating liquor, other than the kind of liquor expressly authorized to be sold by such license, or any kind of liquor used exclusively as an ingredient in any foods being prepared and sold on the premises.

Section 600.070. Minors Prohibited to Purchase or Possess.

[CC 1990 §3-7; Code 1977 §15.010(8); Ord. No. 08-01 §§1 — 2, 2-5-2008]

A. Any person under the age of twenty-one (21) years, who purchases or attempts to purchase, or has in his/her possession, any intoxicating liquor as defined in this Chapter is guilty of a misdemeanor. For purposes of prosecution under this Section or any other provision of this Chapter involving an alleged illegal sale or transfer of intoxicating liquor to a person under twenty-one (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.

B. Any person under the age of twenty-one (21) who is visibly intoxicated or has a detectable blood alcohol content of two-hundredths of one percent (.02%) is guilty of a misdemeanor (possession by consumption).

Section 600.080. Misrepresentation of Age.

[CC 1990 §3-8; Code 1977 §15.010(9)]

A. Any person of the age of seventeen (17) years and under the age of twenty-one (21) years who shall represent that he/she has attained the age of twenty-one (21) years for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, except in cases authorized by law, shall upon conviction be deemed guilty of a misdemeanor. Any person under the age of seventeen (17) years who shall represent that he/she has attained the age of twenty-one (21) years for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, except in cases authorized by law, may be considered a delinquent child and may be dealt with in accordance with the provisions of Chapter 211, RSMo.

B. In addition to any other penalties established in Subsection (A) of this Section and established in Sections 577.500 to 577.530, RSMo., any person who is less than twenty-one (21) years of age who uses a reproduced, modified or altered chauffeur's license, motor vehicle operator's license, identification card issued by any uniformed service of the United States, passport or identification card established in Section 302.181, RSMo., for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, shall be guilty of a misdemeanor and shall be subject to a fine of five hundred dollars ($500.00) for each separate offense.

Section 600.090. Persons Eighteen Years of Age or Older May Sell or Handle Liquor or Beer — When.

[CC 1990 §3-9; Code 1977 §15.010(10)(11)]

A. Except as provided in Subsections (B), (C) and (D) of this Section, no person under the age of twenty-one (21) years shall sell or assist in the sale or dispensing of intoxicating liquor or non-intoxicating beer.

B. In any place of business licensed in accordance with Section 311.200, RSMo., or Section 312.040, RSMo., persons at least eighteen (18) years of age may stock, arrange displays, operate the cash register or scanner connected to a cash register and accept payment for, and sack for carryout, intoxicating liquor or non-intoxicating beer. Delivery of intoxicating liquor or non-intoxicating beer away from the licensed business premises cannot be performed by anyone under the age of twenty-one (21) years. Any licensee

who employs any person under the age of twenty-one (21) years, as authorized by this Subsection, shall, when at least fifty percent (50%) of the licensee's gross sales does not consist of non-alcoholic sales, have an employee twenty-one (21) years of age or older on the licensed premises during all hours of operation.

C. In any distillery, warehouse, wholesale distributorship, or similar place of business which stores or distributes intoxicating liquor or non-intoxicating beer but which does not sell intoxicating liquor or non-intoxicating beer at retail, persons at least eighteen (18) years of age may be employed and their duties may include the handling of intoxicating liquor or non-intoxicating beer for all purposes except consumption, sale at retail, or dispensing for consumption or sale at retail. Any wholesaler licensed pursuant to this Chapter or Chapter 312, RSMo., may employ persons of at least eighteen (18) years of age to rotate, stock and arrange displays at retail establishments licensed to sell intoxicating liquor or non-intoxicating beer.

D. Persons eighteen (18) years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor or non-intoxicating beer in places of business which sell food for consumption on the premises if at least fifty percent (50%) of all sales in those places consists of food; provided that nothing in this Section shall authorize persons under twenty-one (21) years of age to mix or serve across the bar intoxicating beverages or non-intoxicating beer.

Section 600.100. Drinking in Public.

[CC 1990 §3-10; Code 1977 §15.010(12)]

It shall be unlawful for any person to drink, or encourage another to drink, or open any container or any original package containing intoxicating liquor, malt liquor or non-intoxicating beer in or upon any public streets, alleys, parks or public thoroughfares of the City, or in any railway station, theater, picture show house, bus or other public conveyance, or in the presence of any assemblage in any school house.

Section 600.110. Sale to Minor — Certain Other Persons — Exceptions.

[CC 1990 §3-11; Code 1977 §15.010(13)]

It shall be unlawful for any licensee under this Chapter, or his/her employee, to sell, vend, give away or otherwise supply any intoxicating liquor or non-intoxicating beer in any quantity whatsoever to any person under the age of twenty-one (21) years, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual drunkard. No person whomsoever except his/her or her parent or guardian shall procure for, sell, give away or otherwise supply intoxicating liquor to any person under the age of twenty-one (21) years, or to any intoxicated person or any person appearing to be in a state of intoxication, or to a habitual drunkard. This Section shall not apply to the supplying of intoxicating liquor to a person under the age of twenty-one (21) years for medical purposes only, or to the administering of intoxicating liquor to any person by a duly licensed physician.

Section 600.120. Revocation and Suspension of License.

[CC 1990 §3-14; Code 1977 §15.030(1), (2)]

A. Whenever it shall be shown, or whenever the City has knowledge, that a person licensed hereunder has not at all times kept an orderly place or house, or has violated any of the provisions of this Chapter, the City may, warn, place on probation on such terms and conditions as the City deems appropriate for a period not to exceed twelve (12) months, suspend or revoke the license of that person, but the person shall have ten (10) days notice of the application to warn, place on probation, suspend or revoke the person's license prior to the order of warning, probation, revocation or suspension issuing.

B. In the event that any license is suspended for any period of time, the Board of Aldermen may, at their discretion, order, as a condition precedent to the termination of such suspension, that the licensee so suspended pay the reasonable costs incurred by the Board of Aldermen in connection with the hearing referred to in Subsection (A) of this Section, which costs shall be determined and certified by the Board of Aldermen.

Section 600.130. Police to Enforce Provisions.

[CC 1990 §3-15; Code 1977 §15.030(3)]

It shall be the duty of the Police Department to see that the provisions of this Chapter in regard to the sale of intoxicating liquor, malt liquor or non-intoxicating beer are obeyed and to report to the Board of Aldermen any place where non-intoxicating beer, malt liquor or intoxicating liquor is sold at retail which is not kept in an orderly manner or is in violation of any of the provisions hereof, or any person selling intoxicating liquor, malt liquor or non-intoxicating beer in the City without a license.

Section 600.140. Penalty.

[CC 1990 §3-16; Code 1977 §15.030]

Any person violating any of the provisions of this Chapter, except where some penalty is otherwise provided, shall upon conviction thereof be adjudged guilty of a misdemeanor and punished by a fine of not less than fifty dollars ($50.00), nor more than five hundred dollars ($500.00), or by imprisonment in the County Jail for a term not exceeding ninety (90) days, or by both such fine and jail sentence.

ARTICLE II
Licenses and Permits

Section 600.150. Required — Classification of Permits.

[CC 1990 §3-36; Code 1977 §15.020(1)]

A. It shall be unlawful for any person to sell or expose for sale in this City any intoxicating liquor or malt liquor in any quantity without first obtaining a license therefor from the City.

1. For the sale by a restaurant-bar of all intoxicating liquor or malt liquor by the drink, and in the original package, except on Sunday.

2. For the sale by a restaurant-bar which has a valid license under Subsection (1) of all intoxicating liquor or malt liquor by the drink between the hours of 11:00 A.M. and Midnight Sundays.

Section 600.160. Qualifications of Licensee — Intoxicating Liquor and Non-Intoxicating Beer.

[CC 1990 §3-37; Code 1977 §15.020(2)]

A. As used in this Section, the following terms shall have the indicated meaning:

FINANCIAL INTEREST — All interest, legal or beneficial, direct or indirect, in the capital devoted to the licensed enterprise and all such interest in the net profits of the enterprise, after the payment of reasonable and necessary operating business expenses and taxes, including interest in dividends, preferred dividends, interest and profits, directly or indirectly paid as compensation for, or in consideration of interest in, or for use of, the capital devoted to the enterprise, or for property or money advanced, loaned or otherwise made available to the enterprise, except by way of ordinary commercial credit or bona fide bank credit not in excess of credit customarily granted by banking institutions, whether paid as dividends, interest or profits, or in the guise of royalties, commissions, salaries, or any other form whatsoever.

RESIDENT CORPORATION — A corporation incorporated under the laws of this State, all the officers and directors of which, and all the stockholders, who legally and beneficially own or control sixty percent (60%) or more of the stock in amount and in voting rights, shall be qualified legal voters and taxpaying citizens of the County and municipality in which they reside and who shall have been bona fide residents of the State for a period of three (3) years continuously immediately prior to the date of filing of application for a license, provided that a stockholder need not be a voter or a taxpayer, and all the resident stockholders of which shall own, legally and beneficially, at least sixty percent (60%) of all the financial interest in the business to be licensed under this law; provided, that no corporation, licensed under the provisions of Revised Statutes of Missouri, Chapter 311, on January 1, 1947, nor any corporation succeeding to the business of a corporation licensed on January 1, 1947, as a result of a tax-free reorganization coming within the provisions of Section 112, United States Internal Revenue Code, shall be disqualified by reason of the new requirements herein, except corporations engaged in the manufacture of alcoholic beverages containing alcohol in excess of five percent (5%) by weight, or owned or controlled, directly or indirectly, by non-resident persons, partnerships or corporations engaged in the manufacture of alcoholic beverages containing alcohol in excess of five percent (5%) by weight.

B. No person shall be granted an intoxicating liquor or non-intoxicating beer license under this Article unless such person is of good moral character and a qualified legal voter and a taxpaying citizen of the City, nor shall any corporation be granted a license hereunder unless the managing officer of such corporation is of good moral character and a qualified legal voter and taxpaying citizen of the City; and no person shall be granted a

license or permit hereunder whose license as such 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 a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor or non-intoxicating beer, or who employs in his/her business as such dealer any person whose license has been revoked or who has been convicted of violating such law since the date aforesaid; provided, that nothing in this Section contained shall prevent the issuance of licenses to non-residents of Missouri or foreign corporations for the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquors or non-intoxicating beer to, by or through a duly licensed wholesaler within this State.

C. No person, partnership or corporation shall be qualified for a license under this law if such person, any member of such partnership, or such corporation, or any officer, director, or any stockholder owning, legally or beneficially, directly or indirectly, ten percent (10%) or more of the stock of such corporation, or other financial interest therein, or ten percent (10%) or more of the interest in the business for which the person, partnership or corporation is licensed, or any person employed in the business licensed under this law shall have had a license revoked under this law or shall have been convicted of violating the provisions of any law applicable to the manufacture or sale of intoxicating liquor or non-intoxicating beer since the ratification of the Twenty-First Amendment to the Constitution of the United States, or shall not be a person of good moral character.

D. No license issued under this Chapter shall be denied, suspended, revoked or otherwise affected based solely on the fact that an employee of the licensee has been convicted of a felony unrelated to the manufacture or sale of intoxicating liquor or non-intoxicating beer so long as any such employee does not directly participate in retail sales of intoxicating liquor or non-intoxicating beer. Each employer shall report the identity of any employee convicted of a felony to the State's Division of Liquor Control.

E. No wholesaler license shall be issued to a corporation for the sale of intoxicating liquor or non-intoxicating beer containing alcohol in excess of five percent (5%) by weight, except to a resident corporation as defined in this Section.

Section 600.170. Application — Reinvestigation After Issuance of License.

[CC 1990 §3-39; Code 1977 §15.020(3)]

A. No license shall be issued to an applicant for a license required by this Article until the following conditions have been met and complied with:

1. The applicant shall file with the Board of Aldermen a certified and acknowledged petition for a license, on a form to be furnished by the City Clerk, setting forth the following and other such information as the Aldermen shall reasonably require:

a. Full name, age, residence, place of birth of the applicant and, if a naturalized citizen, the time and place of naturalization; the length of time he/she has resided at the residence stated; whether he/she is a registered voter and assessed taxpaying citizen at the residence stated; whether or not he/she has

ever been convicted of a felony or a violation of any law regulating, controlling or prohibiting the sale of intoxicating liquor or non-intoxicating beer since the adoption of the Twenty-First Amendment of the Constitution of the United States; whether or not he/she has ever been engaged in the manufacture or sale or distribution of intoxicating liquor, malt liquor or non-intoxicating beer and, if so, when, where and the nature of the business; if the applicant is a corporation, the petition shall set forth all of the above information with respect to the managing officer of the proposed establishment, identifying such officer and further state the corporate name, the date and state of incorporation, the five (5) largest stockholders with their addresses and percentage of stock held.

b. Whether or not any distiller, wholesaler, winemaker, brewer or any employee, officer or agent of any such person has any financial interest or proposes to have any financial interest in the retail business for the sale of intoxicating liquor, malt liquor or non-intoxicating beer for which such applicant applied for a license; and whether or not such person, either directly or indirectly, has loaned, given or furnished or will give, loan or furnish any equipment, money, credit or property of any kind to such applicant, except ordinary commercial credit for what was sold to such applicant; the names of all persons directly or indirectly financially interested in the proposed business of the applicant.

c. The exact location of the business or premises where the applicant proposes to engage in such retail liquor business, including the State, address of the premises, the name and address of the owner of record of the premises and the land upon which the building is situated, and the correct legal description of such premises.

d. The kind of business which the applicant proposes to conduct on such premises, particularly stating the hours which the applicant plans to keep his/her place open for business of any kind.

e. Each applicant for a license for the sale of intoxicating liquor, malt liquor or non-intoxicating beer by the drink under the provisions of Subsections (1), (3) and (5) of Section 600.150 shall include duplicate photographs of passport size and shall submit two (2) complete sets of fingerprints as required by the Board of Aldermen.

2. Each new application shall be submitted to the City Clerk who, through his/her duly authorized agent or employees or through such other departments or persons who from time to time may be designated by the Board of Aldermen, will make an immediate investigation of the statements contained in the petition and of the safety and sanitary conditions of the premises, and a written report of the findings of such investigation shall be made to the Board of Aldermen.

3. After a new application has been made and a license issued under this Article, the Board of Aldermen may, at any reasonable time, request a new investigation of the

licensee and/or of the premises and the results of such subsequent investigation shall be reported to the Board of Aldermen.

4. If the application shall be for an original license or should the application be for the transfer to a new location of a license previously issued, no license shall be issued to any applicant therefor unless the following condition has been made and complied with: A petition shall be filed with the application, which petition must be signed by two-thirds (2/3) of the assessed taxpaying citizens owning property and also by two-thirds (2/3) of the persons occupying or conducting any business on the main or surface floor of buildings within a distance of two hundred (200) feet from the proposed location in all directions. Any license, whether heretofore or hereafter issued, may be renewed from year to year unless a majority of the assessed taxpaying citizens owning property or occupying or doing business on the ground floor of buildings within two hundred (200) feet of the applicant's place of business shall file a written protest against the renewal or further renewal of such license.

Section 600.180. Issuance — Expiration Date — Renewal.

[CC 1990 §3-40; Code 1977 §15.020(4)]

A. On approval of the application and payment of the license tax provided in this Chapter, the City shall grant the applicant a license to conduct business in the State for a term to expire with the thirtieth (30th) day of June next succeeding the date of such license. A separate license shall be required for each place of business. Of the license tax to be paid for any such license, 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 first (1st).

B. No such license shall be effective, and no right granted thereby shall be exercised by the licensee, unless and until the licensee shall have obtained and securely affixed to the license in the space provided therefor an original stamp or other form of receipt issued by the duly authorized representative of the federal government, evidencing the payment by the licensee to the federal government of whatever excise or occupational tax is by any law of the United States then in effect required to be paid by a dealer engaged in the occupation designated in said license. Within ten (10) days from the issuance of said federal stamp or receipt, the licensee shall file with the City a photostat copy thereof, or such duplicate or indented and numbered stub therefrom as the federal government may have issued to the taxpayer with the original.

C. Every license issued under the provisions of this Chapter 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.

D. Applications for renewal of licenses must be filed on or before the first (1st) day of May of each calendar year.

Section 600.190. Change of Facts in Application.

[CC 1990 §3-41; Code 1977 §15.020(5)]

If, during the period for which a license is granted pursuant to the provisions of this Article, there are any change of facts or information differing from that set forth in the original or in any renewal application on file with the Board of Aldermen, written notice thereof must be given to the City Clerk within ten (10) days after such change.

Section 600.200. License Required for Each Place of Business — Limitation of the Number of Licenses per Person.

[CC 1990 §3-42; Code 1977 §15.020(6)]

A. A separate license shall be required for each place of business. Every license issued under the provisions of this Article shall particularly describe the premises at which non-intoxicating beer, malt liquor or intoxicating liquor may be sold thereunder and such license shall not be deemed to authorize the sale of non-intoxicating beer, malt liquor or intoxicating liquor at any place other than that described therein.

B. The limitation of the number of licenses per person shall be as provided by State law.

Section 600.210. Priority of Issuance or Renewal — Conditions Therefor.

[CC 1990 §3-43; Code 1977 §15.020(7)]

A. In the issuance of new licenses or in the renewal of existing licenses, the Board of Aldermen shall give priority to applicants, if there are more applicants than licenses available under this Article, on the basis of:

1. Qualifications and prior experience of the applicant.

2. Location and type of business in operation proposed by the applicant.

3. The Aldermen's determination as to whether the proposed business can reasonably be expected to meet the sixty percent (60%) requirement as defined herein.

4. Time the application is made with the City Clerk.

Section 600.220. Exceptions From License.

[CC 1990 §3-44; Code 1977 §15.020(8)]

This Article shall not apply to the possession by a druggist of intoxicating liquor purchased by him/her from a licensed vendor under the Liquor Control Act of the State, of intoxicating liquor lawfully acquired and transported into the State by him/her pursuant to such act, such liquor to be used in connection with the business of the druggist in compounding medicines or as a solvent or preservative, nor shall this Article apply to the sale of intoxicating liquors by druggists on prescription from a regularly licensed physician.

Section 600.230. Posting of License.

[CC 1990 §3-45; Code 1977 §15.020(9)]

All licenses issued under this Article shall be kept conspicuously posted on the premises for which such license is issued during the period of such license.

Section 600.240. Fees.

[CC 1990 §3-46; Code 1977 §15.020(10)]

A. If the application for license under this Article is approved by the Board of Aldermen, the license shall be issued upon the payment of the license fees applicable to the particular class of license, as follows:

1. For each license issued under Section 600.150(1), the sum of fifty dollars ($50.00).

2. For each license issued under Section 600.150(2), the sum of twenty-five dollars ($25.00).

B. All license fees collected by the City Clerk shall be accounted for and paid into the City Treasury. If the license is for less than one (1) year, the fee shall be one-twelfth (1/12) of the annual fee for each month or fraction thereof remaining in the licensed year.

Section 600.250. Number of Licenses to Be Granted for Each Classification.

[CC 1990 §3-47; Code 1977 §15.020(11)]

A. The number of licenses for the sale of all intoxicating liquor, malt liquor or non-intoxicating beer by the drink, and in the original package, under the provisions of Subsections (1) and (2) of Section 600.150 shall not exceed a total of two (2) for each classification.

B. The original number of licenses for the sale of malt liquor or non-intoxicating beer by the drink under the provisions of Subsection (4) of Section 600.150 shall not exceed a total of two (2) for both classes. Thereafter, additional licenses for such classes may be issued at a rate not to exceed the total for both such classes of a ratio of one (1) license for every one hundred percent (100%) increase in the population of the City above the base figure of five hundred (500) population.

C. The original number of licenses for the sale of intoxicating liquor, malt liquor and non-intoxicating beer by the package under the provisions of Subsections (3) and (5) of Section 600.150 shall not exceed a total of two (2) for all classes. Thereafter additional licenses for all such classes may be issued at a rate not to exceed the total for all classes of the ratio of one (1) license for every one hundred percent (100%) increase in the population of the City above the base figure of five hundred (500) population.

D. The ratio limitations of this Section shall not apply to the issuing of licenses to persons for sale by the drink under the provisions of Subsections (1) and (2) of Section 600.150 nor to persons whose primary business at the licensed premises is other than the sale of intoxicating liquor, malt liquor or non-intoxicating beer. For the purpose of Subsection

(B) and Subsection (C) of this Section, a business is primarily for other than the sale of such beverages if sixty percent (60%) of the gross dollar volume of such business is derived from the sale of items other than such beverages.

Section 600.260. License Non-Transferable — Exceptions.

[CC 1990 §3-48; Code 1977 §15.020(12)]

A. No license issued under this Chapter shall be transferable or assignable except as herein provided. In the event of the death of the licensee, the widow or widower or the next of kin of such deceased licensee, who shall meet the other requirements of this law may make application and the City may transfer such license to permit the operation of the business of the deceased for the remainder of the period for which a license fee has been paid by the deceased.

B. Whenever one (1) or more members of a partnership withdraws from the partnership the City, upon being requested, shall permit the remaining partner, or partners, originally licensed, to continue to operate for the remainder of the period for which the license fee has been paid, without obtaining a new license.

Section 600.270. No License for Immoral or Unlawful Business.

[CC 1990 §3-49; Code 1977 §15.020(13)]

No license shall be granted for the sale of intoxicating liquor, malt liquor or non-intoxicating beer at retail by the drink for consumption at the place where sold in a building occupied or used for an immoral or unlawful purpose, nor in any room or portion of a building connected by any entrance or exit, or other means of communication, with any room or place used for any immoral or unlawful purpose.

Section 600.280. Additional Restrictions on Applicants for Certain Licenses — "Fifty Percent Requirement" Defined — Issuance of Certain Licenses for Probationary Period.

[CC 1990 §3-50; Code 1977 §15.020(14)]

A. Licenses for the sale by the drink under the provisions of Subsections (1) and (2) of Section 600.150 may be issued only to persons whose primary business at the licensed premises is other than the sale of intoxicating liquor, malt liquor or non-intoxicating beer. For the purposes of this Section, a business is primarily for other than the sale of intoxicating liquor if fifty percent (50%) or more of the gross dollar sales volume of such business is derived from the sale of items or services other than intoxicating liquor, malt liquor or non-intoxicating beer (hereinafter referred to as the "fifty-percent (50%) requirement").

B. Each new license issued under this Section shall be for a probationary period of ninety (90) days.

1. The City shall have the right to audit the books, records and papers of every licensee during the period extending from the sixty-first (61st) day through the

seventy-fifth (75th) day of the probationary period for the purpose of determining compliance with the fifty percent (50%) requirement.

2. The City shall notify the licensee in writing of his/her compliance or non-compliance with the fifty percent (50%) requirement upon expiration of the ninety (90) day probationary requirement.

3. The City shall issue a license to the probationary licensee as provided for in Section 600.250 if he/she has fully complied with the fifty percent (50%) requirement and all the provisions of this Chapter.

4. The City shall not renew a license as provided in paragraph (3) above if, at the expiration of the ninety (90) day probationary period, the licensee is not in compliance with the fifty percent (50%) requirement or has otherwise violated the provisions of this Chapter.

C. An applicant seeking a license for a new establishment must submit a detailed written report to the Board of Aldermen which demonstrates a reasonable expectation of an ability to comply with the fifty percent (50%) requirement within the ninety (90) day probationary period.

D. An applicant seeking a license for an establishment in which intoxicating liquor, malt liquor or non-intoxicating beer were offered for sale, either by the drink or by the package, prior to the date of the enactment of this Chapter must submit a detailed report to the City which demonstrates that fifty percent (50%) or more of the gross dollar sales volume of the establishment for which the license is sought, for at least twelve (12) months immediately preceding application for the license in question, was derived from the sale of items or services other than intoxicating liquor, malt liquor or non-intoxicating beer.

E. The City, after giving ten (10) days' written notice to the licensee, shall have the right to make periodic audits of the books, records and papers of any licensee under this Section for the purpose of determining whether the licensee is in compliance with the fifty percent (50%) requirement.

1. The City shall notify the licensee in writing of his/her compliance or non-compliance with the fifty percent (50%) requirement upon completion of the audit.

2. If it is determined that the licensee is not in compliance with the fifty percent (50%) requirement, the Board of Aldermen, after a hearing thereon, may revoke the license of such person; provided that, such person shall be given ten (10) days' written notice thereof, prior to the time fixed for the hearing, which notice shall specify the time, place, purpose and grounds for such hearing, so that such person may have an opportunity to have counsel present and produce witnesses in his/her behalf.

F. No license provided for under Subsections (1) and (2) of Section 600.150 should be issued if the structure for which such license is sought is occupied and operated as a

drugstore, pharmacy, confectionery, soda fountain, soft drink, stationery or school supply store.

Chapter 605

BUSINESS LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS

ARTICLE I
General Provisions

Section 605.010. Compliance Required.

ARTICLE II
Merchants and Retail Businesses

Section 605.020. Business License Required.

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Section 605.040. Application for Business License.

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Section 605.060. Penalties for Failure to Procure or Renew Business License.

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Section 605.080. Revocation of Business License — Basis — Procedure.

Section 605.090. Confidentiality of Information.

ARTICLE III
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Section 605.100. Permits — Weapons.

Cross References — Permits for trash collection and disposal, §225.130 et seq.; state motor vehicle license plates required, §385.050; state driver's license required for operation of motor vehicles, §385.020; sewer plant and system permit, §235.120; peddlers, solicitors and hawkers, ch. 610; alarm systems, ch. 615; signboards, ch. 505; cable television franchising regulations, ch. 620; as to reaffirming of gross receipts of electric utilities, §130.160.

ARTICLE I
General Provisions

Section 605.010. Compliance Required.

[CC 1990 §9-1; Code 1977 §14.010]

No business, commerce, occupation or activity shall be conducted, engaged in or operated in the City except as authorized, licensed or provided in this Title.

ARTICLE II
Merchants and Retail Businesses

Section 605.020. Business License Required.

[CC 1990 §9-91; Ord. No. 97-05 §1, 3-4-1997]

A. *Generally.* No merchant, business, occupation or trade may operate within the City without a valid business license issued pursuant to this Chapter for the current license year unless expressly exempted by this Code or by State Statute. A separate license must be obtained for each merchant, business, occupation or trade required by this Chapter to be licensed. A business license shall not be construed to permit the business, occupation, trade or merchant to which the license is issued to conduct operations at more than one (1) store, office, plant or location at the same time within the City. A merchant, business, occupation or trade which operates at more than one (1) location is required to obtain a business license for each location. A business license properly issued shall remain valid only so long as the holder thereof is not in violation of any other Section of this Code.

B. *Licenses For Two Or More Operations At One Location — Mixed Uses.* A merchant, business, occupation or trade conducting two (2) or more different operations at the same location shall not be required to obtain a separate license for each such operation. However, the license application shall specify each such operation to be covered by the license. The license fee shall be equal to the sum of all the fees for each operation so licensed. If the City Clerk finds that a single licensee's business activity in the City is mixed, but that one (1) type of activity so predominates a second (2nd) activity so as to render the second (2nd) activity merely incidental, the City Clerk, in his/her discretion, may characterize the licensee in accordance with the predominant activity.

C. *Single License To Two Or More Persons In One Business.* A single license may be issued to two (2) or more persons, corporations, partnerships, or other forms of business enterprise engaged in a joint enterprise or joint venture for the same fee that would be charged a single person, corporation, partnership, or other forms of business enterprise engaging in such an enterprise or venture.

D. *No Outstanding Obligations To City.* No business license shall be issued to any merchant, business, operation or trade until all of its financial obligations to the City have been paid. Financial obligations include, but are not limited to, taxes, other license fees, permit fees or inspection fees which are required to be paid by such merchant, business, operation or trade to the City.

E. *Appeals.* Appeals from any determination of the City Clerk shall be made in the first (1st) instance to the City Clerk with evidence that the City Clerk's initial determination was incorrect, and then to the Board of Aldermen.

F. *Display.* Each licensee shall display his/her or its City business license in a conspicuous place at the location of operations authorized to be conducted by such license.

Section 605.030. Exemptions.

[CC 1990 §9-92; Ord. No. 97-05 §1, 3-4-1997]

A. The provisions of this Chapter shall not apply to any merchant, business, occupation or trade which the City is prohibited from licensing or regulating by State Statute or other superseding law.

B. The provisions of this Chapter shall not apply to any non-profit corporations organized or authorized to do business in the State under the provision of Chapter 352, RSMo. ("Religious and Charitable Associations").

C. A business license is not required for delivery within the City of goods purchased or acquired outside the City where there is no intent to evade the provisions of this Chapter.

Section 605.040. Application for Business License.

[CC 1990 §9-93; Ord. No. 97-05 §1, 3-4-1997]

A. *Application Must Be Completed And Submitted By Authorized Representative Of Business.* Each merchant, business, operation or trade applying for a business license must complete and submit to the City Clerk an application therefor. Each application must be signed by an authorized representative of the merchant, business, operation or trade applying for a license. The authorized representative must certify under oath that the information supplied on the application form is true and correct and sign the application.

B. *Application Forms To Be Provided By City.* Application forms for business licenses shall be prepared or prescribed by the City Clerk or his/her designee and shall be made available by the City Clerk or his/her designee. Failure to obtain or receive an application form shall not, under any circumstances, excuse compliance with this Chapter.

C. *Information Required.* The application for a business license shall call for the following:

1. General information required on all applications:

a. Name of establishment (and any other names used in the course of business);

b. Address of establishment (City address and home office address, if applicable);

c. State sales tax number;

d. Characterization by licensee of business as merchant, business, occupation or trade;

e. Description of business activity;

f. Form of ownership (e.g., sole proprietorship, partnership, joint venture, corporation);

g. If corporation, where incorporated and whether licensed to do business in Missouri; and

h. Date of last completed fiscal year as established and used for Federal income tax purposes.

2. *Information required on all merchant applications.* In addition to the information required above, merchants shall supply the following information pertaining to their annual gross receipts:

a. Date of fiscal year;

b. Statement as to whether information is actual or estimated; and

c. Identification of sources of annual gross receipts of merchants as defined herein.

D. *License Application And Fee — When Due.*

1. *New businesses.* All merchants, businesses, occupations and trades which commence operations after the start of a City fiscal year must apply for a business license and pay the appropriate license fee before commencing operations. The license fee shall be prorated for the remainder of that City fiscal year.

2. *Business license renewal.* Every merchant, business, occupation and trade which is licensed and intends to operate during the next City fiscal year shall renew its business license and pay the appropriate license fee within thirty (30) days before the beginning of the next City fiscal year. Application for renewal of a business license shall be on the same form used for initial applications for business licenses. Applications for renewal must be accompanied by the fee required for the license.

E. *Termination Of Business During City Fiscal Year.* Merchants, businesses, occupations and trades that terminate operations prior to the end of a City fiscal year are not entitled to a refund of any part of their license fee.

F. *Amendment Of Business License Application.* If, during the period for which a license is issued pursuant to this Chapter, there is any change of information from that set forth in the original application or any renewal application, then written notice of the change in information must be given to the license official within ten (10) days after such change.

G. *Documentation.* The licensee or applicant shall furnish documentation of information supplied on the license application upon request by the license official.

H. *Evidence Of Workers' Compensation Insurance.* If the licensee or applicant is subject to the provisions of Chapter 287, RSMo., the licensee or applicant shall furnish evidence of Workers' Compensation insurance.

Section 605.050. Calculation of Fee.

[CC 1990 §§9-76, 9-94; Code 1977 §14.040; Ord. No. 97-05 §1, 3-4-1997]

A. Except as stated in Subsections (B) and (C) hereof, the fee for a business license shall be seventy-five dollars ($75.00) per annum.

B. The license for public exhibitions, circuses and any other public performance, whether for compensation or not, shall be one hundred dollars ($100.00) per day, issued daily.

C. Home occupations as defined in the City's Zoning Code shall pay a fee of twenty-five dollars ($25.00) per annum.

Section 605.060. Penalties for Failure to Procure or Renew Business License.

[CC 1990 §9-95; Ord. No. 97-05 §1, 3-4-1997]

A. *Liability Of Principals.* It shall be unlawful for any principal to conduct or assist in conducting a business, occupation, trade, merchant within the City without having first procured a business license. Upon conviction of violating this Section, a principal shall be fined no less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00). Each day of such violation shall constitute a separate offense.

B. *Liability Of Employees.* After notice by the City Clerk to any clerk, employee, or agent of a business, occupation, trade or merchant that a principal thereof has not procured a business license, it shall be unlawful for such clerk, employee or agent to conduct or assist in conducting that business, occupation, trade or merchant. Upon conviction for violating this Section, such clerk, employee or agent shall be fined no less than fifty dollars ($50.00) nor more than two hundred fifty dollars ($250.00). Each day of such violation shall constitute a separate offense.

Section 605.070. Prohibition on Transfer or Assignment of License.

[CC 1990 §9-96; Ord. No. 97-05 §1, 3-4-1997]

A business license is not transferable or assignable.

Section 605.080. Revocation of Business License — Basis — Procedure.

[CC 1990 §§9-97 — 9-98; Ord. No. 97-05 §1, 3-4-1997]

A. *Basis For Revocation.* Revocation of any business license shall be in addition to any other penalty or penalties prescribed in this Chapter. Any business license issued by the City under this Chapter may be revoked for any of the following reasons, in addition to any other reasons specified in this Chapter:

1. Any failure to comply with, or any violation of, any provisions of this Chapter by the licensee;

2. Violation of the terms and conditions upon which the business license was issued;

3. Violation of any ordinance of the City;

4. Failure of the licensee to pay any tax or other financial obligation due to the City;

5. Illegal or improper issuance of the license;

6. Any misrepresentation or false statement in the application for such license; or

7. Causing, maintaining or assisting in the cause or maintenance of a nuisance, whether public or private.

B. *Procedure.* In any case in which complaint shall be made to the Board of Aldermen that cause exists for the revocation of a business license issued under the provisions of this Chapter, the following procedure shall govern:

1. The Board of Aldermen shall set a hearing to consider the question of revocation;

2. At least ten (10) days prior to such hearing, written notice shall be mailed to the licensee at his/her or its last known address as shown in the records of the City Clerk advising the licensee of the time and place of the hearing and of the reason for considering the revocation of his/her or its license;

3. During the pendency of this hearing before the Board of Aldermen, the licensee shall be permitted to continue the operation of his/her or its business, unless prohibited by an order of a court of proper jurisdiction;

4. At the hearing set by the Board of Aldermen, the Board shall hear all relevant evidence justifying the revocation of the business license and all relevant evidence justifying the retention of the business license; and

5. The affirmative vote of a majority of the Board of Aldermen shall be necessary to revoke a business license.

Section 605.090. Confidentiality of Information.

[CC 1990 §9-99; Ord. No. 97-05 §1, 3-4-1997]

The City Clerk, and all other City Officers and Officials who may be officially concerned with administering and enforcing this Chapter, shall keep all information furnished or secured under the authority of this Chapter in strict confidence. Such information as described in Section 610.021(15), RSMo., shall be kept confidential in compliance with Section 610.021, RSMo., shall not be subject to public inspection and shall be kept so that the contents thereof shall not become known, except to the persons charged with the administration of this Chapter; provided, that this Section shall not prohibit any City Officer from testifying as to such information in compliance with a subpoena issued from a court of competent jurisdiction or from the Board of Aldermen in any proceeding before it.

ARTICLE III
Private Watchmen

Section 605.100. Permits — Weapons.

[CC 1990 §9-196; Code 1977 §7.120]

A. Any person shall apply to the Director before retaining the services of a private watchman. The application shall state the name of the person responsible for hiring and maintaining the services of such watchman, the area and/or objects to be taken into the care and custody of, or to be guarded by the watchman, and the hours, days or period of

time the watchman is to be on duty. Application and permission to serve as a private watchman does not in any manner confer an official status in the City, or make such person a member of or auxiliary to the Department of Public Safety, or in any way oblige the City to pay compensation.

B. A person tentatively retained shall file an application for a permit for service as a private watchman with the Director and shall answer all oral or written questions put to him/her by the Director. He/she shall cooperate with and permit any investigation of his/her former employment, character, associations and authorize inquiries and answers on any governmental service in which he/she might have been engaged.

C. No private watchman within the City shall be armed with a firearm of any type unless the Board of Aldermen shall authorize and issue a permit to carry firearms by resolution specifying the name of the watchman. In cases in which the Director of Public Safety fails to recommend the issuance of a permit, the entire Board of Aldermen must be present and vote unanimously in favor of the firearm resolution. A private watchman shall be authorized to carry a nightstick or club while on duty under a City watchman's permit. It shall be a violation of this Section for a private watchman, without a permit, to transport in a vehicle, or to have in his/her possession, or to carry a firearm, or for any other person in any manner to make a firearm immediately available to a private watchman.

D. The person within the City who acted in hiring the watchman shall notify the Director immediately upon the discharge of a watchman under permit.

E. No person shall serve as a watchman after notice of revocation or withdrawal of his/her permit has been sent to the residential address shown on his/her permit. It shall be an offense against this Section to be a watchman without a valid and properly issued permit.

Chapter 610

(RESERVED)

[Ord. no. 03-04 §1, adopted April 1, 2003, repealed ch. 610 "peddlers, solicitors and hawkers" in its entirety. Former ch. 610 derived from CC 1990 §§9-26 — 9-31, 9-46 — 9-58 and code 1977 §§14.020.1 — 14.020.18, 14.030. Regulations concerning canvassing, hawking, peddling and soliciting are now set out in ch. 208 of this code. At the editor's discretion this chapter has been reserved for the city's future use.]

Chapter 615

ALARM SYSTEMS

ARTICLE I
In General

Section 615.010. Citation.

Section 615.020. Scope.

Section 615.030. Definitions.

ARTICLE II
Alarms

Section 615.040. False Alarm Service Charge.

Section 615.050. Automatic Dialing Device.

Section 615.060. Signal Grade Alarm System or Digital Communicator Alarm System.

Section 615.070. Audible Alarm.

ARTICLE III
Violations

Section 615.080. Violations and Penalties.

ARTICLE I
In General

Section 615.010. Citation.

[CC 1990 §9-211; Ord. No. 91-9 §2, 7-2-1991]

This Chapter shall be known and cited as the "Alarm Systems Code".

Section 615.020. Scope.

[CC 1990 §9-212; Ord. No. 91-9 §2, 7-2-1991]

The provisions of this Chapter shall apply to the area within the incorporated area of the municipality.

Section 615.030. Definitions.

[CC 1990 §9-213; Ord. No. 91-9 §2, 7-2-1991]

For the purposes of this Chapter, the following words and terms shall have the meaning ascribed thereto:

ALARM BUSINESS — The business of any person who sells, leases, maintains, services, repairs, alters, replaces, moves or installs any alarm system or causes same to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed in or on any building, structure, facility or premises.

ALARM SYSTEMS — Any mechanical or electrical device which is designed to be actuated manually or automatically upon the detection of an unauthorized entry, intrusion or other

emergency in or on any building, structure, facility or premises through the emission of a sound or transmission of a signal or message.

ALARM USER — A person who uses an alarm system to protect any building, structure, facility or premises.

DEPARTMENT — The Department of Police which is providing the City of Clarkson Valley with Police services.

DIGITAL COMMUNICATOR ALARM SYSTEM — An alarm system which automatically dials a specific coded number and transmits an emergency message over regular telephone lines when actuated.

DIRECTOR — The City Clerk and includes his/her duly authorized assistant or such other person as may be designated from time to time by the Board of Aldermen.

FALSE ALARM — Any activation of an alarm system intentionally or by inadvertence, negligence or unintentional act to which the Police Department responds, including activation caused by the malfunction of the alarm system, except that the following shall not be considered false alarms:

1. When the Department of Police determines that an alarm has been caused by the malfunction of the indicator at the Police Department;

2. When the Department of Police determines that an alarm has been caused by damage, testing or repair of telephone equipment or lines by the telephone company provided that such incidents are promptly reported to the telephone company;

3. When an alarm is caused by an attempted and unauthorized or illegal entry, of which there is visible evidence;

4. When an alarm is intentionally caused by the resident acting under a reasonable belief that a need exists to call the Police Department;

5. When an alarm is followed by a call to the Police Department canceling the alarm by giving proper information, prior to the arrival of the Police Department at the source of the alarm.

LICENSEE — A person who has obtained an alarm business license under the provisions of this Chapter.

SIGNAL GRADE ALARM SYSTEM — An alarm system which provides for a special telephone line that is directly connected to the Police Department and has an outlet at the Police Department which emits a sound or transmits a signal or both when actuated.

ARTICLE II
Alarms

Section 615.040. False Alarm Service Charge.

[CC 1990 §9-241; Ord. No. 91-9 §2, 7-2-1991; Ord. No. 04-04 §§1 — 2, 6-1-2004]

A. All false alarms to which the Police Department responds shall result in the following service charge to the alarm user:

1. A warning for the first (1st) false alarm in any calendar year;

2. A twenty-five dollar ($25.00) service charge for the second (2nd) false alarm in any calendar year;

3. A fifty dollar ($50.00) service charge for the third (3rd) or any subsequent false alarm in any calendar year.

B. Upon determination by the Police Department that a false alarm has occurred, the Police Department shall send a notice to the alarm user notifying the alarm user of the determination and directing payment within thirty (30) days of any service charge that may be due to the City of Clarkson Valley.

C. The Police Department shall cancel any notice or service charge upon satisfactory proof by the alarm user that a particular alarm falls within the exceptions enumerated in the definition of "false alarm" of Section 615.030.

D. Willful refusal to pay any such service charge within thirty (30) days of notice shall constitute a violation of this Code, but in any prosecution under Section 615.080 for violation of this provision, the City shall prove, in addition to the willful refusal to pay, that the service charge was properly imposed.

E. The City Board of Aldermen may from time to time by resolution hold in abeyance the service charge and other provisions pertaining to false alarms of this Section 615.040

Section 615.050. Automatic Dialing Device.

[CC 1990 §9-242; Ord. No. 91-9 §2, 7-2-1991]

A. No person shall install or use an automatic dialing device which is programmed to dial the Police Department's telephone number.

B. Within ninety (90) days from the effective date of this Chapter, all automatic dialing devices programmed to dial the Police Department's telephone number shall be reprogrammed to dial any other consenting person who may relay the emergency message to the Police Department by live voice. The alarm user of such device shall be responsible for having his/her alarm system reprogrammed within the ninety (90) day time period.

Section 615.060. Signal Grade Alarm System or Digital Communicator Alarm System.

[CC 1990 §9-243; Ord. No. 91-9 §2, 7-2-1991]

Any individual or business which is permitted to have a signal grade alarm system or a digital communicator alarm system shall be required to pay all costs for the installation, maintenance and repair of the alarm system and shall be subject to the provisions of Section 615.040.

Section 615.070. Audible Alarm.

[CC 1990 §9-244; Ord. No. 91-9 §2, 7-2-1991]

A. An *"audible alarm"* is an alarm equipped with an exterior sound-producing device such as a gong, buzzer, siren, bell or horn.

B. No person shall install or use an audible alarm without a thirty (30) minute timer.

C. Within ninety (90) days from the effective date of this Chapter, any alarm user having an audible alarm shall be responsible for equipping it with a thirty (30) minute timer.

ARTICLE III
Violations

Section 615.080. Violations and Penalties.

[CC 1990 §9-251; Ord. No. 91-9 §2, 7-2-1991]

A. Any person who violates or causes a violation of any provision of this Chapter shall be punishable, upon conviction, by imprisonment for not more than ninety (90) days, or by a fine of not more than five hundred dollars ($500.00), or by both such fine and imprisonment, and each day such violation continues shall be deemed a separate offense.

B. The municipal Prosecutor may bring an action in the name of the municipality to restrain or prevent a violation of any provision of this Chapter or any continuance of any such violation.

Chapter 620

CABLE TELEVISION FRANCHISING REGULATIONS

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Section 620.020. Compliance With Federal Communications Commission.

Section 620.030. Violations.

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Section 620.050. Term.

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Section 620.080. Nature.

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System

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Section 620.200. Public Service Installations.

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ARTICLE IV
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Section 620.250. Regulatory Jurisdiction and Procedures.

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Section 620.340. Request for Removal or Change.

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ARTICLE I
In General

Section 620.010. Definitions.

[CC 1990 §6-1; Code 1977 §25.010(1)]

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:

ADDITIONAL SERVICE — Any communications service provided by a grantee over its broadband telecommunications network for which a special charge is made based on program or service content, time or spectrum space usage, and shall include all services offered by a grantee that are not included within the "basic service".

ADMINISTRATOR — The City Administrator/Clerk or Assistant Clerk of the City.

ANNUAL GROSS REVENUE — All revenues received by a grantee, its affiliates or subsidiaries from and in connection with the operation of the broadband telecommunications network in the City as that term is currently interpreted by the FCC. If or when the FCC or a court of competent jurisdiction modifies the current interpretation, this definition may also be altered to include or exclude revenue from other sources as may be permitted by such modification.

BASIC SERVICE — All communications services provided by a grantee including the delivery of broadcast signals and monthly charge paid by all subscribers.

BOARD or BOARD OF ALDERMEN — The Board of Aldermen of the City or such other legally appointed or elected successor or agency constituting the Governing Body of the City.

BROADBAND TELECOMMUNICATIONS NETWORK (BTN) — All of the component physical, operational and programming elements of any network of cables, optical, electrical

or electronic equipment including cable television used for the purpose of transmission of electrical impulses of television, radio and other intelligences, either analog or digital, for sale or use by the inhabitants of the City.

CABLE MILE — A linear mile of strand-bearing cable as measured on the street or easement from pole to pole or pedestal to pedestal.

CITY — The City of Clarkson Valley, a municipal corporation of the State of Missouri, in its present incorporated form or in any later reorganized, consolidated, enlarged or reincorporated form.

COMMENCE CONSTRUCTION — That time and date when construction of the BTN is considered to have commenced, which shall be when the preliminary engineering (strand mapping) or network design is initiated, and after all necessary permits and authorizations have been obtained and contracts and documents entered into and the FCC certification obtained for the construction and operation of the broadband telecommunications network.

COMMENCE OPERATION — That time and date when operation of the BTN is considered to have commenced which shall be when sufficient distribution facilities have been installed so as to permit the offering of full network service to at least twenty percent (20%) of the dwelling units located within the service area.

FCC — The Federal Communications Commission and any legally appointed or elected successor.

FRANCHISE — The non-exclusive rights granted pursuant to this Chapter to construct and operate a broadband telecommunications network along the public ways within all or a specified area under City jurisdiction. Any such authorizations, in whatever form granted, shall not mean and include any license or permit required for the privilege of transacting and carrying on a business within the City as required by other ordinances and laws of this City.

FRANCHISE PAYMENT — All charges imposed for a franchise.

FULL NETWORK SERVICE — All basic services and additional services offered by a grantee.

GRANTEE — Any person receiving a franchise pursuant to this Chapter and under the granting franchise ordinance and its lawful successor, transferee or assignee.

PENETRATION — The result expressed in percentage obtained by dividing the total number of subscribers receiving basic service by the number of potential subscribers in the franchise area.

PUBLIC SCHOOL — Any school at any educational level operated within the City by any public, private or parochial school system, but limited to elementary, junior high school and high school.

REASONABLE NOTICE — Written notice addressed to a grantee at its principal office or such other office as a grantee has designated to the City as the address to which notice should be transmitted to it, which notice shall be certified and postmarked not less than four (4) days prior to that day in which the party giving such notice shall commence any action which

requires the giving of notice. In computing said four (4) days, Saturdays, Sundays and holidays recognized by the City shall be excluded.

REASONABLE ORDER — Written orders not excessive or extreme as to costs or time to comply, governed by sound thinking.

SALE — Includes any sale, exchange, barter or offer for sale.

SERVICE AREA — The complete geographic area within the City limits as it exists upon the effective date of the ordinance from which this Chapter is derived.

STREET — Includes each of the following which have been dedicated to the public or hereafter dedicated to the public and maintained under public authority or by others and located within the City limits: streets, roadways, highways, avenues, lanes, alleys, sidewalks, easements, rights-of-way and similar public ways and extensions and additions thereto, together with such other public property and areas that the City shall permit to be included within the definition of street from time to time, as well as any private street within the City open to the public or dedicated for utility purposes.

SUBSCRIBER — Any person receiving either basic service or additional service from a grantee under the schedule of charges filed with and/or approved by the City.

SUBSTANTIALLY COMPLETED — Shall occur when sufficient distribution facilities have been installed by a grantee so as to permit the offering of full network service to at least ninety percent (90%) of the potential subscribers in the service area and at least ninety-five percent (95%) of the dwellings in the existing platted and recorded subdivisions. A *"potential subscriber"* is defined as any existing dwelling unit having cable service available to it.

Section 620.020. Compliance With Federal Communications Commission.

[CC 1990 §6-2; Code 1977 §25.010(2)]

This Chapter shall be amended where necessary to conform to all amendments to Part 76 of the Rules and Regulations of the Federal Communications Commission within twelve (12) months of the order of such amendments.

Section 620.030. Violations.

[CC 1990 §6-3; Code 1977 §25.050(16)(a)]

It shall be unlawful for any person without the expressed consent of the grantee to make any connection, extension or division whether physically, acoustically, inductively, electronically or otherwise with or to any segment of a franchised BTN for any purpose whatsoever, except as provided in Section 620.200.

ARTICLE II
Franchise

Section 620.040. Required.

[CC 1990 §6-26; Code 1977 §25.020(1)]

No person shall construct, install, maintain or operate on or within any street, any equipment or facilities for the distribution of television signals or radio signals or other intelligences, either analog or digital, over BTN to any subscriber unless a franchise and permission authorizing the use of the streets has first been obtained pursuant to the provisions of this Chapter and thereafter only while such person is legally operating under the terms and provisions of such franchise. Permission to use all private streets shall first be obtained.

Section 620.050. Term.

[CC 1990 §6-27; Code 1977 §25.020(2)]

A non-exclusive franchise and the rights, privileges, obligations and authority thereby granted shall take effect and be in force as provided herein within thirty (30) days from and after final passage thereof and shall continue in full force and effect for a term of fifteen (15) years from date of acceptance by a grantee subject, however, to the right of the City to terminate such franchise as provided herein.

Section 620.060. Fee — Generally.

[CC 1990 §6-28; Code 1977 §25.020(3)]

A. *Annual Franchise Payment.* A grantee of a franchise under this Article shall pay to the City an annual fee based upon the annual gross revenues. Such payment shall be in addition to any other payment, charge, permit fee or bond owed to the City by a grantee and shall not be construed as payment in lieu of any taxes levied by the City, State, County or local authorities. The exact fee to be paid by any grantee shall be established by the Board when such franchise is granted.

B. *Amendment Of Percentages.* The annual franchise payment percentage designated by the Board may be amended no more than once every calendar year by the City. Any such amendment shall be consistent with increased costs for municipal regulation and supervision and applicable rules of the FCC and other regulatory agencies. A grantee shall be notified in writing at least thirty (30) days prior to any formal action on such amendment.

Section 620.070. Fee — Payment.

[CC 1990 §6-29; Code 1977 §25.020(4)]

A. *Method Of Computation.* Sales taxes or any other taxes or fees including copyright fees which are collected from subscribers by a grantee to be remitted by the grantee to a governmental agency shall be deducted from the gross subscriber revenue prior to the computation of the annual franchise payment. The payment due the City under the

provisions of Section 620.060 shall be computed and due quarterly, based on the grantee's fiscal year, with the last quarter payment being adjusted based on the audit of the grantee's network operation and shall be paid not later than ninety (90) days after the end of the grantee's fiscal year at the office of the City Treasurer during its regular business hours. The payment period shall commence as of the effective date of the franchise. In the event of a dispute, the City, if it so requests, shall be furnished a statement of such payment, by a certified public accountant, reflecting the total amounts of annual gross revenues and the above charges, deductions and computation for the period covered by the payment.

B. *Acceptance By City.* No acceptance of any payment by the City shall be construed as a release or as an accord and satisfaction of any claim the City may have for further or additional sums payable as a franchise fee under this Article or for the performance of any other obligation of the grantee.

C. *Failure To Make Required Payment.* In the event that any franchise payment or recomputed amount is not made on or before the dates specified herein, the grantee shall pay as additional consideration:

1. An interest charge, computed from such due date, at the annual rate of nine percent (9%) per annum; and

2. An additional sum of money equal to two percent (2%) of the amount due in order to defray those additional expenses and costs incurred by the City by reason of delinquent payment.

Section 620.080. Nature.

[CC 1990 §6-30; Code 1977 §25.020(5)]

A. *Franchise Non-Exclusive.* Any franchise granted under this Article shall not be exclusive and the City reserves the right to grant a similar franchise to any other person at any time, even during the term of a then existing franchise.

B. *Authority Granted.* Any franchise granted under this Article shall give to the grantee the right and privilege to construct, erect, operate, modify and maintain in, upon, above, over and under the streets such towers, antennas, cables, electronic equipment, and other network appurtenances necessary for the operation of a BTN in the City, provided that permission has first been obtained to use any private streets, and that the exercise of such rights and privileges shall not interfere with the use of such streets by the City, or in the case of private streets by the owners thereof, and such others as designated by the City to use such streets.

C. *Rights, Privileges, Powers And Immunities.* Any franchise granted hereunder shall be in lieu of any and all other rights, privileges, powers and immunities, and authorities owned, possessed, controlled, or exercisable by a grantee, or any successor to any interest of a grantee, of or pertaining to the construction, operation or maintenance of any cable television system in the City; and the acceptance of any franchise hereunder shall operate, as between the grantee and the City, as an abandonment of any and all of such rights, privileges, powers, immunities and authorities within the City to the effect that, as

between the grantee and the City, all construction, operation and maintenance by any grantee of any cable television system in the City shall be, and shall be deemed and construed in all instances and respects to be, under and pursuant to such franchise and not under or pursuant to any other right, privilege, power, immunity or authority whatsoever.

D. *Privileges Must Be Specified.* No privilege or exemption shall be granted to or conferred by any franchise granted except those specifically prescribed herein.

E. *Privileges Subordinated.* Any privilege claimed under a franchise by the grantee in any street or other public property shall be subordinate to any lawful occupancy of the streets or other public property.

F. *Franchise Held In Personal Trust.* Any such franchise shall be a privilege to be held in personal trust by the original grantee. It cannot, in any event, be sold, transferred, leased, assigned or disposed of, in whole or in part, either by force or involuntary sale or by voluntary sale, merger, consolidation or otherwise without prior consent of the Board as provided herein.

G. *Franchise Binding.* Any franchise granted hereunder shall be binding upon the grantee and all successors, lessees or assigns as may be approved by the City.

H. *Transfer Of City's Rights, Powers Or Duties.* Any right or power in, or duty impressed upon, any officer, employee, department or board of City shall be subject to transfer by the City to any other officer, employee, department or board of the City.

I. *Obligations Of Grantee.* Any such franchise granted shall not relieve the grantee of any obligations involved in obtaining pole or conduit space from any department of the City, utility company, or from others maintaining utilities in streets.

Section 620.090. Agreement.

[CC 1990 §6-31; Code 1977 §25.020(6)]

The grantee awarded a franchise under this Article shall execute a franchise agreement which shall set forth the terms and provisions of the franchise. In addition to those matters required to be included by virtue of this Chapter, the franchise agreement shall contain such further conditions or provisions as may be included in the grantee's proposal and/or negotiated between the City and grantee, except that no conditions or provisions shall be such as to conflict with any provisions of this Chapter or other law. In case of such conflict or ambiguity between any terms or provisions of the franchise and this Chapter, the words of this Chapter or other law shall control.

Section 620.100. Acceptance and Effective Date.

[CC 1990 §6-32; Code 1977 §25.020(7)]

A. No franchise granted pursuant to this Chapter shall become effective for any purpose unless and until written acceptance thereof shall have been filed with the Administrator, Clerk or Deputy Clerk duly executed by the proper officers of the grantee. Written

acceptance, which shall be in the form and substance approved by the City Attorney, must contain, in addition to any other matters included, the following express representations by the grantee that:

1. It has carefully read the terms and conditions of this Chapter and the franchise agreement and accepts all of the terms and conditions imposed by this Chapter and the franchise agreement and agrees to abide by the same;

2. It further acknowledges by acceptance of the franchise that it has carefully read the terms and conditions of this Chapter and expressly waives any claims that any provisions thereof are unreasonable, arbitrary or void; and

3. By accepting the franchise, it acknowledges that it has not been induced to accept same by any promise, verbal or written, by or on behalf of the City or by any third (3rd) person regarding any term or condition of this Chapter or the franchise agreement not expressed therein. The grantee further pledges that no promise or inducement, oral or written, has been made to any City employee or official regarding receipt of the BTN franchise.

B. The written acceptance shall be filed by the grantee not later than 12:01 P.M. of the thirtieth (30th) day next following the granting of such franchise. In default of the filing of such written acceptance as herein required, the grantee shall be deemed to have rejected and repudiated the franchise. Thereafter, the acceptance of the grantee shall not be received by the Administrator, Clerk or Deputy Clerk. The grantee shall have no rights, remedies or redress unless and until the Board, by resolution, shall determine that such acceptance be received and then upon such terms and conditions as the Board may impose.

C. In addition to the written acceptance and within the same thirty (30) day period, the grantee shall:

1. File a certificate of insurance as provided herein;

2. File a performance bond as provided herein unless such bond requirement has been waived by the Board; and

3. Advise the City in writing of the grantee's address for mail and official notifications from the City.

Section 620.110. Review and Modifications.

[CC 1990 §6-33; Code 1977 §25.020(8)]

A. On or about the second (2nd), fifth (5th) and tenth (10th) anniversaries of the effective date of the franchise grant, the City may schedule and hold a public meeting or meetings with the grantee to review the performance by the grantee under the franchise including future plans of operation and performance. In particular, the City may inquire whether the grantee is supplying a level and variety of services equivalent to those being generally offered at that time in the industry in comparable market situations. The

grantee shall make available to the City, if requested by the City, such records, documents and information which are relevant to such meeting and inquiry.

B. Upon written notice given by the City or grantee, one to the other, not less than one hundred eighty (180) days prior to the second (2nd), fifth (5th) and tenth (10th) anniversaries, respectively, the terms and conditions of the franchise agreement may be modified, provided that no modification shall be effective if it shall materially prejudice the grantee without prior consent of both parties.

Section 620.120. Renewal.

[CC 1990 §6-34; Code 1977 §25.020(9)]

A. *Public Meetings To Be Scheduled.* At least one hundred eighty (180) days prior to the expiration of a franchise, the City, upon the written request of grantee, shall schedule and hold a public meeting or meetings with the grantee to review and discuss the performance of the grantee under the franchise including the results following previous franchise reviews. In particular, the City may inquire whether the grantee is supplying a level and variety of services equivalent to those being generally offered at that time in the industry in comparable market situations. The grantee shall make available, if requested by the City, such records, information and documents which are relevant to such meeting and inquiry. Any interested person shall have the opportunity to be heard regarding whether or not the grantee did reasonably comply with the terms and conditions imposed by this Chapter and the franchise agreement.

B. *Determination On Reissue.* Irrespective of the type and quality of the performance of the grantee, the City is under no obligation whatsoever to reissue a franchise to the grantee. At least one hundred eighty (180) days prior to the expiration of the franchise, however, the City shall, upon the written request of grantee, advise the grantee whether or not the franchise reissuance shall be based solely upon negotiations by and between the grantee and the City. The failure to reissue such franchise, however, shall not prohibit the grantee from applying for a new franchise in competition with other applicants for a franchise in the event the City decides to consider proposals from new applicants for a franchise.

Section 620.130. Transfer.

[CC 1990 §6-35; Code 1977 §25.020(10)]

A. Any franchise granted under this Article shall be a privilege to be held for the benefit of the public. Such franchise cannot in any event be sold, transferred, leased, assigned or disposed of including, but not limited to, by forced or voluntary sale, merger, consolidation, receivership, or other means without the prior consent of the City, and then only under such conditions as the City may establish. Such consent as required by the City shall, however, not be unreasonably withheld. For the purpose of this provision, assignment or transfer from a parent to a subsidiary or from a limited partnership to a general partner or vice-versa shall not be deemed to require prior consent by the City.

B. Nothing in this Chapter shall be deemed to prohibit the assignment of the franchise, mortgage or pledge of the network or any part thereof for financing purposes. However,

any such assignment, mortgage, pledge or lease shall be subject to the rights of the City under this Chapter.

Section 620.140. Territory.

[CC 1990 §6-36; Code 1977 §25.020(11)]

This non-exclusive franchise relates to the City limits as presently defined and to any area henceforth added thereto during the term of this non-exclusive franchise.

Section 620.150. Extension of Network.

[CC 1990 §6-37; Code 1977 §25.020(12)]

After the grantee has substantially completed the construction of distribution facilities, it shall continue to extend its BTN so as to provide service to all parts of the franchise territory having a density of at least forty (40) potential subscribers per aerial or underground cable mile.

Section 620.160. Abandonment of Services.

[CC 1990 §6-38; Code 1977 §25.020(13)]

A. After the grantee has established service pursuant to this Chapter in the franchise area, such service shall not be suspended or abandoned in the whole of or any part of the franchise area unless the suspension or abandonment is authorized by the Board.

B. Whenever the grantee shall file with the Board a written application alleging that the public interest, convenience and necessity no longer require that the grantee furnish service pursuant to this Chapter in the whole of or in any part of the franchise area, the Board, at a public hearing, shall take evidence upon that question and shall make a finding with respect to it. If the Board shall find that the public interest, convenience and necessity no longer require that the grantee furnish service, the Board, after hearing as provided herein, shall authorize suspension or abandonment of service upon such reasonable terms and conditions as may be prescribed by the Board.

Section 620.170. Forfeiture or Revocation.

[CC 1990 §6-39; Code 1977 §25.050(11)]

A. *Grounds For Revocation.* The City reserves the right to revoke any franchise granted under this Article and rescind all rights and privileges associated with the franchise in the following circumstances, each of which shall represent a default and breach under this Chapter and the franchise grant:

1. If the grantee should default in the performance of any of its material obligations under this Chapter or under the franchise ordinance or under such documents, contracts and other terms and provisions entered into by and between the City and the grantee.

2. If the grantee should fail to provide or maintain in full force and effect the liability and indemnification coverages or the performance bond as required herein.

3. If any court of competent jurisdiction, the FCC or any State regulatory body by rules, decision or other action determines that any material provision of the franchise documents, including this Chapter, is invalid or unenforceable prior to the commencement of construction as set forth in Section 620.270(C).

4. If the grantee should frequently violate any orders or rulings of any regulatory body having jurisdiction over the grantee relative to this franchise unless such orders or rulings are being contested by the grantee in a court of competent jurisdiction.

5. If the grantee fails to receive necessary FCC approval.

6. If the grantee ceases to provide services for any reason within the control of the grantee over the BTN. The grantee shall not be declared at fault or subject to any sanction under any provision of this Chapter in any case in which performance of any such provision is prevented for reasons beyond the grantee's control. A fault shall not be deemed to be beyond the grantee's control if committed by a corporation or other business entity in which the grantee holds a controlling interest, whether held directly or indirectly.

7. If the grantee attempts to evade any of the provisions of this Chapter or the franchise agreement or practices any fraud or deceit upon the City.

B. *Procedure Prior To Revocation.* Before revocation of a franchise granted under this Article:

1. The City may make written demand that the grantee do so comply with any such requirement, limitation, term, condition, rule or regulation. If the failure, refusal or neglect of the grantee continues for a period of thirty (30) days following such written demand, the City may place its request for termination of the franchise upon a regular Board meeting agenda. The City shall cause to be served upon the grantee, at least ten (10) days prior to the date of such Board meeting, a written notice of this intent to request such termination and the time and place of the meeting.

2. The Board may hear any persons interested therein and shall determine, in its discretion, whether or not any failure, refusal or neglect by the grantee was with just cause.

3. If such failure, refusal or neglect by the grantee was with just cause, the Board shall direct the grantee to comply within such time and manner and upon such terms and conditions as are reasonable.

4. If the Board shall determine such failure, refusal or neglect by the grantee was without just cause, the Board may, by resolution, declare that the franchise of such grantee shall be terminated and bond forfeited unless there be compliance by the grantee within such period as the Board may fix.

C. *Disposition Of Facilities.* In the event a franchise expires, is revoked or otherwise terminated, the City may order the removal, at the grantee's sole expense, of the network facilities from the City within a reasonable period of time as determined by the City or require the original grantee to maintain and operate its network until a subsequent grantee is selected.

D. *Restoration Of Property.* In removing its plant, structures and equipment the grantee shall refill, at its own expense, any excavation that shall be made by it and shall leave all public ways and places and private property in as good condition as that prevailing prior to the company's removal of its equipment and appliances without affecting the electrical or telephone cable wires or attachments. The City shall inspect and approve the condition of the public ways and public places and cables, wires, attachments and poles after removal. The liability, indemnity and insurance as provided herein and the performance bond provided therein shall continue in full force and effect during the period of removal and until full compliance by the grantee with the terms and conditions of this paragraph and this Chapter.

E. *Restoration By City, Reimbursement Of Costs.* In the event of a failure by the grantee to complete any work required by Subsection (C) above and/or Subsection (D) above, or any other work required by City law or ordinance within the time as may be established and to the satisfaction of the City, the City may cause such work to be done and the grantee shall reimburse the City the cost thereof within thirty (30) days after receipt of an itemized list of such costs or the City may recover such costs through the performance bond provided by the grantee. The City shall be permitted to seek legal and equitable relief to enforce the provisions of this Section.

F. *Extended Operation.* Upon either the expiration or revocation of a franchise, the City may require the grantee to continue to operate the network for an extended period of time not to exceed ninety (90) days from the date of such expiration or revocation. The grantee shall, as trustee for its successor in interest, continue to operate the BTN under the terms and conditions of this Chapter and the franchise and to provide the regular subscriber service and any and all of the services that may be provided at that time. The City shall be permitted to seek legal and equitable relief to enforce the provisions of this Section.

G. *City's Rights Not Affected.* The termination and forfeiture of any franchise shall in no way affect any of the rights of the City under the franchise or any provision of law.

Section 620.180. Further Agreement and Waiver by Grantee.

[CC 1990 §6-40; Code 1977 §25.050(13)]

A. The grantee shall not be excused from complying with any of the terms and conditions of this Chapter or the franchise agreement by any failure of the City upon any one (1) or more occasions to insist upon the grantee's performance or to seek the grantee's compliance with any one (1) or more of such terms and conditions.

B. The grantee shall have no recourse whatsoever against the City for any loss, cost, expense or damage arising out of any provision or requirement of this Chapter or the

franchise agreement and, upon acceptance of a franchise granted pursuant to this Chapter, forever and completely release the City from any and all liability whatsoever arising out of or related to such franchise.

ARTICLE III
System

Section 620.190. Network Description.

[CC 1990 §6-56; Code 1977 §25.030(1)]

A. The broadband telecommunications network permitted to be installed in the City under this Chapter shall:

1. Be operationally capable of relaying to subscriber terminals those television and radio broadcast signals for the carriage of which the grantee is now or hereafter authorized by the Federal Communications Commission.

2. Consist of a cable network having a minimum initial forward bandwidth in compliance with the technical standards and rules of the Federal Communications Commission provided that if a reverse or feedback circuit is routed through a subscriber's premises, it shall be connected so as to permit subscriber notification and deactivation.

3. Provide at least one (1) dedicated, non-commercial access channel for use by the educational and governmental agencies within the City.

4. Have a design capacity of at least fifty-two (52) channels.

Section 620.200. Public Service Installations.

[CC 1990 §6-57; Code 1977 §25.030(2)]

A. The grantee shall provide within the service area without charge for installation, maintenance and service one (1) connection for the basic service offered by the grantee to each public school, public library, and such municipal buildings as the City may designate within sixty (60) days of completion of the cable trunk line that would service those buildings; provided however, if it is necessary to extend grantee's trunk line outside the service area more than three hundred (300) feet solely to provide service to any such school or public building, the owner shall have the option to so extend in accordance with grantee's extension policy.

B. Any service granted pursuant to Subsection (A) above may be extended by the persons receiving such service to as many areas within the building where the service is granted or adjacent buildings which are a part of the total complex receiving such service. The person receiving such service shall pay all expenses for any such extension and shall complete such extension so as not to interfere with the operation of the BTN.

Section 620.210. Emergency Alert Override.

[CC 1990 §6-58; Code 1977 §25.030(3)]

The grantee shall incorporate into its facilities the capability for an emergency override audio alert whereby a designee of the City, in times of emergency, may introduce an audio message on all broadband telecommunications network channels simultaneously.

Section 620.220. Network Technical Requirements.

[CC 1990 §6-59; Code 1977 §25.030(4)]

A. Each broadband telecommunications network shall be so designed, installed and operated so as to meet the following general objectives:

1. Capable of continuous twenty-four (24) hour daily operation.

2. Capable of operating over an outdoor temperature range of minus twenty degrees Fahrenheit (-20° F) to plus one hundred twenty degrees Fahrenheit (+120° F) without catastrophic failure or irreversible performance changes over variation in supply voltages from one hundred five (105) to one hundred thirty (130) volts AC.

3. Capable of meeting all specifications as set forth herein over an outdoor temperature range of zero degrees Fahrenheit (0° F) to plus one hundred degrees Fahrenheit (+100° F) over variations in supply voltages from one hundred five (105) to one hundred thirty (130) volts AC.

4. Operated in such a manner as to avoid causing interference with reception of their signals by non-subscribers to the network.

5. Designed, installed and operated so as to assure the delivery to all subscribers of standard color and monochrome signals on the FCC-designed Class I television channels without noticeable picture degradation or visible evidence of color distortion or other forms of interference directly attributable to the performance of the broadband telecommunications network.

Section 620.230. Performance Monitoring.

[CC 1990 §6-60; Code 1977 §25.030(5)]

A. Test procedures used in verification of the performance criteria set forth herein, if not as set forth in paragraph 76.609, subpart K of the FCC Rules and Regulations, shall be in accordance with good engineering practice and shall be fully described in an attachment to the annual certificate filed with the City.

B. To the extent that the report of measurements as required above may be combined with any reports of measurements required by the FCC or other regulatory agencies, the City shall accept such combined reports, provided that all standards and measurements herein or hereafter established by the City are satisfied.

C. At any time after commencement of service to subscribers, the City may require additional tests, full or partial repeat tests, different test procedures, or tests involving a specific subscriber's terminal. Requests for such additional tests will be made on the basis of complaints received or other evidence indicating an unresolved controversy or significant non-compliance, and such tests will be limited to the particular matter in controversy. The City will endeavor to so arrange its requests for such special tests so as to minimize hardship or inconvenience to the grantee or to the subscriber.

Section 620.240. Interconnection.

[CC 1990 §6-61; Code 1977 §25.030(6)]

Wherever it is financially and technically feasible, the grantee shall so construct, operate and modify network so as to have the capability to interconnect the same into all networks adjacent to the City.

ARTICLE IV
Network Installation, Operation and Maintenance Regulations

Section 620.250. Regulatory Jurisdiction and Procedures.

[CC 1990 §6-81; Code 1977 §25.040(1)]

A. *Continuing Regulatory Jurisdiction.* The Board shall have continuing regulatory jurisdiction and primary supervision over the operation of any franchise granted under this Chapter, including subscriber rates. However, it is recognized that the daily routine, administrative responsibilities and supervision of the franchise should be entrusted to the Mayor.

B. *Regulatory Responsibility Of The City.* The Board hereby designates the Administrator, Clerk or Deputy Clerk to exercise the City's continuing regulatory and supervisory jurisdiction over the franchise. In this regard, the Administrator, Clerk or Deputy Clerk may have the following responsibilities and duties and such other responsibilities and duties that the City may assign and delegate to him/her from time to time:

1. Resolve disputes as provided herein.

2. Review and audit all reports and filings submitted to the City as required hereunder and such other correspondence as may be submitted to the City concerning the operation of the broadband telecommunications network and review the rules and regulations set by the grantee under provisions herein.

3. Assure that all tariffs, rates and rules pertinent to the operation of the BTN in the City are made available for inspection by the public at reasonable hours.

4. Confer and coordinate with the grantee on the interconnection of the City's BTN and other similar networks.

5. Advise the Board on matters which might constitute grounds for revocation of the franchise in accordance with this Chapter.

6. Advise the Board on the regulation of rates in accordance with this Chapter.

7. Determine general policy relating to the operation and use of access channels with a view to maximizing the diversity of programs and services to subscribers. The use of access channels shall be allocated on a first-come, first-served basis, subject to limitations on monopolization of network time or prime time.

8. Encourage use of access channels among the widest range of institutions, groups and individuals within the City.

9. Submit an annual report to the Board including, but not limited to, the total number of hours of utilization of access channels, a review of any plans submitted during the year by grantee for development of new services, and hourly subtotals for various programming categories. The annual report shall include the following programming categories:

    a. Local educational use including library.

    b. Public access for local programming under public control.

    c. Local government access (including fire, Police, burglar alarms and public announcements).

    d. Channel time use for lease for pay TV.

    e. Channel time use for lease for business uses, including telemetry of information.

    f. Information retrieval and professional communication.

10. Cooperate with other networks and supervise interconnection of systems.

11. Maintain a knowledge of current developments in cable communications.

12. Submit a budget request to the City to cover expenses incurred in respect of performance of functions provided by this Chapter. This request may include funds to be used for the development of the use of access channels, including production grants to users and the purchase and maintenance of equipment not required to be provided by the grantee, and funds to be used for expenses and such salaries as may be prescribed from time to time by ordinance.

13. Audit all the grantee's records required by this Chapter and, in the discretion of the Administrator or Clerk or Deputy Clerk, require the preparation and filing of information in addition to that required herein.

14. Conduct evaluations of the network at least every three (3) years with the grantee and pursuant thereto make recommendations to the Board for amendments to this Chapter or the franchise agreement.

Section 620.260. Resolving Disputes.

[CC 1990 §6-82; Code 1977 §25.040(2)]

The Board may do all things which are necessary and convenient in the exercise of its jurisdiction under this Chapter and may determine any question of fact which may arise during the existence of any franchise granted hereunder. The Administrator, Clerk or Deputy Clerk is hereby authorized and empowered to adjust, settle or compromise any controversy or charge arising from the operations of any grantee under this Chapter, either on behalf of the City, the grantee or any subscriber, in the best interest of the public. Either the grantee or any member of the public who may be dissatisfied with the decision of the Administrator, Clerk or Deputy Clerk may appeal the matter to the Board for an informal hearing and determination. Such hearing need not conform to the provisions of Revised Statutes of Missouri Chapter 536. The Board may accept, reject or modify the decision of the Administrator, Clerk or Deputy Clerk, and the Board may adjust, settle or compromise any controversy or cancel any charge arising from the operations of the grantee or from any provision of this Chapter.

Section 620.270. Construction — Schedule.

[CC 1990 §6-83; Code 1977 §25.040(3)]

A. *Permits.* Within ninety (90) days after the effective date of a franchise grant, the grantee shall file with the appropriate governmental authorities and with the necessary utility companies all initial papers, applications, contracts and other documents necessary to permit the commencement of construction and operation of the BTN and shall thereafter make diligent efforts to obtain the proper execution and delivery of such documents. The grantee shall report to the City every ninety (90) days of its progress in obtaining necessary permits, contracts and other necessary documents as contemplated above.

B. *Target Dates.* Within ninety (90) days after accepting the franchise, grantee shall furnish the City with a construction schedule and map setting forth target dates by areas for commencement of service to subscribers. The schedule and map shall be updated whenever substantial charges become necessary.

C. *Commencement Of Construction.* Within ninety (90) days after the effective date of franchise approval, providing all other necessary agreements, permits and contracts have been obtained and entered into, the grantee shall commence the construction of the BTN and pursue such with reasonable diligence.

D. *Commencement Of Operation.* Within six (6) months after the commencement of construction, the grantee shall commence operation.

E. *Substantial Completion Of Construction.* Within one (1) year after commencement of construction, the grantee shall have substantially completed construction.

Section 620.280. Construction — Standards.

[CC 1990 §6-84; Code 1977 §25.040(4)]

A. *Compliance With Safety Codes.* All construction practices shall be in accordance with all applicable Sections of the Occupational Safety and Health Act of 1970 and any amendments thereto as well as all State and local Codes where applicable.

B. *Compliance With Electrical Codes.* All installation of electronic equipment shall be of a permanent nature, durable and installed in accordance with the provisions of the County's Electrical Code as amended.

C. *Antennas And Towers.* Antenna supporting structures (towers) shall be designed for the proper loading zone and as specified in Electronics Industry Association's R.S. — 22A Specifications.

D. *Compliance With Aviation Requirements.* Antenna supporting structures (towers) shall be painted, lighted, erected and maintained in accordance with all applicable rules and regulations of the Federal Aviation Administration and all other applicable State and local Codes and regulations.

E. *Construction Standards And Requirements.* All of the grantee's plant and equipment including, but not limited to the antenna site, head-end and distribution system, towers, house connections, structures, poles, wire, cable, coaxial cable, fixtures and appurtenances shall be installed, located, erected, constructed, reconstructed, replaced, removed, repaired, maintained and operated in accordance with good engineering practices performed by experienced maintenance and construction personnel so as not to endanger or interfere with improvements the City may deem proper to make, or to interfere in any manner with the rights of any property owner, or to unnecessarily hinder or obstruct pedestrian or vehicular traffic on municipal properties.

F. *Safety, Nuisance, Requirements.* The grantee shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices preventing failures and accidents which are likely to cause damage, injury or nuisance to the public.

Section 620.290. Customer Service Standards.

[CC 1990 §6-85; Code 1977 §25.040(5)]

A. *Office And Phone For Service.* The grantee shall maintain an office conveniently located to the City which shall be open during all usual business hours, have a locally listed telephone or a toll-free telephone number and be so operated that complaints and requests for repairs or adjustments may be received at any time. In addition, the grantee shall maintain a service during normal business hours for the receipt of sums due by its subscribers and shall provide for regular billing of accounts.

B. *Notification Of Service Procedures.* The grantee shall furnish each subscriber, at the time service is installed, with written instructions that clearly set forth procedures for placing a service call or requesting an adjustment.

C. *Service Response Time.* The grantee shall provide same-day service response for all complaints and requests for repairs or adjustments received prior to 2:00 P.M. on any day other than Saturday, Sunday or holidays. The service response for calls received subsequent to 2:00 P.M. or on Saturdays, Sundays or holidays shall be on the day following the call which is not a Saturday, Sunday or holiday. The grantee shall provide same-day service response seven (7) days a week, including holidays, for emergency service, which for the purposes of this Section means a problem or interruption in the full network service affecting reception by more than one (1) subscriber.

D. *Service Interruptions And Notification.* The grantee shall interrupt system service after 7:00 A.M. and before 1:00 A.M. only with good cause and for the shortest time possible.

Section 620.300. Standards of Operation.

[CC 1990 §6-86; Code 1977 §25.040(6)]

A. *Board May Adopt Standards.* The Board may adopt, under its Police powers, rules, regulations and standards governing the operation of a broadband telecommunications network in the City. Some rules, regulations and standards shall apply to and govern the operations of the grantee of any franchise hereunder, and they are expressly declared a part of any franchise agreement hereunder.

B. *Technical Standards.* The technical standards for operation of the network shall, in addition to meeting the requirements specified in the franchise agreement, conform to all requirements specified in this Chapter and any other standards or Codes as may be adopted by the City.

C. *Repair.* Any damage caused or contributed to by the grantee's negligence shall be repaired fully by the grantee at the grantee's sole expense.

Section 620.310. Records, Reports and Maps.

[CC 1990 §6-87; Code 1977 §25.040(7)]

A. *Reports Required.* The grantee shall file with the City:

1. An "Annual Report of Cable Television Systems" (FCC Form 325, Schedules 1, 2, 3 and 4).

2. An annual total facilities report setting forth the physical miles of plant constructed, rebuilt or in operation during the fiscal year. Such report shall also contain any revisions to the network as-built maps filed with the City.

3. The grantee's schedule of charges, contract or application forms for regular subscriber service, policy regarding the processing of subscriber complaints, delinquent subscriber disconnect and reconnect procedures and any other terms and conditions adopted as the grantee's policy in connection with its subscribers shall be filed with the City and conspicuously posted in the grantee's local office.

4. All petitions, applications and communications of all types submitted by the grantee to the Federal Communications Commission, Securities and Exchange Commission, or any other Federal or State regulatory commission or agency having jurisdiction over any matter affecting operation of the grantee's network shall be submitted simultaneously to the City by delivery to the City Clerk who shall advise interested City departments of such filing.

5. The performance bond or a certified copy thereof and written evidence of payment of required premium.

6. All policies of insurance or certified copy thereof and written notice of payment of required premium.

7. An ownership report, indicating all persons who at any time during the preceding year did control or benefit from an interest in the franchise of ten percent (10%) or more.

8. All rules, regulations, terms and conditions which it has adopted for the conduct of its business.

9. One (1) copy of a report on the network's technical measurements as set forth herein.

B. *Records Required.* The grantee shall at all times maintain:

1. A record of all complaints received and interruptions or degradation of service experience for the preceding three (3) years.

2. A full and complete set of plans, records and as-built maps showing the exact location of all BTN equipment installed or in use in the City, exclusive of subscriber service drops.

C. *Filing.* When not otherwise prescribed herein, all matters required to be filed with the City shall be filed with the City Clerk.

Section 620.320. Inspection of Property and Records.

[CC 1990 §6-88; Code 1977 §25.040(8)]

At all reasonable times, the grantee shall permit examination by any duly authorized representative of the City all franchise property, together with any appurtenant property of the grantee situated within or without the City. The grantee shall also permit any duly authorized representative of the City to examine and transcribe any and all maps and other records kept or maintained by the grantee or under its control concerning the operations, affairs, transactions or property of the grantee. If any of such maps or records are not kept in the City, or upon reasonable request made available in the City, and if the City shall determine that an examination of such maps or records is necessary or appropriate to the performance of any of their duties, then all travel and maintenance expenses necessarily incurred in making such examination shall be paid by the grantee.

Section 620.330. Street Occupancy.

[CC 1990 §6-89; Code 1977 §25.040(9)]

A. The grantee shall utilize existing poles, conduits and other facilities whenever possible and shall not construct or install any new, different, or additional poles, conduits or other facilities whether on public property or on privately-owned property until the written approval of the City or subdivision trustee is obtained, which approval from the City shall not be unreasonably withheld. However, no location of any pole or wire-holding structure of the grantee shall be a vested interest and such poles or structures shall be removed or modified by the grantee at its own expense whenever the City determines that the public convenience would be enhanced thereby.

B. The facilities of the grantee shall be installed underground in those areas of the City where existing telephone and electric services are both underground at the time of the network construction or are planned to be relocated underground within one (1) year of such construction. In areas where either telephone or electric utility facilities are installed aerially at the time of network construction, the grantee may install its facilities aerially with the understanding that at such time as the existing aerial facilities are required to be placed underground by the City, the grantee shall likewise place its facilities underground. Any additional cost to subscribers for such installation shall be filed with the City in accordance with the provisions of Section 620.350.

C. A grantee shall notify the City at least ten (10) days prior to the intention of the grantee to commence any construction in any streets. The City shall cooperate with the grantee in granting any permits required, providing such grant and subsequent construction by the grantee shall not unduly interfere with the use of such streets and that proposed construction shall be done in accordance with the pertinent provisions of the ordinances of the City.

D. All transmission lines, equipment and structures shall be so installed and located as to cause minimum interference with the rights and reasonable convenience of property owners at all times, shall be kept and maintained in a safe, adequate and substantial condition, and in good order and repair. The grantee shall, at all times, employ ordinary care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries or nuisances to the public. Suitable barricades, flags, lights, flares or other devices shall be used at such time and places as are reasonably required for the safety of all members of the public. Any poles or other fixtures placed in any public way by the grantee shall be placed in such a manner as not to interfere with the usual travel on such public way.

E. The grantee shall, at its own expense and in a manner approved by the City, restore to City standards and specifications any damage or disturbance caused to the public way or private road as a result of its operations or construction on its behalf.

F. Whenever, in case of fire or other disaster, it becomes necessary, in the judgment of the Director of Public Safety, to remove any of the grantee's facilities, no charge shall be made by the grantee against the City for restoration and repair, unless such acts amount to gross negligence by the City.

G. The grantee shall have the authority to trim trees on public property at its own expense as may be necessary to protect its wires and facilities, subject to the supervision and direction of the City. Trimming of trees on private property shall require written consent of the property owner.

H. The grantee at its expense shall protect, support, temporarily disconnect, relocate or remove any property of the grantee when, in the opinion of the City, the same is required by reason of traffic conditions, public safety, street vacation, freeway or street construction, change or establishment of street grade, installation of sewers, drains, water pipes, power lines, signal lines, transportation facilities, tracks, or any other types of structures or improvements by governmental agencies whether acting in a governmental or a proprietary capacity, or any other structure or public improvement including, but not limited to, movement of buildings, urban renewal and redevelopment, and any general program under which the City shall undertake to cause all such properties to be located beneath the surface of the ground. The grantee shall in all cases have the privilege, subject to the corresponding obligations, to abandon any property of the grantee in place. Nothing hereunder shall be deemed a taking of the property of the grantee and the grantee shall be entitled to no surcharge by reason of anything hereunder.

I. Upon failure of the grantee to commence, pursue or complete any work required by law or by the provisions of this Chapter to be done in any street within the time prescribed and to the satisfaction of the City, the City may, at its option, cause such work to be done and the grantee shall pay to the City the costs thereof in the amounts reported by the City to the grantee within thirty (30) days after receipt of such itemized report.

J. The grantee shall make no paving cuts or curb cuts unless absolutely necessary, but only after written permission has been given by the City.

K. The grantee shall install in conduit all cable passing under any major roadway.

Section 620.340. Request for Removal or Change.

[CC 1990 §6-90; Code 1977 §25.040(10)]

A. The grantee shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of such building. The expense of such temporary removal, raising or lowering of wires shall be paid by the person requesting the same, and the grantee shall have the authority to require such payment in advance. The grantee shall be given not less than five (5) days' advance notice of any move contemplated to arrange for temporary wire changes.

B. The City shall notify the grantee at least ten (10) days prior to the intention of the City to commence any construction in the streets that requires the relocation of the grantee's lines, wires or other network appurtenances so as not to interfere with such construction.

C. In the event continued use of a street is denied to the grantee by the City for any valid reason, the grantee shall provide service to affected subscribers over alternate routes within a reasonable period of time.

D. Under termination of service to any subscriber, the grantee shall promptly remove all its facilities and equipment from the premises of such subscriber upon his/her request.

Section 620.350. Fees, Rates and Charges.

[CC 1990 §6-91]

A grantee shall maintain and file with the City a complete schedule of subscriber rates including all fees and charges for services which it is currently authorized to charge.

Section 620.360. New Developments.

[CC 1990 §6-92; Code 1977 §25.040(12)]

The Board may amend this Chapter or the franchise agreement, whenever necessary, to enable the grantee to take advantage of new developments in the field of transmission of communication signals which will afford it an opportunity to more effectively, efficiently or economically serve its customers and at any other time the City feels amendment is required in the best interest of the City and its residents.

ARTICLE V
Rules Governing Grantee

Section 620.370. Other Business Activities.

[CC 1990 §6-111; Code 1977 §25.050(1)]

A. *Subscribers' Antennas.* The grantee is expressly prohibited from requiring the removal or from offering to remove or provide any inducement for removal of any potential or existing subscriber's antenna as a condition for provision of service by the grantee.

B. *Sale Or Service Of TV Receivers.* During the period of the franchise, neither the grantee nor any of its affiliated, subsidiary or parent organizations, officers or directors or stockholders holding ten percent (10%) or more of outstanding stock of the grantee shall, within the corporate limits of the City or within ten (10) miles in any direction, directly or indirectly engage in the retail sale, renting or repairing of radio or television receivers nor require, encourage or recommend to any subscriber to purchase, rent or lease radios or televisions at any specific business renting, leasing or selling radios or televisions or to utilize the services of the TV or radio service business for the repair or maintenance of the subscriber's receivers, either radio or TV, wheresoever located.

Section 620.380. Employment Practices.

[CC 1990 §6-112; Code 1977 §25.050(2)]

A. In the carrying out of the construction, maintenance and operation of the BTN, the grantee shall not discriminate against any employee or applicant for employment because of race, creed, color, sex or national origin.

B. The grantee shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, creed, color, sex or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation and selection for training, including apprenticeship.

C. The grantee shall post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.

D. The grantee shall, in all solicitations or advertisements for employees placed by or on behalf of the grantee, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex or national origin.

E. The grantee shall incorporate the foregoing requirements in all of its contracts for work relative to construction, maintenance and operation of the BTN, other than contracts for standard commercial supplies or raw materials, and shall require all of its contractors for such work to incorporate such requirements in all subcontracts for such work.

Section 620.390. Preferential or Discriminatory Practices Prohibited.

[CC 1990 §6-113; Code 1977 §25.050(3)]

A. *Services To Be Equally Available.* The grantee shall not, as to rates, charges, service, rules, regulations or in any other respect, make or grant any preference or advantage to any person nor subject any person to any prejudice or disadvantage. This provision shall not be deemed to prohibit promotional campaigns to stimulate subscription to the network or other legitimate uses thereof, nor shall it be deemed to prohibit the establishment of a graduated scale of charges and classified rate schedules to which any customer coming within such classification shall be entitled, provided such schedules have been filed with or approved by the City as provided in Section 620.350.

B. *Fairness Of Accessibility.* The entire network of the grantee shall be operated in a manner consistent with the principle of fairness and equal accessibility of its facilities, equipment, channels, studios and other services to all citizens, businesses, public agencies or other entities having a legitimate use for the network; and no one shall be arbitrarily excluded from its use; allocation of use of such facilities shall be made according to the rules or decisions of the grantee and any regulatory agencies affecting the same.

Section 620.400. Compliance With Applicable Laws and Regulations.

[CC 1990 §6-114; Code 1977 §25.050(4)]

The grantee, at its expense, shall comply with all laws, orders and regulations of Federal, State and City authorities and with any directive of any public officer pursuant to law who shall legally impose any regulation, order or duty upon the grantee with respect to the franchise.

Section 620.410. Liability and Indemnification.

[CC 1990 §6-115; Code 1977 §25.050(5)]

A. The grantee shall indemnify and hold harmless the City, its officers, boards, commissions, agents and employees against and from any and all claims, demands, causes of action, actions, suits, property damages and damages arising out of copyright infringements and damages arising out of any failure by the grantee to secure consents from the owners, authorized distributors or licensees of programs to be delivered by the grantee's BTN, costs or liabilities (including costs or liabilities of the City with respect to its employees) of every kind and nature whatsoever including, but not limited to, damages for injury or death or damage to person or property, and regardless of the merit of any of the same, and against all liability to others, and against any loss, cost and expense resulting or arising out of any of the same, including any attorney fees, accountant fees, expert witness or consultant fees, court costs, per diem expense, traveling and transportation expense, or other costs or expenses arising out of or pertaining to the exercise or the employment of any franchise hereunder by the grantee. The grantee shall not be liable for any such damages, fees or expenses where any lawsuit is based strictly on the negligent actions or omissions of the City and in no way based on any negligent act or omission by the grantee.

B. The grantee shall maintain a general comprehensive liability insurance policy naming as an additional insured the City, its officers, boards, commissions, agents and employees in a company mutually acceptable by the grantee and the City in a form satisfactory to the City protecting the City and all persons against liability for loss or damage for personal injury, death or property damage occasioned by the operations of the grantee under any franchise granted hereunder in the amount of:

1. Two hundred fifty thousand dollars ($250,000.00) for bodily injury or death to any one (1) person within the limit, however, of five hundred thousand dollars ($500,000.00) for bodily injury or death resulting from any one (1) accident.

2. Two hundred fifty thousand dollars ($250,000.00) for property damage resulting from any one (1) accident.

3. Workers' Compensation insurance in such coverage as may be required by the Workers' Compensation law of the State and amendments thereto.

C. *Notice Of Cancellation Or Reduction Of Coverage.* The insurance policies referred to above shall contain an endorsement stating that the policies are extended to cover the liability assumed by the grantee under the terms of this Chapter and shall contain the following endorsement:

"It is hereby understood and agreed that this policy may not be cancelled nor the intention not to renew be stated until thirty (30) days after receipt by the City of Clarkson Valley, Missouri, by registered mail, of a written notice of such intent to cancel or not to renew."

Section 620.420. Performance Bond.

[CC 1990 §6-116; Code 1977 §25.050(6)]

The grantee shall maintain throughout the period of the network construction a faithful performance bond in favor of the City, with a surety approved by the City in the penal sum total of five percent (5%) of the estimated cost of construction submitted by the grantee at the time of the award of the franchise conditioned upon the faithful performance by the grantee of its obligations under this Chapter and the franchise. Upon substantial completion of the construction, the penal sum total of the bond shall be reduced to one percent (1%) of the actual cost of construction of the system. The City, at its sole discretion, may, at any time subsequent to completion of construction, waive the requirements of the grantee to maintain such bond. The bond shall contain the following endorsement:

"It is hereby understood and agreed that this bond may not be cancelled nor the intention not to renew be stated until thirty (30) days after receipt by the City of Clarkson Valley, Missouri, by registered mail, of a written notice of such intent to cancel or not to renew."

Section 620.430. Receivership and Foreclosure.

[CC 1990 §6-117; Code 1977 §25.050(7)]

A. The franchise granted under this Chapter shall, at the option of the Board, cease and terminate one hundred twenty (120) days after the appointment of a receiver or trustee to take over and conduct the business of the grantee whether in a receivership, reorganization, bankruptcy or other action or proceeding unless such receivership or trusteeship shall have been vacated prior to the expiration of such one hundred twenty (120) days, or unless:

1. Such receivers or trustees shall have, within one hundred twenty (120) days after their election or appointment, fully complied with all the terms and provisions of this Chapter and the franchise granted pursuant hereto, and the receivers or trustees within the one hundred twenty (120) days shall have remedied all defaults under the franchise; and

2. Such receivers or trustees shall, within said one hundred twenty (120) days, execute an agreement duly approved by the court having jurisdiction in the premises, whereby such receivers or trustees assume and agree to be bound by each and every term, provision and limitation of the franchise herein granted.

B. In the case of foreclosure or other judicial sale of the plant, property and equipment of the grantee, or any part thereof, including or excluding this franchise, the Board may serve notice of termination upon the grantee and the successful bidder at such sale, in which event the franchise herein granted and all rights and privileges of the grantee hereunder shall cease and terminate thirty (30) days after service of such notice, unless:

1. The Board shall have approved the transfer of this franchise, as and in the manner in this Chapter provided; and

2. Such successful bidder shall have covenanted and agreed with the City to assume and be bound by all the terms and conditions of this franchise.

Section 620.440. Permits and Authorizations.

[CC 1990 §6-118; Code 1977 §25.050(8)]

A. The grantee shall diligently apply for all necessary permits and authorizations required in the conduct of its business and shall diligently pursue the acquisition thereof, including necessary pole attachment agreements, and necessary authorizations from the Federal Aviation Agency to construct such receiving antenna towers as may be required and any necessary authorizations or waivers from the Federal Communications Commission.

B. The grantee shall not apply for any waivers, exceptions or declaratory rulings from the Federal Communications Commission or any other Federal or State regulatory agency without written notification to the City.

Section 620.450. Transactions Affecting Ownership or Control.

[CC 1990 §6-119; Code 1977 §25.050(9)]

A. Express approval of the Board, which shall not be unreasonably withheld, shall be required where ownership or control of more than ten percent (10%) of the right of control of or interest in the franchise is acquired by a person or group of persons acting in concert, none of whom already own or control ten percent (10%) or more of such right of control or interest, singularly or collectively. Transfer from a subsidiary to a parent corporation or vice-versa or from a limited partnership to a general partner or vice-versa shall not be considered change of control.

B. The City agrees that any financial institution having a pledge of the franchise or its assets for the advancement of money for the construction and/or operation of the franchise shall have the right to notify the City that it or its designee satisfactory to the City will take control and operate the cable television system. Further, such financial institution shall also submit a plan for such operation that will insure continued service and compliance with all franchise obligations during the term the financial institution exercises control over the system. The financial institution shall not exercise control over the system for a period exceeding one (1) year unless extended by the Board in its discretion and during such period of time it shall have the right to petition the City to transfer the franchise to another grantee. If the City finds that such transfer is satisfactory after first considering the legal, financial, character, technical and other public interest qualities of the applicant, the City will transfer and assign the rights and obligations of such franchise as are in the public interest. The consent of the City to such transfer shall not be unreasonably withheld.

C. The City reserves the right, all other things being equal, in the event of a request for approval of the transfer of the ownership of the franchise by the grantee, to grant preference to any local not-for-profit organization who demonstrates a willingness and capability to meet the terms and amount of the bona fide offer made to the grantee for purchase of the franchise and network. In no event, however, shall the City delay ruling on any request for approval of the transfer of the ownership of the franchise by the grantee for more than ninety (90) days from receipt of such request by the City.

Section 620.460. Rights Reserved to City.

[CC 1990 §6-120; Code 1977 §25.050(10)]

A. There is hereby reserved to the City every right and power which is required to be herein reserved or provided by any law, and the grantee, by its acceptance of the franchise, agrees to be bound thereby and to comply with any action or requirement of the City in its exercise of such rights or powers, heretofore or hereafter enacted or established.

B. Neither the granting of any franchise nor any provision hereof shall constitute a waiver or bar to the exercise of any governmental right or power of the City.

C. If the Federal Communications Commission or any other Federal or State body or agency shall now or hereafter exercise any paramount jurisdiction over the subject matter of any franchise granted under this Chapter, then to the extent such jurisdiction shall pre-empt or preclude the exercise of like jurisdiction by the City, the jurisdiction of the City shall cease and no longer exist.

D. The pre-emption or preclusion of the exercise by the City of any of its Police power shall not diminish, impair, alter or affect any contractual benefit to the City or the grantee nor any contractual obligation of the grantee under any franchise issued hereunder. Any and all rights, powers, privileges and authorities arising under this Chapter or any franchise agreement are each and all hereby declared by the City and any grantee accepting any franchise hereunder to be contractual in nature.

E. There is hereby reserved to the City the right to impose rules and regulations similar to but not more strict than those currently in effect under the jurisdiction of the FCC if and when the FCC chooses to abrogate its power and authority in any or all areas now under FCC control.

F. At the expiration of the term for which this franchise is granted or upon the termination and cancellation as provided therein, the City reserves the right to require the grantee to remove, at the grantee's own expense, any and all portions of the BTN from the public ways within the City.

G. The City reserves the right to require the grantee to pay the costs of publication of this Chapter.

Section 620.470. City's Right of Intervention.

[CC 1990 §6-121; Code 1977 §25.050(12)]

The grantee shall, at the sole risk and expense of the grantee, upon demand of the City, made by and through the City Attorney, appear in and defend any and all suits, actions, or other legal proceedings, whether judicial, quasi-judicial, administrative, legislative or otherwise, brought or instituted or had by third (3rd) persons or duly constituted authorities against or affecting the City, its officers, boards, commissions, agents or employees, and arising out of or pertaining to the exercise or the enjoyment of such franchise, or the granting thereof by the City; provided that neither the grantee nor the City shall make or enter into any compromise or settlement of any claim, demand, cause of action, action, suit or other proceedings without first obtaining the written consent of the other.

Section 620.480. Protection of Privacy.

[CC 1990 §6-122; Code 1977 §25.050(14)]

A grantee shall not initiate or use any form, procedure or device for procuring information or data from subscriber's terminal by use of the network, without prior notification to and approval from each subscriber so affected.

Section 620.490. Time of the Essence.

[CC 1990 §6-123; Code 1977 §25.050]

Whenever this Chapter or the franchise sets forth any time for any act to be performed by or on the behalf of the grantee, such time shall be deemed of the essence and the grantee's failure to perform within the time allotted shall, in all cases, be sufficient grounds for the City to invoke the remedies available under the terms and conditions of this Chapter.

PREVIOUS CITY CODE CROSS REFERENCE

This reference is provided merely to help with the transition from the old numbering system to the new numbering system and will not be updated or changed in the future.

1990 City Code Section	**Section In This Code**
1-1	100.010
1-3 — 1-9	100.020 — 100.080
1-10 — 1-12	100.100 — 100.120
1-13	100.090
2-1	105.010
2-26 — 2-32	115.010 — 115.070
2-51 — 2-61	115.090 — 115.190
2-76	120.010
2-91 — 2-93	120.020 — 120.040
2-106 — 2-108	120.050 — 120.070
2-126 — 2-128	120.080 — 120.100
2-141 — 2-143	120.110 — 120.130
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2-298	130.080
2-299	130.030
2-302	130.070
2-321 — 2-322	130.010
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3-7 — 3-11	600.070 — 600.110
3-14 — 3-16	600.120 — 600.140
3-36 — 3-37	600.150 — 600.160
3-39 — 3-50	600.170 — 600.280
4-1	205.010
4-3 — 4-6	205.020 — 205.050
4-7 — 4-15	205.075 — 205.150
4-36 — 4-42	205.160 — 205.220
5-1	500.200
5-36 — 5-39	500.090
5-56 — 5-59	500.100
5-76 — 5-79	500.110
5-96 — 5-101	500.120 — 500.170
5-116	500.180
5-136 — 5-137	500.010 — 500.020
5-138	500.190
5-156	500.030
5-176	500.040
5-196	500.050
5-221	500.060
5-226	500.070

1990 City Code Section	Section In This Code
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6-1 — 6-3	620.010 — 620.030
6-26 — 6-40	620.040 — 620.180
6-56 — 6-61	620.190 — 620.240
6-81 — 6-92	620.250 — 620.360
6-111 — 6-123	620.370 — 620.490
7-1 — 7-3	110.010 — 110.030
7.1-1 — 7.1-21	415.010 — 415.210
7-4 — 7-6	110.040 — 110.060
7-8 — 7-15	110.080 — 110.150
8-46	105.050
8-66 — 8-68	225.010 — 225.030
8-70 — 8-77	225.050 — 225.120
8-89	225.040
8-91 — 8-100	225.130 — 225.220
8-126	215.080
8-127—8-135	215.080—215.097
9-1	605.010
9-26 — 9-31	610.010 — 610.060
9-46 — 9-58	610.070 — 610.190
9-76	605.050
9-91 — 9-99	605.020 — 605.090
9-196	605.100
9-251	615.080
9-171 — 9-177	505.010 — 505.070
9-211 — 9-213	615.010 — 615.030
9-241 — 9-244	615.040 — 615.070
10-2	300.020
10-5(c,d)	340.100
10-6 — 10-7	300.030 — 300.040
10-9	340.160
10-32	340.170
10-34	320.030
10-36	340.180 — 340.190
10-38	342.010
10-46	342.050
10-47	342.040
10-48	340.210
10-49	342.060
10-50 — 10-51	340.220 — 340.230
10-66(A)(1)(i), (A)(2)(e — g,i), (A)(3)(b)	355.010
10-67	340.240
10-68	340.015
10-69	355.100
10-104	345.050
10-106	345.080
10-107	345.100

1990 City Code Section	Section In This Code
11-1 — 11-19	125.010 — 125.190
11-21 — 11-34	125.210 — 125.340
12-1	210.010
12-2 — 12-5	210.040 — 210.070
12-7	210.080
12-11 — 12-12	210.440 — 210.450
12-26 — 12-32	215.010 — 215.070
12-29	210.210
12-51 — 12-56	210.360 — 210.410
12-76	210.160
12-77 — 12-78	210.220 — 210.230
12-79	210.150
12-80	210.030
12-81	210.240
12-96 — 12-100	210.250 — 210.290
12-101 — 12-105	210.300 — 210.340
12-121 — 12-122	210.110 — 210.120
12-124	210.130
12-125	210.200
12-126	210.140
12-127 — 12-128	210.420 — 210.430
12-131 — 12-136	210.460 — 210.510
13-26 — 13-29	230.010 — 230.040
14-54	210.295
15-1	130.090
15-4 — 15-8	130.100 — 130.140
16-26 — 16-41	235.010 — 235.160
18.010 — 18.060	405.010 — 405.060
18.070 — 18.071	405.080 — 405.090
18.080 — 18.092	405.110 — 405.140
18.100	405.100
18.110 — 18.120	405.150 — 405.160
18.130	405.070
18.140 — 18.160	405.170 — 405.190
19.010 — 19.070	410.010 — 410.080
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Schedule CR

CROSS REFERENCE

Section CR.010. Cross Reference Table.

Section CR.010. Cross Reference Table.

Ordinance Number	Disposition/ Date of Adoption	Section of Ordinance	Section of this Code
87-9	8-4-1987	2	500.040
88-20	11-1-1988	1	405.100
88-21	11-1-1988	1	500.020
88-28	12-6-1988	2	500.030
88-29	12-6-1988	2	500.060
88-30	12-6-1988	2	500.050
88-32	Repealed/96-15		
89-4	3-7-1989	1	215.080 — 215.097, 220.040 — 220.060
89-8	6-6-1989	1	400.020 — 400.030
90-2	Superseded		
90-3	3-6-1990	2	125.010 — 125.190, 125.210 — 125.340
90-12	10-2-1990	4	320.030
		6	355.010
		7	Sch. I — III
90-13	11-6-1990	2	Sch. II
90-15	12-4-1990	2	500.020
90-16	12-4-1990	1	405.130
91-1	1-3-1991	1	205.010
91-4	2-5-1991	2	300.020
		3	340.240
91-5	2-5-1991	2	120.030
		3	120.020
		4	120.070
		5	120.060
91-6	3-5-1991	2	215.010
		4	210.160

Ordinance Number	Disposition/ Date of Adoption	Section of Ordinance	Section of this Code
91-7	5-7-1991	2 — 4	225.010 — 225.030
		5	225.120
91-9	7-2-1991	2	615.010 — 615.080
91-12	8-6-1991	1 — 2	120.060 — 120.070
91-14	9-3-1991	2	115.070
		3	120.040
92-2	1-7-1992	Art. 1 — 7	415.010 — 415.210
92-6	3-19-1992	2	405.040
92-7	3-19-1992	2	405.080
92-8	4-7-1992	2	500.020
92-10	Superseded		
92-11	6-2-1992	2	210.030, 210.080, 210.130 — 210.140, 210.200, 210.240, 210.330, 210.340, 210.410 — 210.450
92-12	6-2-1992	2	340.100,
		3	340.015, 340.160
			340.210, 342.040 — 342.050, 355.100
92-15	7-7-1992	1 — 3	342.050
92-16	8-11-1992	2	215.010
93-06	3-2-1993	1 — 3	355.010
93-07	4-6-1993	2	500.020
93-10	Repealed/95-03		
93-12	8-3-1993	3	210.460 — 210.510
93-14	9-7-1993	1 — 3	500.010 — 500.020
93-16	10-5-1993	1 — 2	355.010
93-19	Superseded		
93-20	Superseded		
94-10	7-5-1994	2	215.070
94-11	8-2-1994	1 — 2	Sch. IV
94-14	12-6-1994	2 — 3	215.010
95-01	2-7-1995	1	500.030 — 500.080
95-04	3-7-1995	2 — 3	205.030 — 205.040
95-06	Superseded		
95-08	7-5-1995	1	415.050
		2	415.180

Ordinance Number	Disposition/ Date of Adoption	Section of Ordinance	Section of this Code
95-09	7-5-1995	2	215.080
95-10	8-1-1995	3	345.050, 345.080, 345.100
96-02	3-5-1996	2	405.080
96-03	3-5-1996	2	405.090
96-04	3-5-1996	1 — 3	355.010
96-06	6-4-1996	2 — 3	405.080 — 405.090
96-07	6-4-1996	1	505.050
96-08	8-6-1996	1	405.180
96-11	9-3-1996	1 — 2	405.040
96-12	10-1-1996	1 — 2	385.010
96-13	10-1-1996	1 — 3	342.060
96-14	11-5-1996	1 — 2	340.180 — 340.190
96-15	11-5-1996	1	110.010 — 110.030, 110.040 — 110.060, 110.080 — 110.150
96-16	11-5-1996	1 — 3	340.220
96-17	12-3-1996	1	210.040
96-18	12-3-1996	1 — 2	125.270
97-01	1-7-1997	2	215.010
97-03	3-4-1997	1	405.080
97-05	3-4-1997	1	605.020 — 605.090
97-07	3-4-1997	1 — 2	500.010 — 500.020
97-08	4-15-1997	1	405.140
97-14	12-2-1997	1	500.030 — 500.060
97-15	12-2-1997	1 — 2	340.230
98-04	3-3-1998	1 — 2	355.010
98-05	3-3-1998	1 — 2	415.050
98-09	10-6-1998	1	115.160 — 115.190
98-11	11-3-1998	1 — 2	210.330
98-12	12-1-1998	1 — 2	355.010
99-05	5-4-1999	1 — 2	210.210
99-06	7-6-1999	1	500.020
		2	500.190
99-07	Superseded		
99-08	9-7-1999	1	405.145
99-09	9-7-1999	1 — 3	500.010 — 500.020

Ordinance Number	Disposition/ Date of Adoption	Section of Ordinance		Section of this Code
99-10	9-7-1999	1 — 2		405.160(C)
00-01	2-1-2000	1		235.170 — 235.280
00-02	2-1-2000	1 — 3		500.180
00-08	3-7-2000	1 — 2		405.040
00-09	3-7-2000	1 — 2		Sch. IV
Supp. #1, 9/06				
00-10	N.G.A.			
00-11	N.G.A.			
00-12	N.G.A.			
00-13	N.G.A.			
00-14	8-8-2000	1		500.030
00-15	N.G.A.			
00-16	N.G.A.			
01-01	Repealed/06-15			
01-02	Repealed/06-15			
01-03	Repealed/06-15			
01-04	N.G.A.			
01-05	6-5-2001	1		500.040 — 500.080
01-06	N.G.A.			
01-07	N.G.A.			
01-08	N.G.A.			
01-09	N.G.A.			
01-10	N.G.A.			
01-11	11-6-2001	1 — 10		Adopt. Ord.
02-01	N.G.A.			
02-02	2-5-2002	1		405.040
02-03	2-5-2002	1 — 2		505.010 — 505.090
		3	Rpld	405.080(B)(12, 13)
			Rpld	405.090(H)(2 — 7)
02-04	3-5-2002	1		130.150
02-05	N.G.A.			
02-06	6-4-2002	1 — 2		405.120(B)(10)
02-07	5-14-2002	1		210.350(A)(2)
02-08	7-16-2002	1 — 2		405.040
02-09	N.G.A.			
02-10	N.G.A.			
02-11	10-1-2002	1 — 2		405.040

Ordinance Number	Disposition/ Date of Adoption	Section of Ordinance		Section of this Code
03-01	N.G.A.			
03-02	2-4-2003	1 — 2		500.120 — 500.180
03-03	4-1-2003	1 — 2		500.300 — 500.310
03-04	4-1-2003	1	Rpld	Ch. 610
		1 — 2		Ch. 208
03-05	N.G.A.			
03-06	7-15-2003	1 — 2		500.010 — 500.020
03-07	7-15-2003	1 — 2		325.060
03-08	N.G.A.			
03-09	8-5-2003	1 — 2		Sch. II
03-10	N.G.A.			
03-11	9-2-2003	1 — 2		225.030(C)
03-12	10-7-2003	1	Rpld	Sch. III — Sch. IV
		2		365.010 — 365.070
		3		Sch. III
03-13	11-4-2003	1		500.030
03-14	11-4-2003	1		500.030 — 500.060
03-15	12-2-2003	1 — 2		365.035
		1,3		Sch. III
04-01	2-3-2004	1 — 2		225.010
		1,3		225.020(I)
04-02	2-3-2004	1 — 2		100.100(A)
04-03	4-6-2004	1 — 2		210.170(E)
04-04	6-1-2004	1 — 2		615.040(A)
04-05	N.G.A.			
04-06	N.G.A.			
04-07	7-13-2004	1 — 2		405.095, Exh. C to Ch. 405
04-08	N.G.A.			
04-09	N.G.A.			
04-10	N.G.A.			
04-11	7-13-2004	1 — 2		405.040
04-12	7-13-2004	1 — 2		405.120(B)(11)
04-13	7-13-2004	1 — 2		415.010 — 415.260
04-14	N.G.A.			
04-15	N.G.A.			
04-16	9-7-2004	1 — 2		405.040

Ordinance Number	Disposition/ Date of Adoption	Section of Ordinance	Section of this Code
04-17	9-7-2004	1 — 2	500.020
04-18	9-7-2004	1 — 2	405.040
04-19	N.G.A.		
04-20	10-5-2004	1	206.010 — 206.060
05-01	3-1-2005	1	215.010(19)
05-02	3-1-2005	1 — 2	380.010(A)
05-03	4-5-2005	1 — 2	Sch. III
05-04	6-7-2005	1 — 2	300.020
05-05	6-7-2005	1 — 2	310.040
05-06	6-7-2005	1 — 2	405.040
		3 — 4	405.080(F)
05-07	N.G.A.		
05-08	7-6-2005	1	500.050 — 500.060
05-09	N.G.A.		
05-10	8-2-2005	1 — 2	Sch. III
05-11	N.G.A.		
05-12	8-9-2005	1 — 2	Sch. III
05-13	9-6-2005	1 — 2	310.070
05-14	N.G.A.		
06-01	2-7-2006	1 — 2	Sch. III
06-02	3-7-2006	1 — 2	340.120
06-03	3-7-2006	1 — 2	300.020
06-04	3-7-2006	1	500.030
06-05	4-4-2006	1 — 2	500.195
06-06	4-4-2006	1 — 2	355.010(A)(2)(k)
06-07	N.G.A.		
06-08	N.G.A.		
06-09	N.G.A.		
06-10	N.G.A.		
06-11	6-26-2006	1 — 2	300.020
06-12	6-26-2006	1	410.030
06-13	8-1-2006	1	300.020
		2	385.020(6)
		3	342.020(A)
		4	342.030(A)(1 — 2)
06-14	N.G.A.		
06-15	9-5-2006	1 — 2	405.040

Ordinance Number	Disposition/ Date of Adoption	Section of Ordinance	Section of this Code
06-16	N.G.A.		
Supp. #2, 4/12			
06-17	N.G.A.		
06-18	11-7-2006	1 — 2	320.030(E)
06-19	11-7-2006	1 — 2	210.160(B)(3)
06-20	11-7-2006	1 — 2	300.020
		1,3	380.170
06-21	11-7-2006	1 — 2	210.050
06-22	12-5-2006	1 — 2	125.270(8)(a — b)
07-02	N.G.A.		
07-03	2-6-2007	1 — 2	380.180
07-04	3-6-2007	1 — 2	405.040
07-05	N.G.A.		
07-06	N.G.A.		
07-07	N.G.A.		
07-08	6-5-2007	1 — 3	405.095(B)(6), (D)(2)(e)
07-09	6-5-2007	1 — 2	405.040
07-10	N.G.A.		
07-11	N.G.A.		
07-12	N.G.A.		
07-13	N.G.A.		
07-14	N.G.A.		
07-15	9-4-2007	1 — 5	105.050 — 105.080
07-16	N.G.A.		
07-17	N.G.A.		
08-01	2-5-2008	1 — 2	600.070
08-02	3-18-2008	1 — 2	502.010 — 502.120
08-03	3-18-2008	1 — 2	510.010 — 510.080
08-04	5-6-2008	1 — 2	500.301, 500.304 — 500.305
08-05	N.G.A.		
08-06	N.G.A.		
08-07	N.G.A.		
09-01	N.G.A.		
09-02	N.G.A.		
09-04	4-7-2009	1 — 3	380.160(C, E)

Ordinance Number	Disposition/ Date of Adoption	Section of Ordinance		Section of this Code
09-05	N.G.A.			
09-06	5-5-2009	1		405.095(B)(2)(b)(5)
09-07	N.G.A.			
09-08	N.G.A.			
09-09	N.G.A.			
09-10	9-1-2009	1		210.460 — 210.500
09-11 (Supp. #3)	9-1-2009	na	Superseded	215.080 — 215.097
		na	Added	215.080 — 215.090
09-12	10-6-2009	1 — 2		500.020
09-13	N.G.A.			
09-14	10-6-2009	1 — 2		500.190(E)
09-15	10-6-2009	1 — 2		205.010 — 205.190
09-16	11-3-2009	1		215.010(18)
09-17	11-3-2009	1 — 2		Sch. III
09-18	N.G.A.			
09-19	12-1-2009	1 — 2		Sch. II
10-01	1-5-2010	1 — 4		225.030(E, I)
10-02	N.G.A.			
10-03	N.G.A.			
10-04	N.G.A.			
10-05	N.G.A.			
10-06	5-4-2010	1		405.095(E)(5)(n)
10-07	5-4-2010	1		405.120(B)(12 — 14)
10-08	N.G.A.			
10-09	7-6-2010	1 — 2		340.250
10-10	7-6-2010	1 — 2		340.190
10-11	N.G.A.			
10-12	N.G.A.			
10-13	N.G.A.			
10-14	N.G.A.			
10-15	10-5-2010	1		500.030, 500.050 — 500.060
10-16	12-7-2010	1 — 2		300.020
		1,3		385.020
11-01	N.G.A.			
11-02	8-2-2011	1 — 2		500.010 — 500.020
11-03	N.G.A.			

Ordinance Number	Disposition/ Date of Adoption	Section of Ordinance	Section of this Code
11-04	N.G.A.		
11-05	N.G.A.		
11-06	N.G.A.		
11-07	N.G.A.		
11-08	9-6-2011	1	130.160
11-09	11-1-2011	1 — 2	225.010 — 225.220
12-01	1-3-2012	1 — 2	500.020
12-02	1-3-2012	1 — 11	500.020
12-03	1-3-2012	1 — 2	405.120(B)(15)
12-04	N.G.A.		
12-05	N.G.A.		
12-06	N.G.A.		
12-07A	N.G.A.		
12-07B	N.G.A.		
12-08	N.G.A.		
12-09	N.G.A.		
12-10	N.G.A.		
Supp. #3, 7/15			
13-01	2-5-2013	1 — 2	125.031
13-02	N.G.A.		
13-03	N.G.A.		
13-04	N.G.A.		
13-05	N.G.A.		
13-06	N.G.A.		
13-07	12-3-2013	1 — 2	500.190
14-01	N.G.A.		
14-02	N.G.A.		
14-03	N.G.A.		
14-04	N.G.A.		
14-05	12-2-2014	1 — 2	415.010 — 415.260
15-01	N.G.A.		
15-02	N.G.A.		

N.G.A. — Not generally applicable.

Superseded	—	Superseded means rendered obsolete by a later ordinance without being specifically repealed; if there is no ordinance number noted after the word superseded, the ordinance was rendered obsolete by provisions agreed upon at the editorial conference and implemented by the adopting ordinance of this Code.
Repealed	—	Specifically repealed by a later ordinance.
na	—	Not applicable.

STATUTE REFERENCE TABLE

The following tables are a cross reference listing in numerical order of the Sections of the Code and the State Statutes that correspond to that Section or are referenced in that Section. In order to facilitate the use of this cross reference the order is reversed in the second table with the State Statute Section numbers placed in numerical order and the corresponding Code Sections listed opposite them.

Section of this Code	**Statute Section**
100.020	1.020(10),(12),(14 — 16), 1.030, 1.040, 1.050, 9.010
100.100	79.470
Ch. 105	Ch. 79
105.010	70.220 et seq.
110.020	115.133 — 115.223
110.035	115.127.5
110.070	115.125
Ch. 115	79.070 et seq.
115.010	79.110
115.020	79.070
115.040	79.260
115.050	79.100
115.060	79.130
115.080	79.280
115.120	79.100
115.190	79.240
120.010	79.230
120.030	9.200, Ch. 79, 94.190
Ch. 120, Art. III	79.230
Ch. 120, Art. IV	79.320
Ch. 120, Art. V	79.050
120.150	79.300
Ch. 125	Ch. 479
125.050	479.050
125.060	479.220
125.150	479.150
125.200	Ch. 288, 479.190
125.270	302.137, 595.045.5
130.020	30.270
Ch. 130, Art. III	79.300
130.050	79.160, 79.165
130.100	94.320
200.010	70.815
Ch. 205	79.400(2) — (5)
205.050	Ch. 252, Ch. 340, 578.005 — 578.014
205.060	578.009
205.070	273.030, 578.005 — 578.023
205.150	578.005 — 578.023
205.160	322.040
210.020	475.010, 565.070
210.090	575.210.1, 575.230.1

Section of this Code	Statute Section
210.100	575.080
210.160	574.010, 574.030, 643.020
210.170	84.340, 571.030
210.180	562.016, 571.060.1(2 — 3)
210.230	574.040
210.250	577.070
210.260	569.140
210.270	569.150
210.280	569.090
210.290	569.120
210.350	570.120
210.360	567.010(2) — (5)
210.370	567.020
210.380	567.030
210.390	567.040
210.400	567.080
210.420	195.010
210.430	195.005 — 195.425
215.090	71.285
215.100	304.001
215.110	577.080
215.120	304.159
215.130	304.151
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